



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

AGENDA MEMO

Department: Planning and Development Department

BOT Meeting Date: 3/25/2020

Item Type: Resolution

Sponsor's Name: Eric Zamft, Director of Planning and Zoning

Description	Yes	No	Description	Yes	No
Fiscal Impact	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Public Hearing Required	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Funding Source:			RFP		
Account #:			Strategic Plan Priority Area		
	Yes	No	Smart Growth		
Agreement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Manager Priorities		
Strategic Plan Related	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Planning & Zoning		

Agenda Heading Title

Form-Based Code: Accepting Local Laws #I-5, I-6, and I-7 of 2020 and the Final Generic Environmental Impact Statement (FGEIS) for Public Review, Referring the Matter to the Planning Commission and Westchester County Planning Board, Setting a Public Comment Period, and Scheduling a Public Hearing

Summary

Revising the Village's Zoning Code will have a number of positive benefits, ranging from streamlining the review process for the development community to attracting the type of development that the community desires to making the management of the approval process to be easier for Village staff and commissions, all of which should result in increased economic development and quality of life within the Village. The Board recognized this by bonding in 2017-18 for the preparation of a Form-Based Code, Build-Out Analysis, and Generic Environmental Impact Statement (the "Proposed Action").

The subject of tonight's agenda item is a furtherance of the New York State Environmental Quality Review Act (SEQRA) process for the Proposed Action by accepting Local Laws #I-5, I-6, and I-7, as well as the Final Generic Environmental

Impact Statement (FGEIS) for public review, opening the comment period, and scheduling a public hearing.

Background:

The Village is undergoing a proposed complete re-write of its Zoning Code to a proposed Form-Based Code. This effort – known as “Plan the Port” – began in December 2017, with the retention of the Town Planning & Urban Design Collaborative team to lead the zoning re-write effort. As part of the Team is Fisher Associates, who has been leading the environmental review.

Any change to zoning requires a public process of environmental review and comment under the Part 617 of the regulations implementing the New York State Environmental Quality Review Act (SEQRA), Article 8 of the Environmental Conservation Law. In this particular case, the SEQRA effort includes a Build-Out Analysis and the preparation of a Generic Environmental Impact Statement (GEIS) to evaluate the potential impacts of the proposed Form-Based Code and to identify measures to mitigate any impacts (together with the proposed Form-Based Code itself known as the “Proposed Action”).

On August 20, 2018, the Board determined that the Proposed Action is a Type I Action pursuant to SEQRA and declared its intent to serve as Lead Agency for the purposes of a coordinated review. On September 20, 2018, the Board accepted and assumed the responsibility to act as Lead Agency for the environmental review of the Proposed Action under SEQRA. In addition, the Board determined that the Proposed Action may result in one (1) or more significant adverse environmental impacts and, therefore, issued a Positive Declaration. The Board then opted to hold a public scoping session to determine the scope of the GEIS.

A public scoping session was held on October 15, 2018. All relevant agency, public, staff, and Board comments were incorporated into a Final DGEIS Scoping Document, which was adopted by the Board on December 17, 2018. Since that time, two (2) drafts of the proposed Form-Based Code have been made public, with public comment periods. Village staff also held a number of workshops with the Board of Trustees and held a number of meetings with the community and key stakeholders. At the October 7, 2019 Board of Trustees meeting, the Board adopted a resolution giving final direction to Village staff on the Proposed Action and alternatives. The Village’s consultants have prepared a Draft Generic Environmental Impact Statement (DGEIS). Hard copies of the DGEIS will have been given to the Board at the October 30, 2019 Board of Trustees Agenda setting meeting; copies will have also been made available on that date in the Village Clerk’s office and at the Port Chester-Rye Brook Library.

On November 4, 2019, the Board:

- Accepted the DGEIS as complete; and
- Opened a 30-day comment period – that would close on November 30, 2019; and
- Referred the proposed Form-Based Code to the Planning Commission and Westchester County; and

- Scheduled a public hearing on the DGEIS and proposed Form-Based Code for November 18, 2019.

On November 18, 2019, the Board opened and closed the public hearing. They subsequently extended the comment period until December 23, 2019. A workshop with the Board on comments received to date was held on December 16, 2019.

Staff, working with the Village's consultant team, compiled the substantive comments, responded to said comments, completed the traffic analysis, completed the build-out analysis memorandum, updated the school mitigation study, and updated and supplemented additional information for inclusion in the Final GEIS (FGEIS). A number of meetings with NYSDOT occurred to ensure that the traffic analysis was completed to their satisfaction. As staff advised the Board, that effort has paid off, as NYSDOT has agreed to the approach and methodology being utilized.

