

LEAD AGENCY FINDINGS STATEMENT

State Environmental Quality Review Act

This Findings Statement has been prepared in accordance with Article 8 of the Environmental Conservation Law, the State Environmental Quality Review Act (SEQRA), and its implementing regulations promulgated at 6 NYCRR Part 617.

Lead Agency: Board of Trustees, Village of Port Chester (Village Board)

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

Name of Proposed Action: The adoption of the amended Code of the Village of Port Chester, Chapter 345, “Zoning”, and Official Zoning Map, hereinafter referred to as the Village of Port Chester Form-Based Code.

SEQRA Classification: Type I Action

Summary of Proposed Action: The adoption of the amended Code of the Village of Port Chester, Chapter 345, “Zoning”, and Official Zoning Map, hereinafter referred to as the Village of Port Chester Form-Based Code.

Location: Port Chester, New York.

Date FGEIS Accepted as Complete: March 25, 2020

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SUPPORTING FACTS AND INFORMATION

The purpose of this Findings Statement is to complete the environmental review process for the Village of Port Chester Form-Based Code for the Village of Port Chester (the "Village"), New York, (the "Proposed Action" or "Action"). Pursuant to the State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law ("SEQRA") and its implementing regulations, 6 N.Y.C.R.R. Part 617, this Findings Statement: (1) considers the relevant environmental impacts, facts, and conclusions disclosed in the "Complete Generic Environmental Impact Statement (GEIS)" (as hereinafter defined) prepared in connection with the Proposed Action; (2) weighs and balances environmental impacts with social, economic, and other considerations; (3) provides a rationale for the Village of Port Chester Board of Trustees', as Lead Agency, decision with respect to the Proposed Action; (4) certifies that all SEQRA requirements have been met; and (5) certifies that consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the Proposed Action is one (1) that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

Consistent with SEQRA, this Findings Statement:

- Describes the Proposed Action and the environmental review process;
- Summarizes the relevant conclusions of the "Complete GEIS", the environmental impacts of the Proposed Action, and reasonable alternatives identified therein.
- Weighs and balances the environmental impacts of the Proposed Action with its anticipated benefits and other relevant considerations and provides the explanation for its determination; and
- Provides the certifications mandated by SEQRA.

This Findings Statement, prepared pursuant to 6 NYCRR §617.11 for the Action of adoption of the Village of Port Chester Form-Based Code, is based upon the information in the:

- Draft Generic Environmental Impact Statement (Draft GEIS), accepted by the Board of Trustees on November 4, 2019.
- Final Generic Environmental Impact Statement (Final GEIS), accepted by the Board of Trustees on March 25, 2020.

In preparation of this positive Findings Statement, the Board of Trustees certifies that the requirements of Part 617 have been met, that the Action is approvable after consideration of the Final GEIS, and that the Action chosen is the most appropriate one (1) to avoid or minimize any possible or predictable adverse environmental impacts presented in the Final GEIS. In coming to this conclusion, the Board of Trustees weighed and balanced: the information collected in preparation of the Draft and Final GEIS, including the comments and suggestions of the agencies and public provided during the SEQRA process. The Board of Trustees weighed and balanced these alternatives and evaluated options within the social, economic, and other essential contexts impacting the Village and its residents. This Findings Statement also documents what the Board of Trustees considered in order to balance the relevant environmental impacts with "social, economic and other considerations" for their decision on the Proposed Action pursuant to 6 NYCRR §617.11(d).

This Findings Statement, prepared in conformance with 6 NYCRR Part 617, brings to a conclusion the environmental review process for the Proposed Action; thereby allowing the adoption of the new Form-Based Code by the Board of Trustees.

DESCRIPTION OF ACTION

The Proposed Action involves the adoption of the amended Code of the Village of Port Chester, Chapter 345, “Zoning,” and Official Zoning Map by the Board of Trustees. The adoption of the amended Code and Official Zoning Map will help Port Chester grow sustainably as a vibrant, walkable, and active municipality that links its lower-density neighborhoods with the downtown and waterfront. The amended Code includes form-based provisions as a tool to guide future development based on a shared physical vision for the Village between the public and private realms. Other amendments to the Code include improvements to make it easier to read and use and to streamline the approval process.

SEQRA REVIEW PROCESS

Pursuant to the implementing regulations of 6 NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA), a Proposed Action is evaluated by a “Lead Agency”. On August 20, 2018, the Village of Port Chester Board of Trustees circulated a letter to other potential Involved and Interested agencies, stating its intent to act as Lead Agency. Since no objections were raised within the regulatory thirty (30)-day period, on September 24, 2018 the Board of Trustees assumed the role of Lead Agency.

SEQRA defines a “Type I Action” as “an action or class of actions that is more likely to have a significant adverse impact on the environment than other actions or classes of action.” These activities must be further reviewed under SEQRA to determine the potential for significant adverse environmental impacts. A Generic Environmental Impact Statement (GEIS) assesses a broad-based action or a group of related actions and is more conceptual in nature than a site-specific environmental impact statement (EIS). The GEIS does not replace the need for separate and distinct site-specific EISs in connection with any future development proposals. Each specific proposal for any site is independently subject to SEQRA.

On September 24, 2018, the Village of Port Chester Board of Trustees, acting as Lead Agency, determined that, pursuant to 6 NYCRR §617.4(b)(1), adoption and implementation of the Proposed Action was a Type I Action. The Board further determined, pursuant to 6 NYCRR §617.7, that the Proposed Action may have an adverse impact on the environment and that a GEIS must be prepared and issued a Positive Declaration. The Board also determined that scoping for the Draft DGEIS (DGEIS) would be appropriate. On October 31, 2018, the Board, as Lead Agency adopted the Final DGEIS Scoping Document, which contained the elements to be evaluated in the DGEIS, pursuant to 6 NYCRR §617.9(b).

A DGEIS dated November 4, 2019 was prepared for the Proposed Action. At its November 4, 2019 meeting, the Port Chester Board of Trustees accepted the DGEIS as complete with respect to its scope and content for the purpose of commencing public review, in accordance with 6 NYCRR §617.9(a)(2). The DGEIS was circulated for review and to solicit comments from Involved and Interested agencies and the public, pursuant to 6 NYCRR §617.12. The following is a list of the Involved and Interested Agencies that were notified:

- Village of Port Chester Planning Commission
- Village of Port Chester Zoning Board of Appeals
- Village of Port Chester Board of Architectural Review
- Village of Port Chester Industrial Development Agency
- Village of Port Chester Waterfront Commission
- Village of Port Chester Park Commission
- Village of Port Chester Recreation Commission
- Port Chester-Rye Union Free School District
- Town of Rye
- City of Rye
- Village of Rye Brook
- Town of Greenwich, Connecticut
- Westchester County Planning Board
- Westchester County Department of Planning
- Westchester County Department of Health
- Westchester County Department of Public Works/Transportation
- Westchester County Department of Environmental Facilities
- MTA Metro-North Railroad
- New York State Department of Environmental Conservation, Region 3
- New York State Office of Parks, Recreation and Historic Preservation
- New York State Department of Transportation, Region 8
- United States Army Corps of Engineers, New York District
- New York State Department of State

The DGEIS was distributed to the Office of the Village Clerk, the Port Chester-Rye Brook Public Library, and posted on the Village’s website (<http://www.portchesterny.com/planning-economic-development/pages/form-based-codegeis>), as well as the Plan the Port website (<https://www.plantheport.com>), in conformance with SEQRA requirements.

A public hearing to accept comments on the DGEIS was held by the Board of Trustees on November 18, 2019 at the Village Courthouse, 350 N. Main Street, 2nd Floor, Port Chester, New York pursuant to 6 NYCRR §617.9(a)(4). The public comment period was held open until December 23, 2019. A workshop between the Board of Trustees and Village staff to discuss the DGEIS, Proposed Action, and comments received was held on December 20, 2020.

Once the public comment period was closed, a Final Generic Environmental Impact Statement (FGEIS) was prepared to respond to substantive comments received on the DGEIS from the public and reviewing agencies, along with any revisions to the DGEIS. At its March 25, 2020 meeting, the Port Chester Board of Trustees accepted the FGEIS for the purpose of commencing public review, in accordance with 6 NYCRR §617.9(a)(2). The FGEIS was circulated for review and to solicit comments from Involved and Interested agencies and the public, pursuant to 6 NYCRR §617.12. The same Involved and Interested Agencies listed above were notified:

Copies of the FGEIS were made available for viewing online on the Village's website (<http://www.portchesterny.com/planning-economic-development/pages/form-based-codegeis>). Due to the COVID-19 pandemic, Village Hall and the Port Chester-Rye Brook Public Library were closed to the public, and it was uncertain when they were to re-open. Should Village Hall be open to the public, a copy of the FGEIS will be made available for viewing at the Village Clerk’s Office. Should the Port Chester-Rye Brook Public Library be open to the public, a copy of the FGEIS will be made available for viewing at the Library. Should Village Hall and the Library both be closed, a copy of the FGEIS will be made available for viewing at the Village Clerk’s Office by appointment only, subject to appropriate public health precautions.

A public hearing to accept comments on the FGEIS was held by the Board of Trustees on April 20, 2020 at the Village Courthouse, 350 North Main Street, 2nd Floor, Port Chester, New York pursuant to 6 NYCRR §617.9(a)(4). Due to the COVID-19 pandemic, in-person public attendance at the meeting on April 20, 2020 was not permitted. The Board established 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. That public comment period closed on April 30, 2020 – incorporating both the SEQRA and local commenting requirements. The public hearing was deemed to be closed upon the expiration of the requisite public comment period on April 30, 2020. Although there is no formal “comment and response” mechanism after a Final EIS is complete, the Village chose to provide responses to such comments. A workshop between the Board of Trustees and Village staff to discuss the FGEIS, Proposed Action, and comments received was held on May 12, 2020.

This Findings Statement has been prepared in compliance with Section 8-0109 of the New York State Environmental Conservation Law (ECL, the State Environmental Quality Review Act, SEQRA) and the implementing regulations of SEQRA at 6 NYCRR Part 617, including the specific provisions which relate to the content of findings statements contained in 6 NYCRR §617.11.

EVALUATION OF POTENTIAL IMPACTS

The Proposed Action involves the adoption of the Village of Port Chester Form-Based Code, as listed in the Project Description. The total area covered by the Proposed Action includes the entire Village. The Proposed Action – the proposed rezoning of the entire Village – on its own has no direct impact on the environment; however, its implementation – the likely future development that would occur under the zoning after its adoption does have the potential for environmental impact to a number of environmental resources. To that end, this section is intended to provide information and present the state of the current environmental setting of the Village of Port Chester within the context of zoning, along with the potential impacts of implementation, and associated mitigation measures. The following environmental factors we reviewed and analyzed for impacts, and where used to determine mitigation measures within this Findings Statement:

- Land Use, Zoning, and Public Policy
- Community Character and Visual Resources
- Transportation Resources
- Community Services and Utilities
- Socioeconomics
- Historic and Cultural Resources
- Water Resources
- Ecological Resources
- Geology, Topography, and Soils
- Hazardous and Contaminated Sites
- Air and Noise

A. Land Use, Zoning, and Public Policy***Existing Conditions*****Planning Framework**

The following land use and zoning related elements found in previous planning documents were identified and analyzed as part of this environmental review:

- Village of Port Chester Comprehensive Plan (2012)
- Village of Port Chester Strategic Plan (2017-2022)
- Local Waterfront Revitalization Program (2019)
- Recreation Master Plan Update (2002)
- Patterns for Westchester: The Land and the People (1996) and Westchester 2025

This policy framework as it applies to the Proposed Action, was further detailed in the GEIS.

Land Use

Port Chester includes residential, commercial, industrial/warehouse/storage, recreation/entertainment, community services, public services, public parks, mixed-uses, parking, and vacant land. Residential properties represent the largest land use in Port Chester and are found throughout the Village, but are largely concentrated in the northern area. Commercial, industrial/warehouse/storage, and mixed-uses represent the second largest group of land use in Port Chester and are primarily concentrated along the railroad corridor and along US Route 1 in the Village's downtown. Community services, public services, and parks occupy the balance of land uses in the Village. These parcels tend to be larger than others due to the types of uses they host, including water treatment facilities, communication services, transportation services, waste disposal, and electric and gas facilities.

Zoning

The current zoning code for the Village was adopted in 1975 and is officially entitled "the Village of Port Chester Zoning Regulation of 1975". The zoning code has existed for over 40 years with numerous subsequent amendments. The Village currently has eight (8) residential zoning districts, eleven (11) non-residential districts, and five (5) mixed-use/other districts. A majority of the northern portion of the Village is zoned for residential use, largely

accommodating one- and two-family residences. Light industrial, commercial, and business uses are largely confined to the southern and eastern sections of the Village, particularly in the railroad corridor and along the waterfront.

The Village’s zoning code includes Supplemental Regulations (Article IV), Use and Dimensional Regulations for Residence and Non-Residence Districts (Articles VIII and IX), Planned Mixed-Use District (Article XI), Planned Residential Development (Article XII), Residential Office Overlay District (Article XIII), Transitional Residential Development District (Article XV), and Marina Redevelopment Project Urban Renewal District (Article XVI).

Public Policy

The Village’s public policy framework includes subdivision regulations, site plan review, a Board of Architectural Review, design guidelines, and signage regulations. This policy framework including the development approval process as it applies to the framework’s regulations and requirements, was detailed in the GEIS.

Potential Impacts

Planning Framework

The Proposed Action is consistent with the Village’s Comprehensive Plan, Strategic Plan, LWRP, Recreation Master Plan, and County’s Comprehensive Plan and Adopted Westchester 2025. Specifically, the Proposed Action:

- Translates the community’s vision, goals, policies, and guidelines of the Comprehensive Plan into supporting regulations. These regulations retain the qualities of Port Chester that are cherished by residents while supporting a vibrant downtown and diverse cultural population;
- Is a form-based code, which is included as a goal within the Strategic Plan;
- Includes regulations to enhance community character, preserve open space, and make beneficial use of a coastal location while minimizing adverse effects;
- Includes a Civic District, which consists of open space/parks; and
- Promotes a sustainable future, protects community character, preserves natural resources, and enhances the Village’s economic climate through more understandable zoning regulations.

Land Use

Land use is directly tied to zoning and the proposed amended zoning code and map includes updated permitted uses and districts. The proposed land use mapping identifies commercial uses along major corridors and in downtown, industrial in areas generally isolated from residential areas, open spaces dispersed throughout the Village, and residential in most other areas of the Village. Most residential neighborhoods are in close proximity to a commercial corridor or downtown, which is intended to provide a variety of services within walking distance of residences. Overall, there is more consistency between the proposed and existing land uses than differences.

Zoning

As detailed in the GEIS, the Proposed Action represents the adoption of an amended zoning code and map, which is intended to help Port Chester grow sustainably as a vibrant, walkable, and active municipality that links its lower-density neighborhoods with the downtown and waterfront. The Proposed Action includes form-based provisions as a tool to guide future development based on a shared physical vision for the Village between the public and private realms. Other amendments to the code include improvements to make it easier to read and use and to streamline the approval process. The Proposed Action includes form-based provisions such as eight (8) character districts, two (2) special districts, a civic district, building types, private frontage types, civic space types, building height and façade standards, roof type and pitch, façade glazing, and window alignment. Similar to the previous code, the Proposed Action includes requirements for setbacks, building height, uses, and off-street parking.

To evaluate the potential future impacts of the Proposed Action, a build-out analysis was completed that focused on a subset of the area represented by character districts. The analysis examined different scenarios to calculate future year development potential and approximate high-level impacts associated with the current and proposed zoning conditions. The scenarios included:

- Full/Maximum Build-Out using the existing zoning
- Full/maximum Build-Out using the proposed zoning
- 20-Year Build-Out based on a market analysis and using existing zoning

- 20-Year Build-Out based on a market analysis and using the proposed zoning

The results of the anticipated development portion of the Build-out Analysis shows that the proposed amended zoning code allows more residential dwelling units, more retail, office, and industrial space than the existing zoning code – focused on the downtown area. The 20-Year Build-Out based on the market analysis shows the existing zoning and proposed zoning have the same anticipated outcome for retail, office, and industrial space. However, the 20-Year Build-Out for the proposed zoning allows more multi-family housing which translates to increased population (new residents) than the existing zoning.

Build-Out Analysis Anticipated Development

| | Units | Existing Inventory | Full/Maximum Build-Out | | 20-Year Build-Out | |
|---------------------------|-------|--------------------|------------------------|------------------|-------------------|-----------------|
| | | | Existing Zoning | Proposed Zoning | Existing Zoning | Proposed Zoning |
| Single-Family Residential | d.u. | 27 | 0 | 0 | 0 | 0 |
| Multi-Family Residential | d.u. | 637 | 511 | 9,178 | 511 | 2,900 |
| Sub-total | | 664 | 511 | 9,178 | 511 | 2,900 |
| General Retail | s.f. | 1,891,574 | 405,337 | 1,922,566 | 157,000 | 157,000 |
| General Office | s.f. | 288,619 | 1,665,935 | 1,922,566 | 412,000 | 412,000 |
| Industrial | s.f. | 1,378,444 | 24,000 | 24,000 | 24,000 | 24,000 |
| Sub-total | | 3,558,637 | 2,095,272 | 3,869,132 | 593,000 | 593,000 |

The results of the build-out analysis indicates the Village of Port Chester will overall likely see more residential dwelling units, more retail, office, and industrial space with the Proposed Action – focused on the downtown area. This development would have potential impacts on resources in the Village of Port Chester such as transportation, community services, and utilities which have been analyzed in the GEIS.

Public Policy

The adoption of an amended zoning code includes improvements to streamline the approval process. Article 8, Administration, Procedure, & Enforcement, of the proposed amended zoning code details policies, regulations and procedures for decision-making authorities, referral bodies, applications and development review procedures, appeals and variances, public notice requirements, sign permits, building permits and certificates of occupancy, maintenance of approval, and compliance requirements. A consolidated location for approvals improves clarity for the development process and Article 8 establishes the proper and efficient administration of the Village Code, including the review of development applications, building permits, certificates of occupancy, and enforcement. The Development Review Committee will also have a positive impact as the central reviewer of specific applications for development review by key Village Staff and its technical experts and consultants. Potential impacts are anticipated to include a reduction in administrative burden related to the development approval process.

Proposed Mitigation

Planning Framework

No adverse impacts, or inconsistencies among planning efforts, were identified and, therefore, no mitigation is required.

Land Use

Adoption and implementation of the proposed amended zoning code and map is not anticipated to have an adverse impact on land use and, therefore, no mitigation is proposed.

Zoning

The proposed amended zoning code will create some non-conforming uses throughout the Village. The proposed amended zoning code allows non-conforming uses to continue regardless of a change in zoning, until such a time as the use has been discontinued for a period of one (1) year. Non-conforming uses cannot be expanded in area or intensity without a variance. This will ensure existing legal uses can continue to operate regardless of changes to the

zoning code but are unlikely to expand. Adoption and implementation of the proposed amended zoning code and map is not anticipated to have an adverse impact on existing properties or create incompatible uses in the Village. Therefore, no mitigation is proposed.

Public Policy

No adverse impacts or inconsistencies were identified and, therefore, no mitigation is required. However, particular site-specific proposals that result from implementation of the Proposed Action could result in significant adverse impacts on land use, zoning, or public policy, especially if such site-specific proposal deviates from the vision set forth through the request of variances, etc. As described in more detail below and in Section 6.0 of the GEIS, at the time a site-specific development application is submitted, the Planning & Economic Development Zoning Administrator shall verify that such application complies with zoning, as outlined in Article 8 of the Proposed Action. In addition, Future site-specific actions must comply with SEQRA (6 NYCRR Part 617).

***Lead Agency Finding A:** The Board of Trustees as Lead Agency finds that Proposed Action is not anticipated to result in any significant adverse impacts to land use, zoning, or public policy. The Proposed Action provides the flexibility and controls necessary to realize the land use and planning goals of the Board of Trustees and overall community. The Proposed Action is anticipated to result in beneficial changes to current land use and zoning, and is consistent with the public policy recommendations for this area. Future site specific actions must comply with SEQRA (6 NYCRR Part 617).*

B. Community Character and Visual Resources

Existing Conditions

The Village of Port Chester is characterized by a number of neighborhoods, districts, and waterfront areas, many of which exhibit a unique historic, aesthetic, visual, and natural quality. Neighborhoods in the Village vary, but are generally comprised of single-family homes, two-family duplexes, multi-family buildings, and a mix of predominantly commercial uses. Combined with the vernacular architecture and landscapes that provided the basis for development and growth of Port Chester’s middle and working class, mixed-use neighborhoods, a high quality aesthetic environment developed, giving the Village its unique character.

While the Village’s community and neighborhood character represents a unique aesthetic quality, considerable insensitive suburban style development has occurred over the last several decades, significantly eroding community and neighborhood character. This development pattern has created inconsistencies with the predominant architectural scale, rhythm, and character of the Village and/or the character of the existing natural landscape and privatized important portions of the waterfront. Additionally, this change in the character and scale and single-use development typology has caused significant infrastructure challenges particularly related to vehicular traffic flow, circulation, and parking in the downtown.

Potential Impacts

The adoption of the Proposed Action would improve the visual character of existing underutilized areas and ensure that development is constructed in a manner which is consistent with the “historic” building patterns in the Village which elevate the importance of civic spaces and the pedestrian realm and respond to changing market preferences away from a more suburban development pattern thus allowing the Village to be more competitive regionally and economically resilient in the future. The Proposed Action emphasizes creation of a quality built environment that follows the historic urban and architectural patterns found in the most loved and valuable parts of the Village. New development will accommodate a vertical and horizontal mix of land uses that includes the potential for new residential development, retail, office, and other uses and complementary related service businesses, all in a manner that enhances and adds to the architectural character and vibrancy already found in the Village. Development would be required to comply with the proposed zoning’s form-based regulations and other design requirements that emphasize the importance of the interface between the building (private) and pedestrian (public) realm. Some of the benefits associated with pursuing development in accordance with the proposed zoning are the introduction of new mixed-use development in a more consolidated pattern that is more efficient to provide services to, enhanced walkability and bikeability which provides for a more equitable way of moving around the Village as well as for better health of the

citizens, increased vitality and aesthetic quality which improves quality of life for current residents and makes the community more desirable to future residents and businesses.

The proposed zoning includes specific standards that will ensure that the quality of the visual environment is either preserved or enhanced. At a minimum, the base requirements for an application to be considered in accordance with the proposed zoning will require adherence to the following:

- Building placement, facades, height and finished floor elevation
- Private frontage, building form and type
- Pedestrian-friendly streets and storefronts
- Landscape and lighting standards
- Vehicular and bicycle parking and loading spaces
- Signage standards
- A streamlined table of uses
- Waterfront access and view protection

Each of these elements ensures that the community character of the Village will be improved and protected. Promoting "walkability" via frontage standards and creation of pedestrian friendly streets and storefronts, is a particular objective which will result in a positive visual environment. The character zones, to some extent, will promulgate standards which promote the existing positive visual pattern of the Village's built environment. Because large portions of the Village are already developed with streets that have attached mixed use buildings that front the sidewalk, the new code is written to ensure that new development is complementary and additive, providing comfort and visual interest to the pedestrian by following the precedent of the original Village layout and design. These positive visual attributes are being codified strengthened for the first time in the new zones.

Proposed Mitigation

Adoption of the Proposed Action is not anticipated to result in any significant adverse impacts to community or visual character, as the Proposed Action includes form-based design standards that are intended to improve the form of development and enhance the public realm and pedestrian experience. Such form-based standards include many elements that are intended to protect and improve community character such as building massing and form standards, public space standards, architectural standards and landscaping standards. Therefore, no mitigation is required.

Lead Agency Finding B: *The Board of Trustees Lead Agency finds that the adoption of the Proposed Action will not have a significant adverse impact on community character or visual resources. Future site-specific development will be required to adhere to the proposed amended zoning code's form-based standards which are intended to enhance community character and improve visual resources in the Village of Port Chester.*

C. Transportation Resources

Existing Conditions

As identified in the GEIS, the vehicle network in the Village is well-developed over decades for people and goods moving within and through the Village. The vehicle network totals 46.4 miles with multiple jurisdictions owning, operating, and maintaining the network, numerous functional classes creating a network hierarchy, and low-high daily vehicle volumes. The roadway network within the Village is comprised of five (5) miles of roads under State jurisdiction, 1.7 miles of roads under County jurisdiction, and 39.7 miles of roads under local jurisdiction. Port Chester contains five (5) functional roadway classifications, as defined by the NYSDOT: 1) Principal Arterial - Interstate, 2) Principal Arterial - Other, 3) Minor Arterial, 4) Major Collector, and 5) Local Roads. The highest volume roads within the Village are I-95 and I-287 with approximately 150,000 and 90,000 average vehicles per day, respectively. Other roads with high volumes include Boston Post Road (US Route 1), Midland Avenue, Main Street, Westchester Avenue, Putnam Avenue, and King Street. Ownership/jurisdiction of higher volume roads includes the State, County, and Village.

Port Chester is served by the New Haven line of the MTA Metro-North Railroad, which runs from Grand Central Station in New York City to Union Station in New Haven, CT. The rail line runs northeast through Port Chester’s commercial center, paralleling US Route 1. One (1) commuter rail station is located in the Village at 3 Broad Street between King Street and Westchester Avenue, the Village’s downtown area. This station has connecting bus services from Connecticut Transit Stamford (CT Transit) and Westchester County Bee-Line Bus, and parking is available from parking facilities owned/operated by the Village and by LAZ Parking.

The Westchester County Bee-Line System is a countywide bus network accessible to all Westchester residents and serves over 27 million passengers annually. More than 65 percent of Westchester residents are within walking distance to a Bee-Line route. Most routes run buses that are handicapped accessible. The bus line timetable complements train arrival and departure times at both the City of Rye train station and the Port Chester Village train station to ensure efficient travel. CT Transit Stamford Division is the division of Connecticut Transit for the Stamford metropolitan area.

Within the Village limits, no public road currently has dedicated on-road bicycle facilities such as marked bicycle lanes or shared lane markings. However, bicycles are allowed on public roadways unless otherwise marked/signed as prohibited (NYS Traffic Law, Title 7, Article 34, §1234). Bicycle parking facilities/amenities are located in some areas of the Village, primarily downtown.

Port Chester is highly walkable, with a well-developed sidewalk network and facilities to facilitate pedestrian connectivity and accessibility. In a Village as densely populated as Port Chester, sidewalks are essential, providing access to schools, parks, playgrounds, commercial districts and places of employment. Maintenance of sidewalks and crosswalks and filling gaps, therefore, remains a priority for the Village.

Four (4) airports are proximate to Port Chester: 1) Westchester County Airport, 2) JFK and 3) LaGuardia Airports in New York City, and 4) Newark Airport in New Jersey. All four (4) are accessible by public transportation.

The Village addresses transportation resources in numerous portions of its code including Chapter 110 Traffic Commission, Chapter 140 Bicycles, Chapter 319 Vehicles and Traffic, Chapter 283 Streets and Sidewalks, Chapter 345 Zoning, and a complete streets policy adopted in 2018.

Parking in the Village is provided through on-street parking on public rights-of-way, in private driveways or garages associated with households, in paid or unpaid surface parking lots, and parking garages.

Potential Impacts

Traffic

As previously noted, the adoption of an proposed amended zoning code and map is intended to help Port Chester grow sustainably as a vibrant, walkable, and active municipality that links its lower-density neighborhoods with the downtown and waterfront. In addition, the new code intends to aid and facilitate the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the Village, having particular regard to the avoidance of congestion in the streets and the provision of safe and convenient traffic access appropriate to the various uses of land and buildings throughout the Village.

To evaluate the potential future impacts of the proposed amended zoning code and map, a build-out analysis as previously noted, was completed that focused on a subset of the area represented by character districts. The analysis examined different scenarios to calculate future year development potential and approximate high-level impacts associated with the current and proposed zoning conditions. The results of the anticipated development portion of the Build-out Analysis shows that the proposed amended zoning code allows more residential dwelling units, more retail, office, and industrial space, and more people (new residents) and employees (new employees) than the existing zoning code. The twenty-year build-out based on the market analysis shows the existing zoning and proposed zoning have the same anticipated outcome for retail, office, and industrial space. However, the twenty-year build-out for the proposed zoning allows more multi-family housing which translates to increased population (new residents) than the existing zoning.

Using the results of the Build-Out Analysis, a detailed analysis of traffic was completed. The analysis included six (6) intersections: US Route 1 & Mill Street, US Route 1 & Highland Street, US Route 1 & Westchester Avenue, US Route 1 & Purdy Avenue/Grace Street, US Route 1 & Pearl Street, US Route 1 & Olivia Street. The existing conditions capacity analysis for these intersections concluded the majority of the lane groups and approaches for signalized intersections in the study area generally operate at overall Level of Service (LOS) D or better under existing conditions during the peak hours analyzed, with the exception of the following lane groups:

- US Route 1 & Purdy Avenue/Grace Church Street
 - Eastbound left-turn PM Peak Hour
- US Route 1 & Pearl Street
 - Southbound right-turn PM Peak Hour

The "No Action Conditions" capacity analysis concluded the following notable changes in LOS for the following lane groups when compared to existing conditions:

- US Route 1 & Purdy Avenue/Grace Church Street
 - Eastbound left-turn would degrade from LOS E to LOS F during the PM peak hour
- US Route 1 & Pearl Street
 - Eastbound left-turn would degrade from LOS E to LOS F during the PM peak hour
 - Southbound right-turn would degrade from LOS D to LOS E during the AM peak hour
 - Westbound through/right-turn would degrade from LOS D to LOS E during the PM peak hour

Under the Proposed Action, compared to the No Action conditions, there would be a significant impact, identified as lane groups that degrade from LOS D or better to LOS E or F conditions or from LOS E to LOS F conditions, for the following study area lane groups and intersections:

- US Route 1 & Mill Street
 - Westbound left-turn during the PM peak hour
 - Northbound shared through/right-turn during the AM peak hour
- US Route 1 & Highland Street
 - Eastbound shared left-turn/through/right-turn during the AM and PM peak hours
- US Route 1 & Westchester Avenue
 - Eastbound left-turn during the PM peak hour
 - Eastbound through lane during the PM peak hour
 - Eastbound right-turn during the AM peak hour
 - Westbound through lane during the PM peak hour
 - Northbound left-turn during the AM and PM peak hours
- US Route 1 & Purdy Avenue/Grace Church Street
 - Eastbound left-turn during the AM and PM peak hours
 - Southbound right-turn during the AM peak hour
- US Route 1 & Pearl Street
 - Eastbound left-turn during the AM and PM peak hours
 - Westbound shared through/right-turn during the AM and PM peak hours
 - Southbound right-turn during the AM and PM peak hours

Transit

Transit impacts would mainly be beneficial under the implementation of the Proposed Action as there would be an increase in transit ridership. The increase in ridership would occur as a result of increased density under the Proposed Action, while mitigating some of the impacts of the potential increase in vehicular trips. However, at some point in the future, some public transit infrastructure improvements would be required in order to provide increased capacity that would be necessary to accommodate increases in bus and rail transit ridership. Metro-North did not request such capacity analysis to be done at this time, as there is no accepted threshold against which any increase in demand could be compared. Because there are no specific proposals that might affect rail transit demand and capacity, it is reasonable to undertake the assessment of the need for public transit infrastructure improvement when specific proposals trigger such need. Moreover, Metro-North may modify its operations due to the East Side Access and the COVID-19 pandemic; thus, such an analysis would be speculative at this time and thus is better suited when and if a specific proposal that would affect rail capacity arises.

Bicycles and Pedestrians

As previously stated, the adoption of an amended zoning code and map is intended to help Port Chester grow sustainably as a vibrant, walkable, and active municipality that links its lower-density neighborhoods with the downtown and waterfront. This type of development would benefit walking and bicycle users, but may increase pressure on the pedestrian networks and increased demand for alternative modes including bicycle facilities.

Parking

The Proposed Action includes parking requirements for new development to aid in preventing localized burdens on the transportation infrastructure of adjacent neighborhoods, in particular in areas that already experience parking problems. However, as one of the goals of the Proposed Action, the implementation of an amended zoning code should reduce overall parking demand.

Proposed Mitigation

The GEIS noted that there is a particular challenge in this context in that while site-specific traffic analyses follow a standard process and methodology based upon decades of professional traffic and transportation studies, for a community-wide rezoning, similar guidance is not available on a generic level. In addition, it is common where both generic and site-specific traffic analyses is conducted does not conclude that significant traffic impacts will result, but additional travel demand from each development project accumulates over time which can result in traffic issues, congestion, and/or delays. This cumulative impact then may require mitigation at the expense/responsibility of the road/facility owner (Village of Port Chester, Town of Rye, Westchester County, State of New York, Metro-North Railroad, etc.) or place an unfair burden on a single developer, the costs of which should be shared with preceding developers that contributed to the cumulative impacts. Although not part of the adopted DGEIS Final Scoping Document, the Village engaged with the New York State Department of Transportation (NYSDOT), Region 8 from early on in the SEQRA process to establish a methodology by which future traffic mitigation improvements are shared by development applicants and not the burden of the applicant which caused travel demand to cross a threshold or the road/facility owner. Prior to conducting the traffic assessment, numerous meetings were held between NYSDOT and the Village on agreeing upon the most appropriate approach. Research on how other agencies and municipalities dealt with this in New York State occurred – resulting in concurrence that the “fair share” contribution to traffic mitigation approach was most appropriate. The research and approach methodology is provided in a memoranda included as part of Appendix D of the FGEIS. In addition, the proposed amended zoning code includes the following mitigation measures that will positively impact transportation resources:

- The zoning of mixed-use areas within many neighborhoods is partially intended to reduce travel demand.
- The zoning of areas with buildings that orient to the street and include pedestrian accommodations is partially intended to reduce vehicular travel demand.
- The zoning code includes pedestrian access requirements for principal building types.
- A minimum number of off-street parking spaces are required for most uses and districts to prevent a burden on public infrastructure including on-street parking facilities.
- The minimum number of off-street parking spaces can be reduced, at the election of the applicant, through the incorporation of shared parking, proximity to transit, bicycle parking, car-sharing parking spaces, financial incentives, and payment in-lieu of parking. These proactive measures reduce single-occupancy vehicle trips, vehicle miles travelled, and air emissions.
- All projects subject to SEQRA must evaluate and, if necessary, mitigate potential impacts to the transportation network.

Traffic

As noted previously, the Traffic Study analysis of the six (6) aforementioned intersections using the results of the Build-Out Analysis report identified LOS E and LOS F for several approaches. The Traffic Study identified mitigation measures for these intersections including increasing cycle lengths, optimizing phase splits, allowing right turns on red, and installation of an adaptive traffic control system. When analyzed in the Traffic Study, these mitigation measures would improve conditions for some approaches as compared to the No Action operating conditions. Several approaches, however, continued to have LOS E and LOS F. To address these potential impacts, the approach agreed upon with the NYSDOT was to ensure that all future development projects contributed to their “fair share” of cumulative impacts on the transportation network (See Appendix D of the FGEIS for the Fair Share Contribution

Traffic Mitigation). Further examination of site-specific impacts of a project on the transportation network will also be a component of any future site-specific SEQRA review. Further, any future traffic mitigation projects on and along US Route 1 will be subject to separate environmental review. Finally, the Village commits that, upon completion and occupancy of the 20-year build-out, a post-implementation traffic study will be conducted in coordination with NYSDOT. This could include collecting traffic counts at the study locations analyzed in the traffic study and collecting sample trip generation surveys at various land uses in the study area.