Note that the proposed Form-Based Code and any supplementary Code changes needs to be in local law format. To that end, staff has prepared Local Laws #I-5, I-6, and I-7 of 2020 for the Board's and public's consideration.

Village staff has reviewed the FGEIS prepared by the Village's consultant team and recommends that the Board finds that it is ready for public review pursuant to the requirements of SEQRA [6 NYCRR §617.9(b)(8)].

The Board of Trustees serving as Lead Agency for the SEQRA, is, therefore in a position to state that the FGEIS is ready for public review and set a public hearing date pursuant to SEQRA regulations. Setting the public hearing furthers public review, and it may consider both the FGEIS, the DGEIS, and Local Laws #I-5, I-6, and I-7 of 2020.

Acting on this particular matter would not involve approval or adoption of the proposed Form-Based Code/ Local Laws #I-5, I-6, and I-7 by the Board. Such action would be considered after the Board adopts a Statement of Findings, which "consider[s] the relevant environmental impacts, facts and conclusions...weigh[s] and balance[s] relevant environmental impacts with social economic and other considerations...[and] provide[s] a rationale for the agency's decision." (6 NYCRR §617.11(d)). Village staff will continue to provide guidance and direction to the Board during the adoption of Findings.

Therefore, should the Board wish to proceed, the attached resolution undertakes the following actions:

- Accepts Local Laws #I-5, I-6, and I-7 of 2020 and the FGEIS as ready for public review; and
- Opens the requisite comment period – that would close on April 30, 2020; and
- Refers Local Laws #I-5, I-6, and I-7 of 2020 and the FGEIS to the Planning Commission and Westchester County Planning Board; and
- Schedules a public hearing on Local Laws #I-5, I-6, and I-7 of 2020 and the FGEIS for April 20, 2020, or, in the case of cancellation, the next regularly scheduled meeting of the Board of Trustees.

Materials were previously given to the Board in anticipation of the March 16, 2020 Board meeting – which was ultimately cancelled. This revised agenda memo, plus a revised resolution, revised Local Laws #I-6 and I-7, and two supplemental FGEIS appendices are provided – They should replace/supplement the materials previously provided. Only the previously provided Local Law #I-5, which includes the revised Code book, should not be replaced.

Staff Recommendation:

Staff recommends that the Board adopts the resolution accepting Local Laws #I-5, I-6, and I-7 of 2020 and the FGEIS for public review, opening the public comment period, referring the matter to the Planning Commission and Westchester County Planning Board, and scheduling a public hearing for April 20, 2020 or thereafter in order to continue the SEQRA process and, ultimately, the approval process.

Proposed Action

That the Board of Trustees adopt the Resolution

Attachments
<ul style="list-style-type: none">• Revised Resolution• Revised Local Law #I-5• Revised Local Law #I-6• Revised Local Law #I-7• Appendix C of the FGEIS• Appendix E of the FGEIS

RESOLUTION

**RES 2
03-25-2020**

**FORM-BASED CODE: ACCEPTING LOCAL LAWS #I-5, I-6, AND I-7 OF 2020
AND THE FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT
(FGEIS) FOR PUBLIC REVIEW, REFERRING THE MATTER TO THE
PLANNING COMMISSION AND WESTCHESTER COUNTY PLANNING
BOARD, SETTING A PUBLIC COMMENT PERIOD, AND SCHEDULING A
PUBLIC HEARING**

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, in order to further implement the land use strategies and zoning recommendations of the 2012 Comprehensive Plan and as part of the implementation of the Smart Growth goal of the 2017-2022 Village of Port Chester Strategic Plan, the Village desires to develop a new form-based code, based upon an inclusive, community-based effort; and

WHEREAS, after a thorough procurement process, by resolution on December 18, 2018, the Board of Trustees (the “Board”) retained Town Planning and Urban Design Collaborative LLC and its team members (the Village’s “consultants”) to assist the Village in the preparation of the form-based code, build-out analysis, and environmental review (the “Proposed Action”); and

WHEREAS, the Board’s action to consider such zoning changes requires a public process of review and comment with regard to potential impacts and mitigation under Part 617 of the regulations implementing the State Environmental Quality Review Act (“SEQRA”), Article 8 of the Environmental Conservation Law; and

WHEREAS, on August 20, 2018, the Board determined that the Proposed Action is a Type I Action pursuant to SEQRA and declared its intent to serve as Lead Agency for the purposes of a coordinated review; and