Transit

No significant changes in public transportation conditions are expected as a result of the Proposed Action. While an increase in public transit ridership is expected with the Proposed Action in place, it is the policy of the mass transit agencies (Metro-North, Westchester Bee-Line Bus System, and Connecticut Transit) to adjust their operating schedules to reflect demand as needed. Site-specific impacts of development projects on transit infrastructure will be a component of any future site-specific SEQRA review.

Bicycles and Pedestrians

No significant changes in bicycle and pedestrian facilities are expected as a result of the Proposed Action. As noted previously, increased use of sidewalks, crosswalks, and bicycle facilities is expected with the Proposed Action in place. Site-specific impacts of development projects on bicycle and pedestrian infrastructure will be a component of any future site-specific SEQRA review.

Parking

The Proposed Action includes parking requirements for new development to aid in preventing localized burdens on the transportation infrastructure of adjacent neighborhoods, in particular in areas that already experience parking problems. As such, no significant changes in parking facilities are expected as a result of the Proposed Action. Site-specific impacts of development projects on parking infrastructure will be a component of any future site-specific SEQRA review.

Lead Agency Finding C: *The Board of Trustees Lead Agency finds that the adoption of the Proposed Action will not have a significant adverse impact on transportation resources or the transportation network. Future site-specific development will be required to adhere to the proposed amended zoning code's form-based standards which are intended to enhance community character and improve visual resources in the Village of Port Chester. Although the Traffic Study concluded that several approaches continued to have LOS E and LOS F based on the 20-year build-out analysis, the approach agreed upon with the NYSDOT was to ensure that all future development projects contributed to their "fair share" of cumulative impacts on the transportation network in accordance with the Fair Share Contribution Traffic Mitigation (Appendix D of the FGEIS). Further examination of site-specific impacts of a project on the transportation network will also be a component of any future site-specific SEQRA review. Regarding other elements of the transportation network including transit, pedestrians, and bicycles and parking, no significant changes in these facilities will result from the Proposed Action. Further examination of site-specific impacts of a project on these other elements of the transportation network will also be a component of any future site-specific SEQRA review.*

D. Community Services and Utilities

Existing Conditions

Educational Facilities

The Village of Port Chester is located within the Port Chester-Rye Union Free School District, which includes four (4) elementary schools, one (1) middle school serving students in grades 6-8, and one (1) high school serving students in grades 9-12. The Port Chester-Rye Union Free School District employs approximately 350 teachers. The student population of the Port Chester-Rye School District has been steadily growing over the past two (2) decades, reaching a total enrollment of 4,621 students for the 2017-2018 school year, just over a 27 percent increase from the 1999-2000 school year when the student enrollment was 3,355. As of June 2017, Hispanics made up almost 80 percent of the population. Other ethnic/racial groups represented in the student population include white at 14 percent, black at just over 4 percent, and Asian at just under 2 percent.

The Port Chester-Rye Brook Public Library is located at 1 Haseco Avenue in Port Chester and is an independent organization supported financially by the Village with an annual lump sum payment. The Mayor of the Village of Port Chester holds an honorary seat on the Library Board of Commissioners. The Village maintains a Library Committee that interacts with the Library Commission on issues of budget and programming which affect Port Chester governmental operations. That committee consists of the Mayor and an additional one (1) or two (2) Village Board of Trustees members.

Since 2014, the Village of Port Chester has continued to prosper from an ongoing construction boom that has favored Westchester County's most urban communities. In response, the new comprehensive plan and consequent zoning changes allow for higher density mixed-use development in strategic areas with the intent of creating additional economic opportunities. There is concern that the already crowded school system will be stressed beyond capacity by additional children.

To better understand and deal with this challenge, the Port Chester Industrial Development Agency (PCIDA) retained Urbanomics, Inc. in 2014 to analyze the changing demographics and countervailing child generation rates of Port Chester and to develop a mechanism known as a Public School Child Generation Tool (PSCGT) that allows the Village to accommodate new school children without excessively taxing existing residents. The development of the PSCGT mechanism followed a process of literature review, data collection and forecasting, definition of the costs of education and new school construction, as well as development of a mitigation formula. Regular updates of the multipliers used in the PSCGT were recommended to ensure that the tool reflects current conditions to the greatest extent possible. The key findings of this update are as follows:

- The number of public school children in Port Chester has continued to rise over the last decade unlike the surrounding municipalities in Westchester County due to demographic differences.
- The number of public school children will continue to increase through the 2019-20 school year followed by several years of declining enrollment through the 2025-26 school year.
- Child generation rates in Port Chester are generally lower than State averages for studios and one-bedroom units, and higher than the averages for two or more bedroom units.
- The actual number of school children residing in new developments is far lower than estimated by current child generation rates.
- Educational, operational (soft) costs and debt service per child are estimated at \$19,323.
 - Minus government aid, the soft cost per child is \$13,863.
- Construction (hard) costs per child are estimated at \$25,000.
- Minus government reimbursement, the hard cost per child is \$13,121.25.

Police Protection

The Port Chester Police Department is currently staffed with 62 sworn police officers and operates out of its headquarters building at 350 North Main Street in the Village. The department is composed of five (5) divisions, including the Uniform Patrol Division, the Detective Division, the Staff Services Division, the Traffic Division and the Operations Division. The Chief of Police oversees the Department and works to ensure departmental and public cooperation in order to preserve the peace in the Village. The patrol division, the largest within the Department, has 43 members and is responsible for patrol activities and responding to citizen calls for service. Other functions administered by the Police Department include the D.A.R.E. program, the police youth initiative for disadvantaged youth, disaster preparedness and traffic management services.

Fire and Emergency Services Protection

The Port Chester Volunteer Fire Department was established in 1823 as volunteer fire companies. Since the 19th century, the Department has grown to serve the Village of Port Chester, the Westchester County Airport and the Village of Rye Brook. The department operates out of four (4) firehouses with locations throughout the Village. The Department consists of seven (7) volunteer companies with a large roster of volunteer firefighters, and is commanded by a volunteer chief and two (2) assistants. The Port Chester-Rye Brook Volunteer Ambulance Corps has been in existence for more than 35 years and maintains a reputation as one of the best emergency medical services organizations in Westchester County. Approximately 4,800 emergency calls are handled annually, and the Corps requires additional assistance from neighboring EMS services only an average of 15 times each year. Through an inter-municipal agreement, the organization serves the Villages of Port Chester and Rye Brook and the City of Rye

and is composed of 45 staff members, including 16 volunteers. Paid staff members include 17 paramedics and 13 EMTs and two (2) ambulances are in operation 24 hours a day. A paramedic and an emergency medical technician staff both ambulances.

Parks, Open Space, and Recreational Facilities

Major parks in Port Chester include Abendroth, Columbus, Edgewood, Lyon, and Recreation Park. These parks comprise approximately 50 acres of land and are maintained by the Village's Department of Public Works.

The Village's recreation facilities are often shared between organizations and the public, which include local schools, the Holy Rosary Church, Our Lady of Mercy Church, the Don Bosco Community Center, the Corpus Christi Church, the Carver Center and the Girl Scout House. These facilities provide space for sports programs and tournaments, religious and social services, non-profit programs, educational programs, and summer camp programs. Many of these activities are also sponsored by Port Chester's recreation department. In addition to recreation facilities, local school fields and pocket parks further increase the total acreage of open space in the Village. The Village is anticipating undertaking a Recreation Master Plan in the near future.

Water Supply

Port Chester's water is supplied by SUEZ through approximately 31 miles of water main piping via four connections to the Aquarion Water Company of Connecticut and Westchester Joint Water Works. These connections are located at the Putnam Avenue Route 1 Bridge, Comly Avenue, King Street at the Hutchinson River Parkway and North Main Street. The majority of this water is stored in two (2) tanks located at Summit Avenue with a combined capacity of 4.5 million gallons.

The existing water supply pipe network consists of many substandard water main sizes (diameters less than 8 inches), which could be upgraded to increase capacity. Many of the large diameter mains were constructed of cast iron pipe, which is more brittle than modern ductile iron and prone to mechanical failures over time due to stress cracks in combination with excessive internal pressure or external load conditions. Breaks have become more common on South and North Main Streets due to increased pressure and older pipes. In addition, corrosion along the inner wall surface of the pipe contributes to lower capacity because the interior pipe diameter is decreased and also contributes to the weakening of the pipe by reducing the thickness of the pipe wall and therefore making it more susceptible to breakage.

Currently, the Village's water demand and maximum day demand does not exceed the water available for consumption and the supply source is adequate to handle current and future growth. There are plans to build a larger clear well at the Aquarion Water plant in Greenwich, Connecticut, which is the major source of supply, making additional water available. Westchester Joint Water Works has additional water available; however new agreements to purchase more water would be required between the two (2) water companies.

Wastewater and Stormwater Management

Sanitary Sewers

All sanitary sewage generated in the Village is handled by the Port Chester Treatment Plant, located on Fox Island Road. The treatment plant is owned, operated and maintained by the Westchester County Department of Environmental Facilities (WCDEF) and provides both primary and secondary wastewater treatment. The Port Chester facility sends treated wastewater to the Blind Brook Plant in the City of Rye, where the wastewater is then discharged into the Long Island Sound.

The Port Chester Treatment Plant presently has the design and permitted capacity to treat an average wastewater influent flow of 6 million gallons per day (MGD). Secondary treatment processes have a peak hydraulic capacity of 12.2 MGD or 13.4 MGD including recycled flows. According to the 2014 Westchester County Annual Report, actual wastewater flow is 4.4 MGD which indicates excess treatment capacity based on the plant's design flow.

The Port Chester Sanitary Sewer District covers an area of approximately 2.7 square miles and is almost contiguous with the Village boundaries, including small portions of the City of Rye and the Village of Rye Brook. The system is completely owned by the Village without any County-owned trunk sewers in the Village. The Sewer District has separate storm and sanitary sewers. Most of the sewers throughout the Village were constructed prior to the 1930s,

and the majority of sewers south of Westchester Avenue were installed prior to 1900. There are two (2) pump stations in the Village. The first is on North Main Street at the intersection of Putnam Avenue, serving approximately 75 houses and businesses. The second is located on Comly Avenue near the Connecticut state line, serving approximately 30 houses.

A Sewer System Evaluation Survey (SSES) was completed in 1995 on the Port Chester Sanitary Sewer District by WCDEF to identify sources of Inflow and Infiltration (I&I) into the County's sewer system. This survey verified and quantified I&I problems within the system as a result of manhole deficiencies, pipe breaks/fractures, joint defects, pipe dips, service connection defects, storm/sewer cross-connections and tidal inflows. The study identified 734,000 GPD of observed infiltration from defective pipe, 265,840 GPD infiltration from defective manholes, and total estimated inflow of approximately 1.6 (MGD) (for a 3-inch rainfall) from both public and private direct connections of storm sewers into the sanitary sewer system.

The results of the study are generally what could be expected of a sewer system comprised mainly of vitrified clay pipe. Open or offset joints, cracked and broken pipes are not uncommon within the system and have led to significant I&I effects, including tidal inflow into the system along the Byram River where the Village sewers are at or below the high tide level of the river. This condition greatly reduces the system's capacity to varying degrees on any given day. Maintenance issues also contribute to reduced capacity, including grease and sediment buildup and root intrusion. These problems are exacerbated by the age and pipe material of the system.

The Village has been actively investigating and addressing the identified I&I sources. A fraction of these sources have been rehabilitated with a combination of techniques including pipe joint repair or manhole replacement, trenchless technology (cured in place pipe liners) and sealing techniques (manhole sealing). In April 2007, Port Chester had flow monitors installed in eight (8) locations covering the entire Village. The findings from the flow monitoring were used to start field inspections and dye tests; based on these findings, a rehabilitation program has begun to remove the identified inflow sources.

Storm Sewers

The Village's storm sewer system is separate from the sanitary sewer pipes. The storm sewer system serves an area roughly contiguous with the Village boundaries, and, as with the sanitary sewer system, much of the infrastructure dates back more than 100 years. There are five (5) outflows into the Byram River. Two (2) large outflows serve major portions of the Village. One (1) located at Purdy Avenue and the second near the intersection of Westchester and Abendroth Avenues. Two (2) other outflow points are located in the downtown area, where infrastructure improvements are planned in support of future development. The fifth is located at the end of Wilkins Avenue, just north of the Metro-North railroad tracks. The Village's stormwater infrastructure is aging and in need of upgrading and/or replacement. In some cases, it has deteriorated due to age and lack of repair, and in other locations it is inadequate to meet current needs for capacity.

Port Chester is subject to U.S. Environmental Protection Agency (EPA) regulation for operation, maintenance and discharge of its stormwater collection system. Federal oversight is delegated to the NYSDEC, which has extended permit coverage to the Village via the municipal separate stormwater system (MS4) stormwater management program. The Village has prepared and filed with NYSDEC a five (5)-year program to address six (6) minimum measures for ensuring that stormwater quality discharged to Federal waters meets applicable requirements: public education and outreach, public participation/involvement, illicit discharge detection and elimination, construction site runoff control, post-construction runoff control, and pollution prevention good housekeeping.

As part of the five (5) year program, the Village is inspecting outfalls from the stormwater system for indications of illicit discharges, and inspecting the system for possible sources of pollutants. This involves locating and eliminating cross-connections of the sanitary sewer system and stormwater system. Much of the downtown area has been inspected for locations where pollutants may be entering the system and then discharged to the Byram River.

Solid Waste Management

WCDEF serves as the State's designated Planning Unit for Westchester's 43 municipalities and manages Refuse Disposal District (RDD) No. 1, to which 36 of the County's municipalities belong, including the Village of Port

Chester. DEF oversees several solid waste and recycling facilities, which handle about 90 percent of the residential waste stream, as well as several countywide recycling and waste reduction programs and services.

Residents of the Village receive garbage pick-up services twice a week and recycling once a week. In 2014, the Village generated and disposed approximately 13,000 tons of solid waste and recycled a similar amount, achieving a 50 percent recycling rate compared to the county’s 48 percent rate.

Electric and Natural Gas Utilities

The Village’s energy utilities, electricity and natural gas, are provided by regulated private corporations, which generally provide adequate service to users. Electric power and natural gas is distributed and transmitted by Con Ed. The electric and gas distribution network serves most sections of the Village and is generally adequate to meet the needs of customers, although the systems in some areas require periodic maintenance and upgrades to better serve customers and address system failures.

Potential Impacts

The proposed amended zoning code aims to encourage compact reinvestment and redevelopment within the Village where existing infrastructure, including water and sewer service are readily available. In the twenty-year build-out scenario, the population within the Village would increase by approximately 9,500 residents, thereby resulting in an increased demand on community services and utility infrastructure.

Educational Facilities

The results of the 20-Year Build-out Analysis shows the Port Chester-Rye Union Free School District student population will increase by more than 1,000 students over the 20-year period. This is due to increased densities allowed under the proposed zoning compared to the existing zoning. Under the existing zoning, approximately 500 residential units (studio, one-, two and three-bedroom residential units) could be constructed compared to approximately 3,000 units under the proposed zoning. Applying standard student generation rates to each housing type category, approximately 1,077 new students would be added to the Port Chester-Rye Union Free School District over the 20-year period.

Build-out Analysis Anticipated Student Population Growth

| Student Growth | Full/Maximum Build-Out | | 20-Year Build-Out | |
|----------------|------------------------|-----------------|-------------------|-----------------|
| | Existing Zoning | Proposed Zoning | Existing Zoning | Proposed Zoning |
| New Students | 190 | 2,291 | 190 | 1,077 |

Applying the school costs assumptions to the 1,077 children likely to be generated given the 20-Year Build-Out Scenario, these additional students will result in \$20,810,871 in operating/soft expenses, or \$14,397,366 minus State Aid. Hard/Construction costs would total \$14,433,375, minus State Aid.

Although the potential student population increase calculated in the 20-Year Build-Out Scenario is significant, it similarly compares to the increase of approximately 1,200 students in the previous 20-year period beginning in the 1999-2000 school year. Moreover, the 20-Year Build-Out Analysis calculates an increased school tax roll potential for the proposed zoning to be approximately \$535 million compared to \$142 million under the existing zoning over a 20-year period. Increased school tax revenue generated from the increased school tax roll would offset the increased costs necessary for the school district to accommodate more than 1,000 new students.

The 20-year Build-Out Analysis also calculates an increased Village tax roll potential for the proposed zoning to be approximately \$616 million compared to \$145 million under the existing zoning over a 20-year period. Increased Village tax revenue generated from the increased Village tax roll would also offset any increased costs necessary to accommodate additional users of the Port Chester-Rye Brook Library system.

Police Protection

In the twenty-year build-out scenario, the population within the Village would increase by approximately 9,500 residents, thereby resulting in an increased demand on police services. This population increase and associated increase in residential units and/or commercial development in the Village could potentially strain police manpower.

As a result, the implementation of the Proposed Action, which would include adoption of the Proposed Action, and resultant growth through redevelopment could cause a potential impact if no action is taken to add officers and generally increase police presence in the Village.

The Police Department will receive a portion of the annual tax dollars projected to be generated and distributed to the Village. Such revenues are expected to accrue from the realization of redevelopment, participation in a “Fair Share” mitigation plan and fund may be needed to ensure that personnel issues and needed improvements are implemented as growth occurs. Finally, the Police Department is an integral part of the Development Review Committee (DRC), which is an important referral body in the proposed amended zoning code. This will ensure their participation and ability to review and comment on any site-specific development applications.

Fire and Emergency Services Protection

In the twenty-year build-out scenario, the population within the Village would increase thereby resulting in an increased demand on fire protection services. This population increase and associated increase in residential units and/or commercial development in the Village could potentially strain fire and emergency services manpower. As a result, the implementation of the Proposed Action, which would include adoption of the amended zoning code, and resultant growth through redevelopment could cause a potential impact if no action is taken. As a result, the implementation of the Proposed Action, which would include adoption of the proposed zoning, and resultant growth through redevelopment could cause a potential impact if no action is taken to add firefighters and equipment and plan for facility improvements. Planned mitigation would involve facilitating additional resources for fire protection in a phased manner as growth is realized.

The Fire Department will receive a portion of the annual tax dollars projected to be generated and distributed to the Village. Such revenues are expected to accrue from the realization of redevelopment, participation in a “Fair Share” mitigation plan and fund may be needed to ensure that personnel issues and needed improvements are implemented as growth occurs. Finally, the Fire Department is an integral part of the Development Review Committee (DRC), which is an important referral body in the proposed amended zoning code. This will ensure their participation and ability to review and comment on any site-specific development applications.

Parks, Open Space and Recreation

The existing recreational resources within the downtown will remain and will be maintained by the Village. Existing parks, open space and recreational resources will continue to be available and will not be impacted by the Proposed Action. In order to implement the redevelopment initiatives sought to create a vibrant Village, the proposed zoning promotes the creation of new civic space in connection with redevelopment. This may involve plazas, pedestrian ways, greens, squares, roof gardens and pocket parks as well as wide sidewalks for more public street space. The intent is to provide an attractive environment for social activities. In addition, the proposed amended zoning code contains a requirement for the payment of a recreation fee in-lieu-of-parkland. This should allow those sites that are too small and cannot provide park or open space to support the creation of new civic spaces.

Given the existing recreational resources within and outside of the study area, coupled with civic space provisions in the new code, it is expected that recreational resources will continue and expand such that no significant adverse impact will occur.

Water Supply

The results of the twenty-year Build-out Analysis show new water demand has the potential to increase by 0.55 million gallons per day (MGD) over the 20-year period. This is due to increased densities and amount of development allowed under the proposed zoning compared to the existing zoning.

Build-out Analysis Anticipated Water Demand

| Water Demand | Full/Maximum Build-Out | | 20-Year Build-Out | |
|------------------------|------------------------|-----------------|-------------------|-----------------|
| | Existing Zoning | Proposed Zoning | Existing Zoning | Proposed Zoning |
| New Water Demand (GPD) | 234,691 | 1,399,720 | 131,987 | 552,517 |
| New Water Demand (MGD) | 0.23 | 1.4 | 0.13 | 0.55 |

As a public utility, SUEZ would be required to meet any future demands that may arise. The system, and the supply sources that feed them, appear to have sufficient capacity to handle future growth, but it should be noted that significant improvements to the water supply system will likely be required to accommodate new growth in the Village. Any large-scale development would be required to conclusively demonstrate that the water lines serving the project have the capacity and are in a suitable condition to provide domestic and fire protection supplies, or to provide appropriate mitigation, as necessary.

Wastewater and Stormwater

The results of the twenty-year Build-out Analysis shows new sewer demand has the potential to increase by 0.55 million gallons per day (MGD) over the 20-year period. This is due to increased densities and amount of development allowed under the proposed zoning compared to the existing zoning.

Build-out Analysis Anticipated Wastewater Demand

| Sewer Use Demand | Full/Maximum Build-Out | | 20-Year Build-Out | |
|------------------------|------------------------|-----------------|-------------------|-----------------|
| | Existing Zoning | Proposed Zoning | Existing Zoning | Proposed Zoning |
| New Sewer Demand (GPD) | 234,691 | 1,399,720 | 131,987 | 552,517 |
| New Sewer Demand (MGD) | 0.23 | 1.4 | 0.13 | 0.55 |

The Port Chester Treatment Plant currently treats sewage below its design and permitted capacity. However, elimination of I&I flows into the sanitary sewer will be necessary to accommodate future development under the 20-year build-out scenario. Moreover, the Village’s sanitary sewage collection system is likely to require numerous upgrades in order to accommodate sewage flows from new development made possible by the Proposed Action.

Solid Waste Management

In the twenty-year build-out scenario which calculates a potential population increase in the Village of approximately 9,500 residents and associated new development, additional solid waste and recycling materials will be generated, impacting refuse collection responsibilities and efforts . However, larger projects would be expected to contract with private waste contractors which would reduce the need for additional personnel. Tax revenue would be generated as a result of the new development which in turn would be available to assist in addressing new demand for services.

Westchester County has indicated in the past that there is sufficient capacity at the county solid waste management facilities to receive waste material from new redevelopment. Source separation of recyclables also provides a means to reduce frequency of waste removal and reduced tipping fees at the County Material Facility which would have the benefit of reducing costs as well as the volume of solid waste and the use of recycled materials.

Some potential impacts with respect to solid waste may occur if new growth requires additional refuse collection. This would be an incremental increase over a 20-year period and it is likely that some existing buildings where refuse is currently collected would be redeveloped for new mixed use projects that may use private hauling contractors. Further, tax revenue would increase and this could potentially assist in funding personnel needed to meet additional demand. It is expected that potential impacts associated with solid waste handling can be minimized by providing private hauling services and encouraging recycling of waste which has environmental benefits by reducing material that is managed at county solid waste facilities, as well as cost reduction for the development. The GEIS process established thresholds for new development of a certain size that would require private hauling, and incentives can be provided to promote recycling efforts. Should additional assistance be required, the “Fair Share” mitigation that is envisioned is intended to be flexible so that the services experiencing the greatest burden can be addressed through the fund. Should sanitation services require support, the Village can direct resources to address those needs through the Fair Share mitigation plan and fund.

Electric and Gas

The results of the anticipated energy consumption portion of the Build-out Analysis shows that the twenty-year build-out for the proposed zoning allows more multi-family housing which translates to increased population (new residents) and by extension, energy usage, than the existing zoning.

Con Edison provides electric and gas to a large service area including New York City and most of Westchester County and is expected to be able to continue to provide service to the Village as growth and redevelopment occurs. No significant adverse impacts are expected on electric and gas supply as a result of the Proposed Action. Some upgrades to electric and gas distribution and facilities may be required on an incremental basis over the 20-year period as new development occurs; however, new development would represent new customers for Con Edison which would supply energy resources under the approved rate schedule.

Build-out Analysis Anticipated Energy Consumption

| Energy Resource | Full/Maximum Build-Out | | 20-Year Build-Out | |
|-------------------------|------------------------|-----------------|-------------------|-----------------|
| | Existing Zoning | Proposed Zoning | Existing Zoning | Proposed Zoning |
| Electricity (kWh/year) | 36,718,061 | 107,224,258 | 13,005,772 | 31,286,400 |
| Natural Gas (c.f./year) | 53,988,369 | 95,271,608 | 15,043,665 | 15,796,200 |

Proposed Mitigation

Educational Facilities

Although the Build-Out Analysis indicated that there would be costs associated with the potential new school-aged children that would result from the implementation of the Proposed Action, the Village and School District/School Board have worked collaboratively to further decrease the tax burden on existing (and future) residents, through the development of a mechanism known as a Public School Child Generation Tool (PSCGT). As a result, individual site-specific development applications will be required to utilize the Final Mitigation Formula Developer Worksheet, as updated from time-to-time. Further, after discussions with the School District/School Board, it was determined that “Fair Share Contribution” Mitigation for Schools would be applied to all developer projects that include the generation of school-aged children, as follows (and reiterated in Section 6.0):

- Payment of \$26,984.25 per student estimated to be generated (\$13,863 for “soft costs” and \$13,121.25 for “hard/construction costs”) to the Village upon application for a building permit.
- Village to transfer funds to the School District.
- Number of school-aged children to be identified each year for ten (10) years
- Additional payment if generated of school-aged children surpasses estimated amount.
- The PSCGT and the Final Mitigation Formula Developer Worksheet should be updated every few years as checked against the School District’s enrollment in order to ensure that it remains a useful tool.

Police Protection

- The Police Department shall have the opportunity to provide input on site-specific plans as part of the DRC, thereby requiring any site-specific mitigation measures necessary.
- Encourage on-site private security for large projects and work cooperatively with Police Department
- Fund Police Department needs through participation in the “Fair Share Contribution” mitigation
- Provide price-sensitive housing opportunities for potential future Police Department personnel

Fire and Emergency Services Protection

- Conformance to the NYS Building and Fire Safety Codes will partially mitigate potential health and safety impacts from fire response providers.
- The Fire Department will have the opportunity to review future proposed site plans as part of the DRC to ensure that their needs, including provisions for emergency access, hydrant locations, sprinkler systems, fire alarms, and smoke and carbon monoxide detection, are properly addressed.
- Fund Fire Department needs through participation in a “Fair Share” mitigation plan and fund
- Provide price sensitive housing opportunities for potential future Fire Department personnel

Parks, Open Space, and Recreation

- Active green spaces along with pedestrian and bicycle networks will reduce automobile dependence and attract a class of environmentally conscious residents and employees

- Proposed zoning includes provisions for new civic space which will enhance existing parks and open space resources

Water Supply

- Site-specific development shall be analyzed for what system improvements are needed, and shall be paid for by the developer.
- Promote indoor water use efficiency, lowering water consumption reduces potable water consumption and unnecessary wastewater treatment.
- Install low flow appliances, fixtures, and fittings.
- Employ outdoor potable water reduction techniques.
- Use responsible planting of native vegetation that demand less water in landscape design.
- Seek to use secondary water sources for non-potable use.
- Promote use of captured rainwater as a resource for non-potable use.
- Provide incentives for recycled wastewater.

Wastewater and Stormwater

- Continue program for system operation and maintenance and maintain schedule to implement improvements.
- Seek grant funding for wastewater and stormwater improvements.
- Continue MS4 program and identify illicit discharges and improve stormwater infrastructure.
- For each site-specific application, the developer shall be required to provide payment of "Fair Share Contribution" mitigation for wastewater/stormwater improvements.
- The Village shall conduct a comprehensive, Village-wide wastewater and stormwater assessment.

Solid Waste Management

- Larger, private mixed-use and residential development shall be required to have private hauling of refuse.
- For each site-specific application, the developer shall be required to provide payment of "Fair Share Contribution" mitigation for solid waste management.

Electric and Gas

- Increase pedestrian and vehicular connectivity throughout the community such that less energy is expended.
- A vibrant, walkable community with multimodal transportation options, would allow for significant savings in energy use and greenhouse gas emissions.
- Observe solar orientation for development that can take advantage of energy use reduction through this method.
- Encourage passive solar elements for new development.
- Install energy efficient lighting and appliances.
- Explore Microgrids to reduce energy dependence, promote renewable resources and provide more localized energy sources to supplement utility electricity.

Lead Agency Finding D: *The Board of Trustees Lead Agency finds that the adoption of the Proposed Action will not have a significant adverse impact on community services and utilities. While development associated with the Proposed Action will increase the demand for community facilities and community services, the substantial increases in property tax, sales tax, building permit and other one-time fees and other revenues and participation in the Fair Share Mitigation Fund will offset these increased costs. The Village administration will review and evaluate the need for additional manpower and equipment for police, fire, and other essential services over the course of the 20-year build-out period. The respective Village departments will have the opportunity to review site-specific plans for proposed projects to ensure that provisions for public safety, solid waste, and other systems are properly addressed. The proposed zoning is projected to result in significant tax revenue increases as well as fair share mitigation fund payments to the Port Chester-Rye School District, which would be used to fund new education programs, pay for additional personnel, if required, and offset the costs associated with capital construction. The Village and applicants will work with SUEZ to address methods to ensure adequate pressure is maintained within the distribution system. The Village wastewater and stormwater system will be improved through required infrastructure improvements that will reduce I&I. Electric and gas service is available and will be provided by Con Edison.*

E. Socioeconomics*Existing Conditions*

Based on the U.S. Census decennial population data for the Village between the years 1890 and 2010 and the 2018, the population of the Village increased significantly between 1890 and 1930, growing from a small community of 3,797 to a small but densely populated village of approximately 23,000 residents at the beginning of the Great Depression. Growth slowed during the Great Depression and World War II as well as subsequent decades, with an average growth rate between 1940 and 1970 of just 3.3 percent per decade. Port Chester experienced a fairly significant decline in its population between 1970 and 1980 when it fell by 2,238 residents from 25,803 to 23,565 or -8.7 percent during that period. In more recent years, there has been a rebound in population growth in the Village as the population grew steadily reaching 12.7 percent growth between 1990 and 2000 and 3.9 percent between 2000 and 2010, ultimately reaching a population of 28,967 in 2010.

The Census Bureau's Population Estimates for 2018 projected the population of Port Chester to be 29,282, an increase of 315 persons or approximately 1.1 percent over the eight (8) years between 2010 and 2018. The growth of the Village's population from 5,274 in 1890 to 29,282 in 2018 indicates a nearly six (6)-fold increase during this 128-year period. The Village of Port Chester is home to a significantly lower share of blacks but a significantly larger share of Hispanics when compared to the demographic profile of Westchester County. Based on the U.S. Census 2018 estimates, the percentage of people reporting race as white alone is 55 percent compared with 73.4 percent of the county population. The black population makes up a lower percentage of the Village of Port Chester compared to the County, 4.7 percent and 16.6 percent, respectively. The population of Hispanics (of any race) in Port Chester is significantly higher than found in the County, 64.8 percent compared to 25.1 percent of the population. Based on 2013-2017 American Community Survey, the median age in Port Chester is 36.4 which is significantly younger than the median age of Westchester County at 40.6. The notable differences in population cohorts between the Village and County include greater population numbers in the 25 to 34 and 35 to 44 cohorts for the Village and greater population numbers in the older cohorts including 45 to 54 and 75 to 84 cohorts for Westchester County. This suggests Port Chester has a younger population compared to Westchester County which may indicate the Village's attractiveness to a working population. According to the U.S. Census, the Village has 9,240 households, of which, 68.7 percent are family households and 31.3 are nonfamily households. There are a total of 10,046 housing units, of which 9,240 are occupied and 806 are vacant. Of the occupied housing units, 43.2 percent are owner-occupied and 56.8 are renter occupied.

According to the NYS Department of Labor, the Orange/Rockland/Westchester area has a September 2019 unemployment rate of 3.7 percent which matches the State rate of 3.7 percent. Also according to the Department of Labor, Westchester County is gaining jobs at a slower rate than the State (the State rate is between 1.2 percent and 1.6 percent from September 2018 to September 2019). According to the 2017 American Community Survey, the median household income was \$60,041 while the mean household income was 86,645. Of those 25 years or older, 20.8 percent of the population has less than a 9th grade education, 8.5 percent have between a 9th and 12th grade education with no diploma, 27.4 percent have graduated high school, 15.5 percent have some college but no degree, 4.6 percent have an associate's degree, 14.1 percent have a bachelor's degree, and 9.1 percent have a graduate or professional degree.

As established in NYSDEC Commissioner Policy 29 on Environmental Justice and Permitting (CP-29), Potential Environmental Justice Areas are U.S. Census block groups of 250 to 500 households each that have populations that meet or exceed at least one (1) of the following statistical thresholds:

- At least 51.1 percent of the population in an urban area reported themselves to be members of minority groups; or
- At least 23.59 percent of the population in an urban or rural area had household incomes below the federal poverty level.

Potential Impacts

Population

Based on the results of the market analysis, the Village is anticipated to attract up to an additional 9,545 new residents (2,900 households). Based on the build-out analysis, the existing zoning code would not be able to accommodate all of these new residents. However, the build-out analysis examined the proposed amended zoning code and found the full/maximum build-out potential can accommodate the anticipated new residents per the market analysis. While the 9,545 number represents the new residents Village-wide, much of that growth will be seen in the downtown. The addition of population to downtown Port Chester is a goal of the Village and is considered a beneficial impact of the Proposed Action. Further, this population growth can be accommodated without requiring land clearing and redevelopment of existing neighborhoods. Therefore, although the implementation of the Proposed Action may have an impact on population, significant adverse impacts are not anticipated.

Housing

Implementation of the Proposed Action would add to the Village’s supply of affordable housing. This would be accomplished with a minimum required 10 percent set-aside of affordable units in new residential or mixed-use construction. These new affordable units would add to the general community housing stock, with the expectation that some of the occupants of the new housing units would come from the current pool of Village residents. The proposed new residential uses in the area should also help accommodate some of the new employees that could be generated by implementation of the Proposed Action. Based on the build-out analysis of the existing zoning code, 49 additional affordable units can be created, while the analysis of the proposed amended zoning code shows 629 additional affordable units can be created, a beneficial impact of the implementation of the Proposed Action.

Despite the above, it is anticipated that the implementation of the Proposed Action would result in direct residential displacement, particularly lower-income tenants who may struggle to find alternative housing. There is additional concern that implementing the Proposed Action may have a secondary residential impact by inducing increases to existing residential rents in the Village. Further, it could be anticipated that for both the direct and secondary impacts there would be a greater impact on people of color, lower-income populations, and environmental justice populations.

Jobs and Employment

Implementation of the Proposed Action will involve investments in the community and will result in the creation of temporary construction and permanent jobs. This need for construction workers is viewed as a beneficial impact to the construction industry. Similarly, the permanent jobs created is viewed as a beneficial impact to the Village and on other industry sectors. This temporary and permanent job creation – direct, as well as indirect and induced – would be important to the overall economic health of the community. Further, increased labor income – direct, indirect, and induced – would have the potential to have an economic impact in the community.

The new development permitted and encouraged by the implementation of the Proposed Action may result in the displacement of existing businesses in the Village’s commercial neighborhoods. This can happen directly when commercial tenants occupy buildings that are to be demolished or substantially rehabilitated and it can happen indirectly by the cumulative impact of development projects that improve economic conditions, resulting in higher commercial rents and the costs of doing business. These effects, in the aggregate, can cause a change in community character due to the disappearance of existing businesses and the cultural and economic benefits they provide. As individual projects are proposed, the relevant Decision-Making Authority, serving as Lead Agency, must evaluate that impact and impose conditions on the projects that mitigate this negative environmental impact. It could be anticipated that there would be a greater percentage of this commercial displacement impacting people of color, lower-income populations, and environmental justice populations.

Further, there is concern that some of the jobs created in the construction and operation phases of any new development may impact local wage standards. Finally, concern has been raised that construction that results from implementation of the Proposed Action may engage irresponsible construction contractors with poorly trained workforces, putting workers and Village residents at risk and burdening the Village with delays, low-quality construction, and associated problems.