WHEREAS, on September 20, 2018, the Board accepted and assumed the responsibility to act as Lead Agency for the environmental review of the Proposed Action under SEQRA; and

WHEREAS, that based upon the Board’s review, on that same date, the Board determined that the Proposed Action may result in one (1) or more significant adverse environmental impacts and, therefore, issued a Positive Declaration; and

WHEREAS, the Board held a public scoping meeting on a DGEIS draft scoping document on October 15, 2018; and

WHEREAS, after a number of revisions, on December 17, 2018, the Board adopted the DGEIS Scoping Document; and

WHEREAS, the Village's consultants prepared a DGEIS; and

WHEREAS, hard copies of the DGEIS were given to the Board on October 30, 2019; and

WHEREAS, on November 4, 2019, the Board of Trustees accepted the DGEIS as complete; and

WHEREAS, on November 4, 2019, the Board opened a 30-day public comment period, with a closing date of November 30, 2019, later extended to December 23, 2019; and

WHEREAS, on November 4, 2019, the Board of Trustees referred the DGEIS and proposed zoning to the Planning Commission pursuant to §345-34D for review and comment in accordance with of the Village Zoning Code; and

WHEREAS, on November 4, 2019, the Board of Trustees referred the DGEIS and proposed zoning to the Westchester County Planning Board pursuant to §345-34H for review and comment in accordance with of the Village Zoning Code; and

WHEREAS, on November 4, 2019, the Board scheduled a public hearing on the DGEIS and Proposed Form-Based Code for Monday, November 18, 2019; and

WHEREAS, on November 18, 2019, the Board opened and closed a public hearing; and

WHEREAS, on December 16, 2019, the Board held a workshop with staff on comments received to date; and

WHEREAS, the Village received a number of comments by the December 23, 2019 comment deadline; and

WHEREAS, the Village's consultant team and Village staff compiled the substantive comments, responded to said comments, completed the traffic analysis, completed the build-out analysis memorandum, updated the school mitigation study, and updated and supplemented additional information for inclusion in the Final GEIS ("FGEIS"); and

WHEREAS, the Proposed Form-Based Code and supplementary changes to the Village Code have been formatted in local law format as Local Laws #I-5, I-6, and I-7 of 2020; and

WHEREAS, hard copies of Local Laws #I-5, I-6, and I-7 of 2020 and the FGEIS were given to the Board prior to the March 16, 2020 Board of Trustees meeting; and

WHEREAS, Village staff has reviewed the FGEIS prepared by the Village's consultant team and recommends that the Board finds that it is complete pursuant to the requirements of SEQRA [6 NYCRR §617.9(b)(8)]; and

WHEREAS, SEQRA requires a public comment period up to and including the public hearing.

NOW, THEREFORE, be it

RESOLVED, that the Board of Trustees accepts Local Laws #I-5, I-6, and I-7 of 2020 and the FGEIS for public review; and be it further

RESOLVED, that the Board opens the requisite public comment period, with a closing date of April 30, 2020; and be it further

RESOLVED, that the Board of Trustees refers Local Laws #I-5, I-6, and I-7 of 2020 and the FGEIS to the Planning Commission pursuant to §345-34D for review and comment in accordance with of the Village Zoning Code; and be it further

RESOLVED, that the Board of Trustees refers Local Laws #I-5, I-6, and I-7 of 2020 and the FGEIS and revised proposed zoning to the Westchester County Planning Board pursuant to §345-34H for review and comment in accordance with of the Village Zoning Code; and be it further

RESOLVED, that the Board of Trustees sets a public hearing on Local Laws #I-5, I-6, and I-7 of 2020 and the FGEIS for Monday, April 20, 2020 at 7:00 PM or shortly thereafter, or, in the case of cancellation, the next regularly scheduled meeting of the Board of Trustees, at the Village Justice Court Room, 350 North Main Street, Port Chester, NY 10573 and directs the Village Clerk to cause the requisite public notice to be made; and be it further

RESOLVED, that due to the COVID-19 pandemic, in-person public attendance at the meeting on April 20, 2020, or such next regular date in the event of a cancellation, shall not be permitted, but that the Board of Trustees hereby establishes a written public comment period to afford interested persons the ability to provide comment which, if timely submitted shall be a part of the public record; and be it finally

RESOLVED, that the Board deems the public hearing to be closed upon the expiration of the requisite public comment period and that no further action of the Board is required with respect thereto.

Approved as to Form:

Village Attorney, Anthony Cerreto