Tax Revenues

The types of projects envisioned to occur as a result of the implementation of the Proposed Action would likely increase the assessed value for particular parcels within the Village. The 20-year build-out analysis calculates an increased Village tax roll potential for the proposed zoning to be approximately \$616 million compared to \$145 million under the existing zoning over a 20-year period. Similarly, the build-out analysis calculates school tax roll potential for the proposed zoning to be approximately \$595 million compared to \$142 million under the existing zoning over a 20-year period. Increased Village and school tax revenue generated from the increased tax roll would offset the increased costs necessary for the Village and school district to accommodate an increased population and users of both Village and school services.

Build-out Analysis - Village and School Tax Roll Potential

| Tax Roll Potential | Full/Maximum Build-out | | 20-Year Build-out | |
|-------------------------|------------------------|-----------------|-------------------|-----------------|
| | Existing Zoning | Proposed Zoning | Existing Zoning | Proposed Zoning |
| Village Tax Roll | \$281,240,877 | \$1,629,185,582 | \$145,149,684 | \$616,362,381 |
| School Tax Roll | \$277,837,800 | \$1,583,928,050 | \$141,746,611 | \$595,118,168 |

It is anticipated that implementation of the Proposed Action would result in positive property tax benefits for all taxing jurisdictions (including the County, School District, and Village).

Proposed Mitigation

The Proposed Action, in and of itself as a rezoning, would not create any significant adverse socioeconomic impacts. That being said, it is anticipated that implementation of the Proposed Action would have adverse socioeconomic impacts with respect to Housing, Jobs and Employment (i.e., business displacement), and Environmental Justice. What follows is a discussion of the proposed mitigation measures for those impacts.

Population

Since the adoption and implementation of the Proposed Action is not anticipated to result in any significant adverse impacts to population, no mitigation measures are necessary.

Housing

In order to minimize any potential impacts with respect to affordable housing, the Village commits to the following mitigation measures:

- In order to understand the actual regional and local need for affordable housing, a comprehensive Housing Needs Assessment shall be conducted.
- After completion of the Housing Needs Assessment, adding a greater set-aside of AAFHH units, with a greater range of eligible incomes shall be evaluated.
- After completion of the Housing Needs Assessment, including a preference for income-eligible, Port Chester residents that resided in a residential unit displaced as a result of a development project shall be evaluated.
- The Village shall consider establishing or working with a not-for-profit to establish a community land trust (CLT) to provide permanent, owner-occupied affordable housing.
- The Village shall investigate coordinating with the Town of Rye to create a municipal land bank.

Jobs and Employment

In order to minimize any potential impacts on jobs and employment, especially small businesses, the Village commits to procuring a report within 60 days of the adoption of the Proposed Action that researches various commercial displacement initiatives across the Country, their mechanics, their success and failure, and the applicability for Port Chester, and that recommends specific mitigation measures to avoid small-business displacement in Port Chester. The Village further commits within an additional 90 days to implementing the specific measures recommended by the report to mitigate impacts to businesses that would be impacted by the implementation of the Proposed Action. Finally, the Village commits to applying through the New York State Consolidated Funding Application (CFA) process in the 2020 cycle (July 2020) for funding to implement any selected mitigation measures and strategies which may require state funding. Illustrative examples of the types of strategies to combat business displacement that should be investigated include, but by no means are limited to:

- Incorporating a required set-aside of up to 10 percent for local, small businesses in new development.
- Adopting a Business Diversity Ordinance.
- Establishing an Adaptive Reuse Program to help local entrepreneurs turn vacant, historic buildings into new businesses.
- Opening a Village Small Business Office to guide business owners through local permitting requirements, and to serve as a liaison between small businesses and policymakers.
- Giving preference to local, small businesses in Village purchasing.
- Creating a Business Displacement Fund, funded by contributions from developers, with "fair share" contributions from each and every new site-specific application that involves commercial displacement.
- Adopting a policy supporting the use of building and construction trades, especially local residents.
- Creating a small business lease program in order to establish an environment for fair negotiations in the commercial lease process.

Beyond those potential strategies listed above to be explored, the Village adopt a policy that states that it supports the Port Chester Industrial Development Agency (PCIDA's) consideration of Project Labor Agreements (PLAs) and Community Benefits Agreements (CBAs) as mechanisms for enhanced financial assistance on individual projects as it looks to update its Uniform Tax Exemption Policy (UTEP).

Finally, a number of requirements for any future site-specific SEQRA compliance with regards to Jobs and Employment (among other socioeconomic site-specific criteria) are identified herein and in Section 6.0 of the GEIS.

Environmental Justice

In order to minimize any potential impacts on environmental justice populations, the following mitigation measures shall be considered for individual site-specific applications:

- Utilization of CP-29 as part of site-specific SEQRA compliance: NYSDEC's existing CP-29 policy provides guidance for incorporating environmental justice concerns into the environmental permit review process and the NYSDEC's application of SEQRA. The policy also incorporates environmental justice concerns into some aspects of the NYSDEC's enforcement program, grants program and public participation provisions.

Tax Revenues

Since the adoption and implementation of the Proposed Action is not anticipated to result in any significant adverse impacts to tax revenues, no mitigation measures are necessary. As noted herein and in Section 6.0 of the GEIS, for any site-specific proposal that results from the implementation of the Proposed Action, if property or other tax relief is sought, sufficient documentation should be provided to the Village in its evaluation of the site-specific proposal under site plan review.

Lead Agency Finding E: *The Board of Trustees Lead Agency finds that the adoption of the Proposed Action will not have a significant adverse impact on socioeconomic conditions in the Village. The Proposed Action is anticipated to strengthen the job market and result in substantial economic benefits to the Village and community. These benefits arise from direct, indirect and induced investments, employment, tax revenues, salaries, and operational expenses from both construction activities and long-term occupancy of the new development sites. The proposed zoning includes the requirement to establish a Fair Share Mitigation Fund which is intended to ensure that proposed redevelopment activities result in direct benefit to the Village of Port Chester. The Village will utilize monies from the Fair Share Mitigation Fund and other sources of revenue to mitigate against residential and business displacement. Affordable housing will be provided in accordance with Village Code requirements and will be incentivized through adoption of the proposed amended zoning code.*

F. Historic and Cultural Resources

Existing Conditions

Historic Resources

Port Chester has several resources that contribute to the Village's historic and cultural fabric. There are three (3) tiers of recognition and regulatory protection for cultural and historic resources in New York State:

- National Register of Historic Places (NRHP) and National Historic Landmarks;
- New York State Register of Historic Places held by the State Historic Preservation Office (SHPO) in the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP);
- Local recognition.

Districts, sites, buildings, structures, and objects are eligible for the State and NRHP 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 NRHP are listed on the State Register, which has the same criteria for evaluation as the NRHP. Properties that have been constructed within the last fifty (50) years are ordinarily not eligible. As identified in the GEIS, the Village has a number of buildings and sites listed on the State Register and NRHP. These include:

- Bush-Lyon Homestead
- Capitol Theater
- Port Chester Post Office
- Life Savers Building
- St. Peter's Episcopal Church
- Meller Engine and Hose

In addition to these NRHP-listed resources, several sites have been determined by the SHPO to be eligible for listing on the NRHP and State Register of Historic Places. Although not officially listed on the NRHP, eligible properties are afforded similar protections as NRHP properties when federal funding is used or a state or federal permit is required regarding a proposed project. Beyond those properties listed in Table 15 of the GEIS, SHPO has identified the Port Chester Commercial Historic District as a State/National Register-eligible resource as a result of the on-going Hurricane Sandy Survey being conducted by their office. Although the District is not currently identified as such in SHPO's records, since the data from the Sandy Survey is still being processed at the time of this Findings Statement, it is anticipated that the District will be part of SHPO's updated records.

Archaeologically Significant Areas

Port Chester contains one (1) large archaeologically sensitive area in the southern end of the Village. Archaeologically sensitive areas are designated when a site of some archaeological significance is discovered, and represents both the site itself and a surrounding buffer zone between approximately one-half and one mile in radius. Tracts of land, bodies of water or some combination of the two (2) can be found in these areas. Significant areas are designated for innumerable reasons related to the preservation of the history and culture in a region, but all are similarly valued for the nonrenewable nature of the site itself and its associated materials. SHPO holds detailed descriptions and locations of specific archaeologically significant sites confidential.

Potential Impacts

Since the Proposed Action in and of itself does not include any demolition or construction, potential impacts are related to the implementation of the Proposed Action. Adoption of the amended zoning code is anticipated to have positive impacts on the Village's historic resources, as the proposed Form-Based Code has been formulated to emphasize form and character. The proposed amended zoning code provides a framework for sensitive infill development that will complement the existing historic fabric of the Village. Conversely, the existing Euclidean zoning code originally adopted in the 1975, typically requires variances to execute infill projects, which tends to discourage investment and often results in neglect and demolition of historic resources. Archeologically sensitive areas could be impacted by proposed development projects carried out as part of and consistent with the proposed zoning. However, many of these areas of sensitivity have had prior significant ground disturbance and, therefore, do

not contain significant archeological resources. In instances where prior significant ground disturbance cannot be documented, the SHPO may require, at a minimum, a Phase 1 archeological investigation to determine the presence or absence of historic resources listed or eligible for inclusion in the State or NRHP. In addition, potential impacts include possible demolition of existing structures that may be eligible or listed or even deemed by some to be locally significant to make way for new development resulting from the proposed amended zoning code.

Proposed Mitigation

State and National Register-Listed or -Eligible Properties

When State or Federal funding is used or a State or Federal permit is required regarding a site-specific project, the project's sponsor shall consult with SHPO through the online Cultural Resource Information System (CRIS) to obtain an opinion regarding potential impacts on cultural resources. Further, wherever a project site contains a building or structure shown on CRIS as eligible- or listed- on the State or NRHP, consultation with SHPO shall be required. Consultation may result in a letter of "No Effect" or "No Impact" or SHPO may require a cultural resources investigation involving a historic resources/standing structures analysis and/or Phase 1 archaeological investigation depending on the potential resources affected. The Decision-Making Authority shall review the any consultation with SHPO prior to determining the significance of the site-specific proposed action under SEQRA.

In addition, any Type I or Unlisted Actions under SEQRA that may potentially impact any substantially contiguous State or NRHP-listed or -eligible sites shall also require consultation with SHPO to allow the Decision-Making Authority to effectively determine whether such action will have an adverse impact on historic resources. As appropriate, the SHPO shall determine the appropriate level of site investigation and evaluation necessary to ensure the effects or impacts of a project on State or NRHP-listed or eligible properties are considered and avoided or mitigated during the development review process.

Finally, based upon the amended SEQRA Regulations effective January 1, 2019, a site-specific development proposed within or contiguous to a site identified as eligible for (or listed on) the State or NRHP shall be classified as a Type I Action where any Type I thresholds are exceeded by twenty-five (25) percent.

Locally Significant Buildings or Structures

One of the best ways to preserve the special character of the community and integrate historic resources into planning efforts is to establish a local Historic Preservation Commission. Participation in the New York State Certified Local Government Program (CLG) is one way to get professional guidance and support to shape the future of the community. Established by a 1980 amendment to the National Historic Preservation Act of 1966, the CLG Program is a nationwide initiative that directly links a community's preservation goals to state and federal preservation programs. In New York, SHPO coordinates the federally-sponsored CLG Program and provides assistance to participating/member communities. To become a certified CLG, the community would need to, among other things, enact appropriate historic preservation legislation (in the form of a Landmarks Preservation Ordinance) and appointing a qualified Historic Preservation Review Commission. Therefore, an important mitigation measure is that the Village and/or the Port Chester Historical Society commits to pursuing becoming a certified CLG. The Certification process begins here: <https://parks.ny.gov/shpo/certified-local-governments/documents/CLGProgramNYS.pdf>

1. A Historic Preservation Commission must meet certain minimum requirements as set forth in the New York State Code. The purpose of a Historic Preservation Commission is to implement a set of historic preservation guidelines for the Village, administered through the existing Building Code.
2. A Historic Preservation Commission is a branch of the local government. As such, the formation of a Historic Preservation Commission requires passage of a local law, which gives the Commission the necessary authority to regulate preservation. The local law requires a public hearing and, ultimately, approval by the Board of Trustees. The Historic Preservation Commission would be established as a Referral Body in the development application review process to ensure that impacts to historic resources are minimized. The Preservation Commission could also investigate establishing a Historic District in the downtown area.
3. In addition to the local law, which establishes the Commission, the existing Building Code would have to be amended to include specific regulations for historic preservation. These regulations have been promulgated by the Office of Parks, Recreation, and Historic Preservation, in the form of a Model Code. This Code has already been adopted by 70 municipalities in New York State. It is available here: <https://parks.ny.gov/inside-ouragency/documents/draftmodellocalhistoricpreservationlawpublicreviewcomment.pdf>

Lead Agency Findings F: The Board of Trustees Lead Agency finds that the adoption of the Proposed Action will not have a significant adverse impact on historic and cultural resources. Additional consultations and/or cultural resource investigations may be warranted, to be determined by the Village’s Decision-Making Authority during development review in conjunction with site-specific SEQRA (6 NYCRR Part 617) analysis.

G. Water Resources

Existing Conditions

Surface Water

The Village of Port Chester is located in the Lower Long Island Sound, one (1) of the six (6) drainage basins of the Long Island Sound Watershed. There are three (3) major water bodies within or adjacent to the Village: the Byram River, Port Chester Harbor and Long Island Sound.

Ground Water

There are no Primary aquifers in or bordering the Village; however, Principal Aquifers are mapped on the eastern boundary of the Village. Principal aquifers are “aquifers known to be highly productive or whose geology suggests abundant potential water supply, but which are not intensively used as sources of water supply by major municipal systems at the present time.” However, Port Chester residents rely on a public water supply.

The Byram watershed is part of the Connecticut Southwest Coast Major Basin and includes municipalities of Westchester County. The Byram Watershed Coalition is comprised of local, county, state and federal government agency officials, in addition to environmental nonprofit representatives.

Wetlands

The Byram River is mapped as an estuarine and marine deepwater system for the majority of the river’s length that makes up the eastern boundary of the Village of Port Chester (south of West Putnam Avenue all the way to where it flows into the Long Island Sound). River areas to the east and southeast of Columbus Park are mapped as estuarine and marine wetlands. Where the Byram River flows into the Long Island Sound, just southeast of the Village boundary, are areas of estuarine and marine wetland and estuarine and marine deepwater system. There are no mapped NYSDEC wetlands within or adjacent to the Village boundaries.

Floodplains

The Federal Emergency Management Agency (FEMA) has identified 100-year floodplains in the Village of Port Chester which coincide with the Byram River. Flood Insurance Rate Maps (FIRM) show base flood elevations and identify flood risk zones including Special Flood Hazard Areas (SFHAs) (FIRM Panel Numbers 36119C0293F, 36119C0294F, 36119C0356F), (Community Number 360928). The SFHA is the land area that is subject to a 100-year flood or greater. These high-risk areas are where National Flood Insurance Program regulations must be enforced and where the mandatory purchase of flood insurance applies. Properties located outside of these high-risk areas are still subject to flooding, and owners have the option of purchasing flood insurance.

Section 181 (Flood Damage Prevention) of the Port Chester Village Code provides for flood damage prevention measures and appoints the Building Inspector as local administrator for granting development permits within the areas of flood hazard. Among the requirements of the law, new and substantially improved construction must have the lowest floor (including the basement where it is legally habitable space) elevated to at least 2 feet above the base flood elevation. Mechanical, Electrical and Plumbing equipment must also be designed and/or located at least 2 above Base Flood Elevation, to prevent water damage during flooding.

The Village’s 100-year floodplains subject to episodic flooding and/or drainage deficiencies are generally located along Port Chester’s eastern boundary, generally following the extent of the Byram River. These floodplains extend landward, reaching North Main Street south of Hillside Avenue and Mill Street and South Main Street, south of Westchester Avenue. In addition, flooding occurs in the Village on a somewhat regular basis - notably downtown.

Potential Impacts

Floodplains

Adoption of the proposed amended zoning code is a regulatory action and would not result in any physical changes to the Village; therefore, no direct impact to floodplains would occur as a result of the Proposed Action. However, at the time a site-specific development application is advanced, the application would be reviewed by the Building Inspector, and a determination made as to whether the proposed project requires a floodplain development permit. Site specific development will also continue to undergo formal review under Village Code and pursuant to SEQRA. If a floodplain development permit is required, the application would be subject to all applicable standards and requirements set forth in the Village Code, Chapter 181, Article V. Areas of the Village along the Byram River are particularly susceptible to major storms and, increasingly, affected by more frequent episodic instances of heavy rainfall within short time periods.

Surface Waters

Site-specific development within the Village could impact potentially sensitive water resources. Likewise, site-specific development has the potential to impact the Byram River. Any new development occurring in these areas would be subject to federal requirements administered by the U.S. Army Corps of Engineers pursuant to Sections 401 and 404 of the Clean Water Act. Water Quality Certification (section 401) are administered by the NYSDEC.

Stormwater runoff is currently directed from roadways and impervious surface areas into the Village's stormwater conveyance system. Given that the Village is developed and comprised predominantly of impervious surfaces, the acreage of impervious surfaces associated with the 20-year build-out is anticipated to be similar, although the proposed amended zoning code's provision of civic space may increase opportunities for new pervious surfaces to be introduced into new development projects. New development will require that drainage systems be designed to meet specific performance design criteria, including water quality standards, pursuant to Chapter 281 of the Village's Stormwater Management Code. In addition, conformance to the requirements of the NYSDEC Stormwater Regulations will be required for construction projects in excess of one (1) acre, including preparation and implementation of a Stormwater Pollution Prevention Plan. These system designs will be subject to the review and approval of appropriate Village and/or State staff, ensuring that significant adverse impacts from stormwater runoff would be alleviated, minimized and/or mitigated.

Proposed Mitigation

As mitigation for the Proposed Action, the Village commits to conducting a comprehensive study of flooding in the Village. Such study shall identify actions to minimize or alleviate these conditions.

In addition, future site-specific review of development shall require the following mitigation measures:

- New development will be subject to both NYSDEC and Village stormwater management requirements. For those individual projects that involve one (1) or more acres of disturbance, a SWPPP must be prepared pursuant to NYSDEC's Stormwater General Permit from Construction Activities.
- As part of any site-specific review, the potential for development within areas of the 100-year floodplain and/or which could be inundated by storm surges would specifically be evaluated and appropriate measures incorporated to mitigate against damage. Requirements for flood damage prevention pursuant to Chapter 181 the Village Code would apply in these areas.
- New construction in the Village will be subject to the Green Building and Site Planning provisions of the proposed amended zoning code which encourages sustainable building practices, including green roofs, pervious pavement, efficient fixtures and technologies, and reducing construction waste, thus reducing water use.
- As part of any site-specific development application, a financial contribution shall be provided to the CMOM Program fund for the use to mitigate and, ultimately, alleviate Inflow & Infiltration (I&I) into the sanitary sewer system. Such contribution shall be calculated utilizing an offset ratio of three (3)-to-one (1), i.e., projected sewage flow (gpd) x (three) x (\$1/gallon) = contribution for I&I removal in dollars

Lead Agency Finding G: *The Board of Trustees Lead Agency finds that with the mitigation measures detailed above,*

the adoption of the Proposed Action will not have a significant adverse impact on water resources, including surface waters, wetlands and floodplains. Indirect impacts to water quality will be addressed through implementation of water quality best management practices implemented as part of any SWPPP. Stormwater mitigation measures are described above. The need for additional water resources investigations and associated mitigation measures will be determined by the Decision Making Authority during site plan review in conjunction with future site-specific SEQRA (6 NYCRR Part 617) analysis.

H. Ecological Resources

Existing Conditions

Fish and Wildlife Habitats

Due to all of the development over the past several decades, landscaped areas, street trees, and vegetative habitat comprise a negligible portion of the Village and, therefore, natural habitats are limited. Some species of birds inhabit vegetated areas in the Village. Pollution from boats, industry, the sewer system and disturbances from channel dredging have greatly decreased the Byram River's value as a habitat.

Critical Environmental Areas

A majority of Port Chester's waterfront is located in the Long Island Sound CEA, which is a Westchester County-designated CEA. Within the Village limits, the Long Island Sound CEA extends landward encompassing developed portions of the Village, Columbus Park and points north, and south, east of I-95.

Urban Forest

The Village completed a Tree Management Plan in 2018 with a focus on addressing short-term maintenance needs for inventoried public trees. The plan recommends tree plantings, training, and pruning cycles. Port Chester has many opportunities to improve its urban forest. Planned tree planting and a systematic approach to tree maintenance will help ensure a cost-effective, proactive program. Investing in this tree management program will promote public safety, improve tree care efficiency, and increase the economic and environmental benefits the community receives from its trees.

Potential Impacts

Adoption of the proposed amended zoning code is a regulatory action and would not result in any physical changes to the Village; therefore, no direct impact to ecological resources would occur as a result of the Proposed Action. However, site-specific development in areas along the Byram River, particularly in areas identified as being within the Long Island Sound CEA, could be impacted by new development conducted pursuant to the proposed amended zoning code.

Proposed Mitigation

While no mitigation is required for the Proposed Action itself, future site-specific review of development shall require the following mitigation measures:

- Site-specific projects proposed along the Byram River that are classified as Type I or Unlisted Actions under SEQRA shall be evaluated for impacts to any sensitive species. Moreover, any site-specific projects located within the Long Island Sound CEA should be evaluated as part of the Village's project review process and considered in its determination of significance prepared pursuant to 6 NYCRR Section 617.7 of SEQRA.

Lead Agency Finding H: *The Board of Trustees Lead Agency finds that with the mitigation measures detailed above, the adoption of the Proposed Action will not have a significant adverse impact on ecological resources, including fish and wildlife habitats, critical environmental areas, and the urban forest. The need for additional ecological resources investigations and associated mitigation measures will be determined by the Decision Making Authority during site plan review in conjunction with future site-specific SEQRA (6 NYCRR Part 617) analysis.*

I. Geology, Topography, and Soils*Existing Conditions*Geology

The Village of Port Chester is part of the Manhattan Prong, "a geological sub-province of southeastern New York, that encompasses Manhattan, the Bronx, most of Westchester County and a corner of Putnam County." The highest ridges of the sub-province are characterized by hard gneisses material while the shallow valleys have been carved from softer marble layers. The Village's bedrock consists of layers dating back to the Proterozoic and Paleozoic geological eras. Port Chester's geological composition is similar to all communities east of the Hudson River between New York City in the south to Ossining in the north.

Topography

The Village is characterized by low and moderate elevation. The elevations in the northern and northwestern sections of the Village range from 90-220 feet, while elevations in the southern and southeastern sections of the Village range from less than 10 feet to 90 feet. There are steep slopes areas (slopes over 25 percent) in a few areas within the Village. The concentration of steeper slopes is highest in the southeast area of the Village close to the Byram River and coastal area. There are also slopes of 15-25 percent intermittently throughout the Village.

Soils

The predominant soils in the Village are Urban Land-Charlton-Chatfield (UIC) and Urban Land-Paxton complex (UpB). The former can be found on moderately sloping land and is characterized as having a bedrock depth of 20-60 inches, moderately deep to very deep, and well drained to somewhat excessively drained. The latter can be found on moderately sloping land and is characterized as medium textured and moderately coarse textured, having a bedrock depth of 20-40 inches deep, and well drained to moderately well drained. Along the waterfront in the northern part of the Village, most of the soils represent former floodplains and soil naturally left from this activity. Deposited soils were then mixed with soils specified under the heading of urban land.

Depth to water table for many of the soils in the Village is 18 inches or greater. For soil groups such as Ridgebury Complex (RdB) and Udorthents (Uc) - wet substratum, the depth to water table is 6 inches or less. However, these soil groups make up a small percentage of the total soils in the Village (RdB makes up 0.2 percent of the soils and Uc makes up 0.5 percent).

Potential Impacts

Adoption of the proposed zoning and map is a regulatory action, and would not in and of itself result in disturbances to the Village. No direct impact to soils would occur as a result of the legislative action. Any development that occurs in accordance with the proposed amended zoning code would impact soil conditions as a result of potential development including building demolitions, general grading activities, excavation for footings and building foundations, installation of utilities, roadway beds, and parking areas. However, due to the relatively flat terrain which is prevalent in the Village, major grading operations involving significant cut and/or fill are not anticipated, except for any cuts necessary for building basements or other subsurface structures, such as parking facilities. In addition, it is noted that the Village's soils are primarily related to urbanized areas that have been altered and/or are composed of fill. Due to the high variability of these soil conditions from previous alterations and development, site design would rely on site-specific geotechnical investigations to ensure soils demonstrate suitable load bearing capacity to support above ground buildings and/or drainage. Native soils, if encountered during those investigations, may be considered suitable for reuse as load-bearing fill material as long as proper compaction is undertaken as specified by the supervising engineer during construction. Techniques including deep compaction or over-excavation and replacement of unsuitable fill materials may be utilized in the event that unsuitable fill materials are found on properties proposed for development. Fill materials may include, but will not limited to: fill soils, concrete, bricks, stone, rebar, pipes, asphalt, ash, construction and demolition debris, scrap metal, and wood. Materials encountered that are unsuitable for reuse as fill would be removed from the site for proper disposal at an appropriate landfill. The development areas would be stabilized, as determined by a geotechnical engineer, prior to construction of structural elements.

Specific subsurface conditions will be determined in detail as part of the site plan review of a site-specific development application. As construction design generally provides for the on-site reuse of excess soil material for fill (in order to minimize the cost of removal/disposal as well as impacts from removal operations), the total amount of excess soil that must be removed from construction sites would likely be minimized. This would further minimize the potential for short-term construction related impacts associated with soils, such as dust impacts on neighboring sites and on roadways.

Given the anticipated shallow depth to groundwater within some areas of the Village (based on the Soil Survey), limited dewatering may be necessary to enable construction of foundations and subsurface infrastructure and parking facilities. It is noted that dewatering would be a temporary measure for the installation of building footings or other subsurface structural support during construction. Should dewatering be necessary, all appropriate regulations will be observed and necessary permits obtained. Depending on the point of discharge, a discharge permit may be required.

To reduce the potential for soil erosion during and after construction, site-specific Stormwater Pollution Prevention Plans (SWPPP) in accordance with the NYSDEC's State Pollution Discharge Elimination System (SPDES) Stormwater General Permit from Construction Activities will be prepared for each development involving an acre or more of disturbance. The SWPPP must include a detailed erosion and sediment control plan to provide methods for sediment trapping, soil stabilization and best management practices to reduce the extent of soils exposed to elements. Additionally, the SWPPP must include measures to manage stormwater generated on-site during construction activities, and provide water quality and flood control for post construction conditions. These requirements ensure that stormwater runoff is not permitted to discharge to adjacent properties.

No significant long-term adverse impacts are expected with respect to soils, as the Village is predominantly comprised of disturbed soils and grading plans will be prepared and reviewed to minimize the area and amount of disturbance. Short-term impacts will be controlled by proper grading, erosion control, construction inspection and management, and site stabilization techniques consistent with NYSDEC requirements.

Proposed Mitigation

While no mitigation is required for the Proposed Action itself pertaining to geology, topography or soils, future site-specific review of development shall require the following mitigation measures:

- If unsuitable subsoils are found, techniques including deep compaction or over-excavation and replacement of unsuitable fill materials shall be utilized. Development areas shall be stabilized, as determined through a geotechnical investigation, prior to construction of structural elements.
- Erosion and sediment control and construction phasing plans shall be prepared for individual site developments during site plan review to control transport of sediment and stormwater runoff during construction activities.
- New development shall be required to detain stormwater runoff in accordance with NYSDEC standards. For those individual projects that involve one (1) or more acres of disturbance, a SWPPP shall be prepared pursuant to NYSDEC SPDES Stormwater requirements.

Lead Agency Finding I: *The Board of Trustees Lead Agency finds that with the mitigation measures detailed above, the adoption of the Proposed Action will not have a significant adverse impact on geology, soils, or topography. During site-specific development application review and site-specific review under SEQRA, the Decision-Making Authority, in consultation with the relevant Village departments, will ensure that appropriate erosion control measures are installed to mitigate against any potential project-specific impacts.*

J. Hazardous and Contaminated Sites

Existing Conditions

Remediation and Brownfield Sites

Public and private landowners in the Village have been actively working to address brownfield sites for a number of years, and New York State has offered voluntary brownfield clean up incentive programs during that time. These

include the Voluntary Cleanup Program (VCP) and its successor, the Brownfield Cleanup Program (BCP), which created incentives to private landowners to voluntarily perform remedial activities on the property and fund oversight activities in an effort to return the property to economic viability.

According to the NYSDEC Environmental Remediation Database, there are two (2) sites in the Village listed in the Voluntary Cleanup Program:

- Port Chester Redevelopment Area (Site Code V00459). The current owner is Village of Port Chester Industrial Development Agency. No further information was listed in the NYSDEC database for this VCP site.
- Former MGP – Purdy & Traverse Avenues (Site Code V00516). This site is located at 10-14 Waterfront Place in the southeast portion of the Village, 0.20 miles west of the Byram River. The site has been remediated and redeveloped into a multi-story commercial retail building, which covers most of the site. The site building is currently occupied by retailers and is zoned for commercial use. The site was historically utilized for the former Port Chester manufactured gas plant (MGP) in operation from the 1860s to the 1880s. It was then used for a variety of commercial and industrial purposes until 2001. The site entered the Voluntary Cleanup Program in 2002, a site investigation was completed in 2004 and remedial construction was completed in 2006. The commercial building has a sub slab vapor depressurization system installed to prevent vapor intrusion. Contact with contaminated soils and groundwater is highly unlikely since remediation of this site was completed.

In addition to the two (2) aforementioned VCP sites, one (1) site in the Village is listed in the Brownfield Cleanup Program:

- Key Food Supermarket (Site Code C360195). This site is located at 130 Midland Avenue in the southern portion of the Village near the Village line. No further information was listed in the NYSDEC database for this BCP site.

According to the NYSDEC Environmental Remediation Database, no Inactive Hazardous Waste Disposal (Superfund) sites are located in the Village. Although not classified as a VCP or BCP site, an active solid waste facility is located in the Village. Peckham Materials, located at 1 Purdy Avenue adjacent to the Byram River, is registered with the NYSDEC as a construction and demolition debris (C&D) facility. No further information was listed in the NYSDEC database for this C&D site.

Spill Incidents

As with any urban area, Port Chester has its fair share of reported spills every year. In 2019, 23 spills have been reported to the NYSDEC. Annual spill rates have fluctuated greatly over the last five (5) years, making it difficult to correlate spill rate with other factors in the Village. According to the NYSDEC Spill Incident Database, most of the 23 spills reported in 2019 are closed and are no longer considered a concern. For example, several spills involve small amounts of #2 fuel oil, spilled at residential properties or businesses. There are also spills that involve small amounts of gasoline spilled during accidents or when refueling. Six (6) spills reported in 2019 are still open and may require further information and/or remediation prior to closure.

Potential Impacts

The Proposed Action, in and of itself, 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. Implementation of the Proposed Action may include demolition and reconstruction on sites with existing structures – some of which may contain lead-based paint (LBP), asbestos-containing materials (ACMs), and polychlorinated biphenyl (PCB)-containing electrical components. Construction would also involve a variety of earthmoving/excavating activities that may encounter subsurface contamination in soil and/or groundwater. Potential subsurface contaminants of concern include: volatile organic compounds (VOCs), semivolatile organic compounds (SVOCs), PCBs, pesticides and herbicides, and metals (such as lead, arsenic, cadmium, chromium and mercury). The presence of hazardous materials threatens human health only when exposure to those materials occurs; even then, a health risk requires both an exposure pathway to the contaminants and sufficient exposure to produce adverse health effects. Although very few sites within the Village have been identified in the NYSDEC databases, it is possible the some properties throughout

the Village have been impacted by environmental contamination due to past uses and practices and/or spills that have not been reported. In these instances, site-specific redevelopment projects could result in remediation of those sites and therefore, have a positive environmental impact. The adoption of the proposed zoning may also encourage redevelopment of property and the corresponding use of tax incentives available through the Brownfield Cleanup Program which would have a positive impact on the Village.

Proposed Mitigation

Adoption of the proposed zoning itself is not anticipated to have an adverse impact on the environment. However, site-specific development applications that involve the redevelopment of contaminated properties shall be subject to State and Federal environmental investigation and remediation program requirements. For Village-owned land, a Phase I Environmental Site Assessment is recommended.

In particular, in order to minimize hazardous material impacts to the greatest extent possible, it is recommended that the following activities occur prior to demolition and/or construction for any site-specific project:

- *Phase I Environmental Site Assessments (ESAs)*: Land transfer transactions are expected to involve the preparation of a Phase I ESA. Such investigations are typically required for any bank lending or pre-purchase due-diligence.
- *Asbestos Survey*: A comprehensive asbestos survey of the areas to be renovated/demolished should be conducted that include the sampling of all suspect materials to confirm the presence or absence of asbestos. Based on the findings of the survey, the identified ACMs would be removed and disposed of in accordance with all Federal, State, and local regulations.
- *Lead-Based Paint*: Any renovation or demolition activities with the potential to disturb lead-based paint should be performed in accordance with the applicable Occupational Safety and Health Administration regulation (OSHA 29 CFR 1926.62 - Lead Exposure in Construction). Appropriate methods to control dust and air monitoring, as required by the appropriate OSHA regulations, should be implemented during demolition activities.
- *PCBs*: If disposal of electrical or hydraulic equipment is required, all Federal and State requirements relating to PCBs should be followed. Suspected PCB-containing equipment (e.g., transformers, electrical feeder cables, hydraulic equipment, and fluorescent light ballasts) may need to be surveyed and evaluated prior to building demolition or utility relocation.
- *Phase II ESAs*: Subsurface investigations (Phase II ESAs) should be performed, if necessary. Based on the findings of the subsurface investigations, appropriate design measures should be implemented to address any contamination identified. Detailed procedures should be incorporated into each of the individual projects' construction documents specific to the proposed development.

These measures to avoid potential impacts shall be conducted in compliance with all applicable laws and regulations and shall conform to appropriate engineering practices.

Lead Agency Finding J: *The Board of Trustees Lead Agency finds that with the mitigation measures detailed above, the adoption of the Proposed Action will not have a significant adverse impact on hazardous and contaminated sites. The need for additional site investigations and the need for associated mitigation measures will be determined by the Decision-Making Authority during site plan review in conjunction with future site-specific SEQRA (6 NYCRR Part 617) analysis.*

K. Air and Noise

Existing Conditions

Air Resources

Effective June 15, 2004, EPA designated Nassau, Rockland, Suffolk, Westchester, and the five (5) New York City counties (NY portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT, Non-Attainment Area (NAA)), and Dutchess, Orange, and Putnam counties (Poughkeepsie NAA) as a moderate non-attainment areas for the 1997 8-hour average ozone standard. In March 2008, EPA strengthened the 8-hour ozone standards, but certain

requirements remain in areas that were either nonattainment or maintenance areas for the 1997 ozone standard ('anti-backsliding'). EPA designated the same NAA as a marginal NAA for the 2008 ozone NAAQS, effective July 20, 2012. On April 11, 2016, as requested by New York State, EPA reclassified the area as a "moderate" NAA. On July 19, 2017 DEC announced that the New York Metro Area (NYMA) is not projected to meet the July 20, 2018 attainment deadline and NYSDEC, therefore, requested that EPA reclassify the NYMA to "serious" nonattainment. EPA reclassified the NYMA from "moderate" to "serious" NAA, effective September 23, 2019, which imposes a new attainment deadline of July 20, 2021 (based on 2018-2020 monitored data). On April 30, 2018, EPA designated the same area as a moderate NAA for the revised 2015 ozone standard. State Implementation Plan (SIP) revisions are due by August 3, 2020. The plan must include enforceable measures for reducing air pollutant emissions and must describe the steps the area will take toward attaining the fine particulate (PM_{2.5}) standards.

According to the NYSDEC, one (1) air emissions site is located in Port Chester: the Port Chester Asphalt Facility, (Site ID: 355480002500007), which holds a State Facility Air Permit. The site is located just north of Purdy Avenue, on the western shore of the Byram River. There are no major air emission sources in the Village that require a Title V Permit.

Air quality monitoring data is published by the NYSDEC Division of Air Resources for the continuous and manual ambient air monitoring systems that exist throughout the State to establish ambient air quality. Air quality data is compared to the NAAQS and New York State standards. There are no air quality monitoring stations in Port Chester; however, regional air quality can be characterized from a review of data collected at the closest NYSDEC air quality monitoring station. The nearest air quality monitoring station is located at 240 Orchard Street in White Plains, which is approximately five (5) miles northwest of Port Chester. Ozone (O₃) and inhalable particulates (PM_{2.5}) are measured continuously at the White Plains station. According to the NYSDEC Region 3 data for 2017, the annual average emissions for O₃ declined slightly from 0.075 ppm in 2016 to 0.072 ppm in 2017. For PM_{2.5}, the annual mean declined to 5.8 ug/m³ in 2017 from 6.3 ug/mg³ in 2016.

Generally, the air quality in the Village meets or exceeds national and State air quality standards. Degradation may occur in localized areas such as in the vicinity of new construction sites.

Noise

The existing noise environment within the Village is typical of an urbanized area. In this urban 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, trucks and cars) and railroad use. There are generally no heavy industrial uses in the Village to generate excessive environmental noise. Typical sound pressure/noise levels for an urbanized area with adjacent roadways carrying high volumes of traffic can range from 65 dBA to as high as 90 dBA.

The Village's Noise Code, Chapter 224 of the Village Code, was adopted by the Village's Board of Trustees in 1966 with the declared finding and declaration that every person is entitled to an environment in which disturbing, excessive or offensive noise is not detrimental to his or her life, health or enjoyment of property. The code includes a waiver provision for construction noise in certain circumstances. The code does not include numerical dBA standards; rather, the standards are qualitative in nature, referencing such criteria as volume, intensity, nature, proximity to sensitive receptors, duration, and time of day.

Potential Impacts

Air

The sources of air emissions located within the Village are generally related to vehicles, including truck, automobile and train traffic, stationary sources and existing HVAC systems. As noted, the only NYSDEC-regulated air facility within the Village is the Port Chester Asphalt Plant which holds a State Facility Air Permit. While the 20-year build-out under the Proposed Action has the potential to result in an increase in the level of development as compared to development under existing zoning, primarily related to multifamily residential, the development mix is not inconsistent with the type of development permitted under the current zoning. The uses permitted under the existing zoning and proposed zoning would not result in major sources of air pollutants and any uses would be required to comply with NYSDEC regulations where applicable. In addition, development under the proposed zoning includes

design elements that will be inherently beneficial in terms of air quality, including elements which encourage reduced vehicular trips and walkability, contributing to a reduction in greenhouse gas emissions. Moreover, the proposed zoning would create a pedestrian friendly mixed-use walkable environment that will encourage a reduction in vehicular use, as people will opt to walk to transit, home, work, shopping, entertainment and other uses. See March 6, 2020 memorandum titled, *Plan the Port GEIS – Draft Traffic and Air Quality Study*, from E. Du and M. Beattie to E. Zamft, C. LaValla and E. Breining as part of the GEIS.

Following adoption of the proposed amended zoning code and during implementation of development approved under the new zoning, there could be the potential for localized impacts in air quality resulting from construction-related activities, most typically related to dust generated during site grading activities. While this is not expected to vary from construction activities occurring under the present zoning, standard procedures may be required as a condition of approval to require use of water trucks to mitigate dust impacts during grading and site preparation. In addition, sites would be required to be stabilized following construction or during delays in construction if they occur. Such mitigation measures would minimize impacts to the maximum extent practicable during and following construction.

While future site developments may require oversight by the NYSDEC for regulated facilities (as would be required under the current zoning), the Proposed Action is not anticipated to result in a significant adverse impact on air quality.

Noise

The Village is urbanized and includes transportation systems, existing commercial, residential and other uses. The types of uses and density of development that can occur under the proposed zoning will not, in and of itself, generate significant levels of noise. As site-specific development occurs, the uses are not expected to change such that noise-generating uses will be prevalent (e.g., no heavy industrial uses are included) and therefore, the character of the noise environment is not expected to change.

For the uses associated with site-specific development (including single-family and multifamily residential, office, retail, and industrial), the HVAC systems typically represent are the only significant source of noise, and such systems will generally be located on the building roofs. New facilities with HVAC systems will be modern systems that are generally quiet in comparison to individual units and older systems (i.e., a new centralized HVAC system for a multiuse building is significantly quieter to individual window units or an old HVAC system). In addition, any new equipment such as air-conditioning units will be required to conform to the Village's Noise Code.

Several other factors influence sound levels at a receptor in relation to the street generated noise. In mixed-use portions of a development, where residential is above street level retail or office use, the elevated residential levels may experience less noise as a result of distance from the source, deflection and attenuation. Further, residential use that is placed within a block would take advantage of distance from the source and associated attenuation, and depending on placement of buildings, noise may be further reduced if there are intervening buildings that interrupt the path between street and receptor. These factors, along with the architectural design of buildings in terms of attenuation properties, must be considered based on a specific development proposal.

Given that the Proposed Action is expected to encourage new development, noise due to construction will be generated. Construction-related noise will be associated with demolition of existing buildings (where applicable), site preparation, and actual building construction which involves the use of heavy trucks, cranes and construction equipment. Noise levels during construction periods will be required to generally comply with the Village's Noise Code unless a waiver is sought pursuant to Section 224-3.1 (Waiver for construction noise).

Based on the general provisions of Chapter 224, construction noise will generally need to be limited to daylight hours (8:00 a.m. - 8:00 p.m. weekdays and 10:00 a.m. - 7:00 p.m. weekends and holidays), since during other periods, noise levels considered unreasonable are not permitted.

Proposed Mitigation

While no mitigation is required for the Proposed Action itself, which involves the adoption of the proposed zoning, future review of site-specific plans for development under the proposed zoning may require mitigation measures which are described below:

- Comply with NYSDEC Title V air permit/registration requirements if applicable, though such uses are not expected.
- Mitigate fugitive dust related to construction activities using proper construction management techniques, erosion control measures, wetting of excessively dry soils, and conformance to Village stormwater and nuisance requirements per the Village Code.
- All activity within the Village in general shall conform with Chapter 224 of the Village Code which defines and regulates "unreasonable noise."
- Future site-specific review of mobile source air quality impacts and the development of site-specific mitigation measures, if deemed necessary, may be needed.
- As new residential development is proposed within the 65 to 70 decibel noise contour area, sound attenuating construction standards are recommended that reduce interior sound levels to the target goal of 45 decibels. Sound Transmission levels (STL) of construction materials and methods shall be evaluated during site plan review.
- If rooftop (or outdoor not on the rooftop) mechanical equipment is proposed, in order to mitigate potential noise impacts, appropriate mitigation measures shall be provided (e.g., screening, setbacks) to ensure that the sound levels from such equipment will not exceed the Village's noise impact criteria.

Lead Agency Finding K: *The Board of Trustees Lead Agency finds that with the mitigation measures detailed above, the adoption of the Proposed Action will not have a significant adverse impact on ambient air and noise quality. Any impacts are primarily associated with construction-related activities, and these can be mitigated using best management practices to control fugitive dust. While noise levels may increase from mobile and stationary sources introduced by new development, the increase in noise would not be significant, and can be reduced through use of noise attenuating measures. The need for additional air quality and noise impact investigations and the need for associated mitigation measures will be determined by the Decision-Making Authority during site plan review in conjunction with future site-specific SEQRA (6 NYCRR Part 617) analysis.*

L. Other Environmental Impacts

1. Unavoidable Adverse Environmental Impacts

The Proposed Action is a form-based zoning code that is intended to stimulate revitalization of Port Chester through appropriately planned growth and redevelopment. Based on the 20-year build-out, site-specific impacts may occur as a result of the proposed zoning changes. Those potential environmental impacts that cannot be either entirely avoided or fully mitigated are described below. Note that although some of the impacts listed below are unavoidable, they are not necessarily significant.

- Temporary increases in truck traffic and noise will occur during the associated construction periods at each site. Construction activities will be conducted in conformance with Village requirements for construction hours and noise management and site specific measures at the discretion of the Village which may be warranted to manage individual construction sites.
- The visual quality of the Village may be temporarily diminished by the presence and operation of construction equipment.
- Soils could be disturbed by grading, excavation, and mounding activities during construction and ultimate development.
- Although mitigation measures to address fugitive dust emissions during construction activities will be employed, temporary increases in fugitive dust may occur for each project proposed.
- Additional vehicle trips generated on area roads will be generated, with associated impacts on the level of service at certain intersections (although mitigation would be required at these locations). "Fair Share Traffic Contribution" mitigation is detailed in Section 3.3 of the DGEIS.
- Additional passenger trips will be generated for bus and rail services within the Village, with associated potential impacts. Transit mitigation will be a parameter for any subsequent SEQRA compliance for any future site-specific development application.
- Wastewater generation rates will increase overall; however, sufficient capacity in the Westchester County Wastewater Treatment Plant (WWTP) exists to accommodate such increase. Measures to reduce inflow and

infiltration (I&I) are recommended to continue to be implemented to reduce existing flow volumes within Village sewer mains and to the County WWTF.

- Stormwater generation rates will increase overall; however, the Village is reducing illicit discharges and I&I to the stormwater system. Additionally, the Village is engaged in preparing a Climate Vulnerability Assessment & Climate Adaptation plan that may result in actionable measures for improved management of the quantity and quality of stormwater.
- Water use will increase overall; however, SUEZ has sufficient water supply to accommodate such increase, but may require distribution system upgrades to deliver the water supply to any new development areas.
- Refuse generation will increase overall; however, measures will be taken to reduce solid waste through individual site recycling.
- Demand for emergency services (police, fire, and associated ambulance services) will increase overall; however, such demand will be partially offset by increased taxes generated and "Fair Share Contribution" mitigation.
- Demand for schools, libraries, and parks/recreation will increase overall; however such demand will be partially offset by increased taxes generated, "Fair Share Contribution" mitigation for schools, and recreation fees.
- Demand for energy services (electricity and natural gas) will increase overall; however, the Village is served by existing electric and gas utilities and service providers are expected to provide service through their rate/tariff structures.

The above list identifies unavoidable adverse impacts in terms of those impacts that may occur, many of which are minimized by the measures identified above and in Section 3.0 of the DGEIS. As noted, it is expected that "Fair Share Contribution" mitigation will be used for many of the services under Village control.

Section 6.0 of the DGEIS identifies the supplementary information, analysis, and/or mitigation that future site-specific SEQRA actions must include to ensure that the mitigation measures identified in Section 3.0 are implemented, that potential environmental impacts do not occur, and that unavoidable adverse environmental impacts are minimized.

2. Irreversible and Irretrievable Commitment of Resources

This section identifies the unavoidable environmental impacts of the implementation of the Proposed Action that will irreversibly curtail the range of potential uses of the environment or result in the commitment of resources that are neither renewable nor recoverable. An irreversible commitment results in environmental changes that cannot, at a future date, be altered to restore the environment to its preconstruction state. Resources include not only the commitment of labor, fiscal resources and materials, but also natural and cultural resources committed as a result of project construction, operation and maintenance.

Any development that is induced by the adoption of the proposed zoning will commit resources. Most land development projects require a commitment of natural resources for construction. Construction of future developments will result in the short- and long-term commitment of natural resources. Some of the resources include structural steel, gravel, wood and concrete to be used in physical development projects. The long-term commitment of these materials will limit their availability for future projects. However, the actual amount of materials used to build any structure or for site work will comprise a very small percentage of the U.S. and world production of these materials. Some materials, at the end of the project life, such as steel and stone, will be available for reclamation and recycling. Therefore, the proposed projects that will be constructed will not have a significant impact on the availability of these materials.

Future developments will require the commitment of previously developed, yet currently underutilized urban land for the life span of the project. This land use is considered an irreversible commitment, but only during the expected lifetime of the development. Once the land is no longer needed for buildings and ancillary facilities, they can be removed and the land can be converted to a different purpose. Therefore, in the long-term, this is neither an irreversible, nor irretrievable commitment of resources.

Construction, operation and maintenance of individual developments will require irreversible and irretrievable

commitments of human and fiscal resources to design, build, operate and maintain the facilities. Human and financial resources will also be expended by the local, state and federal governments for the planning, environmental reviews, permitting and monitoring of any future developments.

Project construction and maintenance work will irretrievably commit energy resources derived from petroleum products and electricity. Fuels and electrical energy will be consumed during the manufacturing and transport of materials and workers to be used for future developments. Additional fuel will be expended by construction equipment used to construct the facilities. Some fuels will also be used by maintenance and emergency vehicles and equipment during the lifetime of the developments. Fuels and electrical energy will be consumed for heating and cooling of the facilities during the life of the developments. These commitments will be minor and will not affect the local energy supply. The Proposed Action explicitly encourages and/or mandates adherence to sustainability practices including green building and site planning. Generally, while the adoption of the Proposed Action will not adversely impact the supply of human, fiscal or other resources, development following adoption may have minor impacts. These minor commitments of land and human resources and materials should be weighed against the public purpose and need for the Proposed Action to stimulate the economy and provide a better quality of life for existing and future residents.

3. Growth-Inducing, Cumulative, and Secondary Impacts

Cumulative impacts are required to be reviewed by a Lead Agency to evaluate any reasonably-related actions dependent on the development of the proposed project. Cumulative impacts and those potential impacts of the Proposed Action taken in conjunction with other anticipated development in the surrounding community and the potential for total impacts that are greater than what is anticipated from one (1) individual project. Cumulative impacts are required to be evaluated when it is expected that multiple projects within close proximity of a project may result in a greater cumulative impact.

SEQRA requires that the induced, cumulative, and secondary environmental impacts of an action be evaluated along with the specific impacts of that action. Communities are often concerned, not only with the impacts of individual projects, but the overall impact of all development projects taken together. In balancing the assessment of growth and its impacts, responsible growth through social, economic, and environmental factors is critical.

Growth-inducing effects cause or promote additional development, either due directly to the development itself, or indirectly, as a result of a change in the population, market demand, or potential for development in that community. A primary impact may include, for example, the installation of sewer infrastructure to serve a new development that increases the capacity for future development. A secondary, or "indirect" impact is one that is reasonably foreseeable, occurs at a later time or at a greater distance, and is likely the result of the Proposed Action. Secondary impacts can be of a wide variety and may include growth inducing impacts. For example, the construction and operation of a mixed-use building may result in off-site demand for a service facility or related business.

By design, the Proposed Action is intended to stimulate growth within the Village by creating a regulatory framework that favors mixed-use, compact development. The site-specific development that would result from the implementation of the Proposed Action would have secondary effects. The intent of the Proposed Action is to provide incentives to attract appropriate and complementary uses to a mixed-use setting, within walking distance of public transportation, and to provide opportunities for beneficial economic growth and investment in the Village. Implementation of the Proposed Action is anticipated to have growth inducing impacts, with a corresponding contribution to an increase in activity for the existing local businesses. This is due to the increased population potential estimated in the 20-year build-out analysis. New employment opportunities associated with the office, retail, and service-oriented spaces will be significant (potentially 2,200 new employees over the 20-year period), with associated beneficial economic and fiscal outcomes.

Construction of various uses will also induce short-term employment opportunities. The Proposed Action could create a significant number of full-time equivalent construction jobs over a multi-year period that may be filled first from within the local labor pool. These job opportunities would not require relocation of specialized labor forces or influx of large businesses from outside the area to provide construction support. As a result, construction job-related effects of the Proposed Action are expected to be beneficial and significant, though temporary in duration.

In the long-term, operational jobs will also provide significant employment opportunities as growth occurs and new businesses are established. There has been significant public interest expressed that jobs generated by the development be available first to local residents of the Village, particularly the Village's disadvantaged. This could be accomplished through comprehensive job training and placement programs designed to provide local residents with the skills that they need to secure employment. Through such an initiative, the Village would not only ensure that its residents are well-positioned to take advantage of the economic activity to be generated by development, but would also signal to the marketplace a commitment to providing prospective employers with a well-trained workforce.

Development associated with the implementation of the Proposed Action will place demand on utilities. Electrical and natural gas services are generally available throughout the Village. Significant expansions of these utilities beyond what is planned for project-related redevelopment are not expected, though localized improvements (e.g., individual service connections) are expected.

It is expected that the implementation of the Proposed Action would create demand for, and lead to the expansion and improvement of, community facilities serving the Village. The cost to meet this increased demand would be offset by property tax revenues and “Fair Share Contribution” that would be generated from site-specific developments. These community service enhancements will benefit the overall Village community and support existing programs for the use and enjoyment of the entire community.

In assessing the significance of growth that may result from the implementation of the Proposed Action, several factors have been considered and found to be beneficial impacts:

- The planned growth is consistent with the existing Village of Port Chester’s Comprehensive Plan;
- The proposed zoning is centered on transit, walkability, creation of a “sense of place”, and establishment of living opportunities in proximity to retail, recreational resources and employment, thus reducing dependence on automobiles and providing for a more sustainable form of development; and
- Quality growth is needed to revitalize the Village and provide stable social and economic conditions, as well as improved environmental management through properly planned growth.

4. Energy Use and Conservation

While adoption of the proposed amended zoning code, in and of itself, will have no direct effect on the use and conservation of energy, the implementation of site-specific development projects (including the construction and operation of those projects) consistent with the proposed zoning has the potential to result in a corresponding increase in energy demand and use, although the proposed amended zoning code’s progressive policies and standards that encourage energy conservation are likely to result in beneficial impacts overall.

The results of the anticipated energy consumption portion of the Build-out Analysis shows that the twenty-year build-out for the proposed zoning allows more multi-family housing which translates to increased population (new residents) and by extension, energy usage, than the existing zoning.

Build-out Analysis Anticipated Energy Consumption

| Energy Resource | Full/Maximum Build-out | | 20-Year Build-out | |
|-------------------------|------------------------|-----------------|-------------------|-----------------|
| | Existing Zoning | Proposed Zoning | Existing Zoning | Proposed Zoning |
| Electricity (kWh/year) | 36,718,061 | 107,224,258 | 13,005,772 | 31,286,400 |
| Natural Gas (c.f./year) | 53,988,369 | 95,271,608 | 15,043,665 | 15,796,200 |

The overarching themes, policies and standards outlined in the proposed zoning that promote pedestrian-oriented development and a more compact land use pattern, on their own, would mitigate increases in direct energy consumption, particularly from non-renewable sources. Moreover, the proposed zoning would optimize indirect energy conservation benefits, through promotion of land uses that would accommodate mass transit and new development that minimizes automobile travel distances.

In addition to allowing and encouraging a more compact, energy-efficient, mixed land use pattern overall when

compared to the existing antiquated zoning framework, the proposed amended zoning code include new Green Building and Site Planning standards which are grounded in sound energy conservation principles and sustainability. Specifically, the new standards that encourage energy conservation and which may reduce energy consumption and corresponding greenhouse gas emissions include, but are not limited to:

- Any application for new commercial, mixed- use, or multi- family buildings requires a completed Leadership in Energy and Environmental Design for Neighborhood Development (LEED-ND) checklist, Enterprise Green Communities checklist, Institute of Sustainable Infrastructure (ISI) Envision checklist, or equivalent green project checklist acceptable to the Director of Planning and Economic Development or his/ her designee;
- Energy- and water-efficient fixtures and building technologies shall be incorporated that meet the requirements of the New York State Energy Code;
- Pervious paving shall be permitted on all sites;
- Green roofs shall be permitted for all building types;
- The recycling of construction waste shall be required; and
- Pedestrian and bicycle amenities to minimize internal travel distances, increase pedestrian and transit trips, and reduce automobile dependency and greenhouse gas emissions.

5. Climate Change and Sea Level Rise

Energy generation and demand associated with development constructed in accordance with the implementation of the Proposed Action is anticipated. Related to this is the generation of gaseous emissions from power sources and from the buildings to be built in the Village. These emissions are a scientifically well-established contributor to global climate change through a mechanism known as "the greenhouse effect," and are termed "greenhouse gases."

The proposed zoning is designed to reduce greenhouse gas (GHG) emissions by providing a walkable mixed-use environment within close proximity to transit. The Proposed Action will create a land use and development regulatory framework that will allow an increase in the amount of transit-oriented residential, office, retail and other development types. Site-specific development is anticipated to:

- Incorporate mandatory NYS Energy Code features;
- Include Green Building and Infrastructure requirements, such as requesting consideration of reasonably available energy conservation or renewable energy opportunities;
- Embody sustainability by situating the highest development intensity and density of development near the existing transit center, encouraging a pedestrian and bike friendly environment and reducing vehicular trip generation;
- Comply with a form-based code that encourages energy efficient design and enhances the pedestrian environment;
- Involve consolidation of properties to provide coordinated development than would occur under existing zoning; and
- Implement mixed-use projects that promote a jobs/housing balance.

These factors are expected to ultimately reduce inefficiencies associated with more conventional development patterns under the existing zoning and will promote sustainability that minimizes the impact of energy generation/consumption and generation of greenhouse gases. The proposed zoning will assist the Village in achieving its sustainability goal of reducing GHG emissions in comparison to the existing zoning.

The following additional measures could be considered, where practicable, for site-specific applications to ensure reduction of GHG emissions:

- Minimize equipment operations for land clearing and demolition debris removal;
- Recycle demolition materials on-site to reduce use of new materials (which involves energy expenditure) and reduce energy expenditure for removal, disposal, and handling;
- Use construction materials that minimize the consumption of fossil fuels in their manufacture;
- Reduce automobile dependence by locating development along convenient bus routes; promote use of public transportation;

- Reduce landscape maintenance through use of green infrastructure, including green roofs, thus reducing water requirements and stormwater generation; and
- Utilize building color/textures to reduce summer heat buildup that will reduce summer cooling needs.

Instituting the measures listed above will ensure that future site-specific development associated with the Proposed Action will conserve energy resources. Such practices would also reduce the generation of GHGs, which would in turn have region-wide beneficial impacts.

With regards to the effects of climate change, such as sea level rise and flooding, a discussion of existing conditions, potential impacts, and proposed mitigation measures is provided herein above and in the DGEIS.

Lead Agency Finding L: *The Proposed Action has the potential to result in a number of potential adverse impacts; however, these are unavoidable, and analysis supports the conclusion that none of these impacts are considered significant. Analysis indicates that irreversibly committed resources are related to the building materials and energy resources associated with future site-specific construction processes; no other environmental resources would be lost as a result of the Proposed Action. The Proposed Action is intended to stimulate growth in the Village, and so would have beneficial growth-inducing aspects. The Proposed Action will also result in significant, beneficial secondary and cumulative impacts, particularly related to the local economy. New construction under the Proposed Action will occur in conformance to specific design guidelines and energy- and water-conserving standards, which have been designed to provide superior sustainable development, including greenhouse gas emission control. The compact, mixed-use, transit-oriented characteristics of the Proposed Action, by their very nature, contribute to energy efficiency, resource conservation, and reduced carbon intensity.*

M. Alternatives

The Final Scoping Document adopted for the DGEIS required the evaluation of a number of alternatives to the Proposed Action. SEQRA and its implementing regulations at 6 NYCRR Part 617.9(b)(5)(iii)(v), require the consideration and “evaluation of the range of reasonable alternatives to the action that are feasible, considering the objectives and capabilities of the project sponsor.” Although this DGEIS focused its analysis of the potential environmental impacts and mitigation measures associated with the Proposed Action (adoption of the proposed form-based zoning amendments and changes to the zoning map), SEQRA and its implementing regulations at (6 NYCRR Part 617.9(b)(5)(iii)(v)) require the consideration and evaluation of a range of reasonable alternatives to a proposed action that are feasible, considering the objectives and capabilities of the project sponsor.

Alternatives to the Proposed Action include:

- No Action Alternative (i.e., no revisions to the existing zoning regulations)
- Euclidean Zoning Update Alternative (i.e., revisions to the existing zoning regulations, in a Euclidean format)
- Greater Affordable Affirmatively Furthering Fair Housing (AAFFH) Unit Requirement Alternative
- CD-6-T Urban Core TOD Character District Alternative
- Modified CD-5 and CD-5W Districts Maximum Building Height Alternative

1. No Action Alternative

The No Action Alternative is based on the assumption that the Proposed Action will not be undertaken, and thus the existing zoning that governs the Village will remain in place. Development in the Village would continue in accordance with the existing zoning code. Consequently, the Village’s goals and objectives, as expressed in current planning documents, would not be achieved. The No Action alternative assumes that the Village will grow to a much lesser extent over the 20-year time period than under the Proposed Action. The beneficial impacts of the new form-based code would not be realized in the Village under the No Action Alternative. The consequence of this scenario is that the current land use mix and building pattern would continue in the absence of a cohesive and comprehensive planning and development program which is intended to stimulate development within the Village, and allow it to capture a greater proportion of the market share that exists in the region, and in a manner which promotes an attractive, mixed use, pedestrian-oriented environment. Development under the No Action Alternative would likely be more scattered as it would not be the result of a well-articulated plan and vision for the Village. The No Action alternative

would likely have a less meaningful effect on community character given the lack of a Zoning Standards Map to guide it. Specific community benefits that have been expressed as desirable by the community would also not be realized. For these and various other conclusions described in the DGEIS, the No Action Alternative is not consistent with the Village's adopted land use plans and public policy goals.

Lead Agency Finding M1: *The Board of Trustees as Lead Agency finds that the No Action Alternative is not consistent with the Village's adopted land use plans and public policy goals and is therefore not the preferred alternative.*

2. Euclidean Zoning Update Alternative

In the event that the Village decided to update the current Euclidean zoning code, the new code would replace the existing zoning code and land use regulatory system. An update of the existing zoning code would provide the opportunity for significant improvements including replacing the existing code's confusing and antiquated language, streamlining the administrative processes, updating the use provisions and zoning map to better align with today's economy, and providing an overall more user-friendly approach to land use regulations.

While comprehensively rewriting the Village's existing zoning code would make for a major improvement, a Euclidean code update would not adequately address several of the Village's key goals including preserving and enhancing neighborhood character, encouraging multi-modal transportation options, and promoting smart growth and sustainability. Euclidean zoning codes do not support compact mixed use neighborhoods that are integral to smart growth and are representative of Port Chester's traditional development pattern.

Euclidean codes focus on regulating where specific uses are, and are not allowed. This separation of uses tries to avoid conflicts with other dissimilar uses. However, by focusing on the separation of land uses, Euclidean codes generally fail to encourage a healthy mix of complementary land uses found in vibrant urban neighborhoods. In addition, Euclidean codes do not address urban design and neighborhood character, and do not encourage walkability or other transportation options such as public transit or biking.

A Euclidean code would not align with the citizens' shared vision as expressed in the Village's comprehensive plan, public input process for this code update and other planning initiatives, which call for a smart growth and sustainable approach with a focus on traditional urban neighborhoods. By emphasizing the separation of land uses rather than a healthy mix of complementary uses, and failing to require appropriate urban design that preserves neighborhood character, supports walkability, and encourages multiple transportation options, an update of the current code would not implement the vision for future development shared by the community.

An update of the current Euclidean zoning code would provide a number of benefits including a more clearly written and user-friendly code, with streamlined processes, and a regulatory system. However, updating the current Euclidean zoning code would not embrace traditional neighborhood development, a healthy mix of land uses, or encourage an array of transportation alternatives, integral to vibrant urban communities. In addition, an update of the current Euclidean code would not be consistent with the community's vision of traditional urban neighborhood development. Therefore, the Euclidean zoning alternative would only partially address the Village's goals for a new development regulatory system and is not the preferred alternative.

Lead Agency Finding M2: *The Board of Trustees as Lead Agency finds that the Euclidean Zoning Update Alternative would not be consistent with the community's vision of traditional urban neighborhood development and only partially address the Village's goals for a new development regulatory system and is therefore not the preferred alternative.*

3. Greater Affordable Affirmatively Furthering Fair Housing (AAFFH) Unit Requirement Alternative

While the Proposed Action contains a provision requiring all new development with ten (10) or more units to set aside at least ten (10) percent of the units as an Affordable Affirmatively Furthering Fair Housing (AAFFH) Unit, there is concern specifically that as a result of any rezoning such affordability concerns will be exacerbated, especially since the Area Median Income (AMI) for the Village of Port Chester is significantly lower than the Westchester County AMI.

The Sustainable Port Chester Alliance (SPCA) has proposed an alternative that would require that for all new development with ten (10) or more residential units, thirty (30) percent of the units be set aside as an AAFFH unit, divided as follows:

- 8 percent priced for families earning up to 30 percent of Westchester AMI
- 8 percent priced for families earning up to 50 percent of Westchester AMI
- 8 percent priced for families earning up to 60 percent of Westchester AMI
- 6 percent priced for families earning up to 80 percent of Westchester AMI

In addition, the Greater Affordable Affirmatively Furthering Fair Housing (AAFFH) Unit Requirement Alternative would provide preference for such units, as follows:

1. An income-eligible Port Chester resident that had resided in a Building or Structure that was removed to allow for the new Development.
2. An income-eligible Port Chester resident.
3. All other income-eligible persons.

It is anticipated that the following potential impacts would result from the Greater Affordable Affirmatively Furthering Fair Housing (AAFFH) Unit Requirement Alternative in comparison to the potential impacts of the Proposed Action:

Land Use, Zoning and Public Policy

No change from the Proposed Action. The Greater Affordable Affirmatively Furthering Fair Housing (AAFFH) Unit Requirement Alternative would allow for greater provision of affordable housing, but would not alter any permitted land uses. Therefore, the Greater Affordable Affirmatively Furthering Fair Housing (AAFFH) Unit Requirement Alternative would impact Land Use the same as the Proposed Action. Should the Greater Affordable Affirmatively Furthering Fair Housing (AAFFH) Unit Requirement Alternative be integrated as part of the adopted new zoning, it would be consistent with Zoning and would form the accepted Public Policy of the Village with regards to provision of affordable housing within the Village. The Greater Affordable Affirmatively Furthering Fair Housing (AAFFH) Unit Requirement Alternative would align with the Village’s 2012 Comprehensive Plan and other local and regional public policy documents similar to the Proposed Action as it would encourage a balance range of housing types and densities, among other things.

Community Character and Visual Resources

No change from the Proposed Action. The Greater Affordable Affirmatively Furthering Fair Housing (AAFFH) Unit Requirement Alternative would impact Community Character and Visual Resources the same as the Proposed Action since the only change would be the provision of affordable housing – a difference that would occur within the building.

Transportation Resources

No change from the Proposed Action. The Greater Affordable Affirmatively Furthering Fair Housing (AAFFH) Unit Requirement Alternative would impact Transportation Resources the same as the Proposed Action since the only change would be the provision of affordable housing. If anything, affordable housing units would have less reliance on automobiles (and therefore traffic and parking) and greater focus on public transportation.

Community Services and Utilities

No change from the Proposed Action. The Greater Affordable Affirmatively Furthering Fair Housing (AAFFH) Unit Requirement Alternative would impact Community Services and Utilities the same as the Proposed Action since the only change would be the provision of affordable housing.

Socioeconomics

With greater provision of affordable housing, there would be additional impacts under the Greater Affordable Affirmatively Furthering Fair Housing (AAFFH) Unit Requirement Alternative:

- *Population:* Affordable housing units tend to generate larger household sizes. Therefore, it could be anticipated that the Greater Affordable Affirmatively Furthering Fair Housing (AAFFH) Unit Requirement Alternative would result in a greater population generation than the Proposed Action.
- *Schools:* Affordable housing units tend to generate more school-aged children than non-affordable units. Therefore, it could be anticipated that the Greater Affordable Affirmatively Furthering Fair Housing

(AAFFH) Unit Requirement Alternative would result in a greater generation school-aged children than the Proposed Action. That being said, should the Greater Affordable Affirmatively Furthering Fair Housing (AAFFH) Unit Requirement Alternative be elevated to the Proposed Action in the FGEIS, each site-specific development application will still be required to provide specific school-aged child generation documentation and may participate in a “Fair Share” mitigation plan and fund to assist with additional school-aged children based upon the Port Chester Public Schools Overcrowding and Mitigation Analysis (see Appendix F of the FGEIS).

- *Fiscal Impact:* The Greater Affordable Affirmatively Furthering Fair Housing (AAFFH) Unit Requirement Alternative would likely result in different fiscal impacts than the Proposed Action. For many development applications, there would be additional costs associated with providing a greater number of affordable housing units. It would be anticipated that such costs would be reflected in greater requests for financial assistance from the Port Chester Industrial Development Agency (PCIDA) as compared to the Proposed Action, especially in the form of a larger request for a Payment-In-Lieu-of-Taxes (PILOT). In addition, there would be increased demands for services that would come with an increased cost due to larger population and school-aged child generation. The Greater Affordable Affirmatively Furthering Fair Housing (AAFFH) Unit Requirement Alternative would likely not impact differently any construction-related fiscal benefits.
- *Affordable Housing:* The main objective of the Greater Affordable Affirmatively Furthering Fair Housing (AAFFH) Unit Requirement Alternative would be to provide additional affordable housing units than required by the Proposed Action, with a delta of twenty (20) percent. In addition, such units would cover a greater range of incomes, ranging from 30 percent to 80 percent of Westchester County AMI vs. 60 percent of Westchester County AMI in the Proposed Action.
- *Residential and Commercial Displacement/Impact on Environmental Justice Communities:* The provision of significantly more affordable units, at a greater range of incomes, with local preferences would be anticipated to result in lesser residential displacement and lesser impact on Environmental Justice Communities than the Proposed Action. With regards to commercial displacement, there would be no change from the Proposed Action.

Cultural Resources

No change from the Proposed Action. The Greater Affordable Affirmatively Furthering Fair Housing (AAFFH) Unit Requirement Alternative would impact Cultural Resources the same as the Proposed Action since the only change would be the provision of affordable housing – a difference that would occur within the building.

Water Resources

No change from the Proposed Action. The Greater Affordable Affirmatively Furthering Fair Housing (AAFFH) Unit Requirement Alternative would impact Water Resources the same as the Proposed Action since the only change would be the provision of affordable housing.

Ecological Resources

No change from the Proposed Action. The Greater Affordable Affirmatively Furthering Fair Housing (AAFFH) Unit Requirement Alternative would impact Ecological Resources the same as the Proposed Action since the only change would be the provision of affordable housing – a difference that would occur within the building.

Geology, Topography and Soils

No change from the Proposed Action. The Greater Affordable Affirmatively Furthering Fair Housing (AAFFH) Unit Requirement Alternative would impact Geology, Topography and Soils the same as the Proposed Action since the only change would be the provision of affordable housing – a difference that would occur within the building.

Hazardous Materials

No change from the Proposed Action. The Greater Affordable Affirmatively Furthering Fair Housing (AAFFH) Unit Requirement Alternative would impact Hazardous Materials the same as the Proposed Action since the only change would be the provision of affordable housing – a difference that would occur within the building.

Air and Noise

No change from the Proposed Action. The Greater Affordable Affirmatively Furthering Fair Housing (AAFFH) Unit Requirement Alternative would impact Air and Noise the same as the Proposed Action since the only change would be the provision of affordable housing. If anything, affordable housing units would have less reliance on automobiles (and therefore traffic and parking) and greater focus on public transportation, resulting in lesser air and noise impacts.

Lead Agency Finding M3: *The Board of Trustees as Lead Agency finds that the Greater Affordable Affirmatively Furthering Fair Housing (AAFFH) Unit Requirement Alternative would provide lesser fiscal benefits than the Proposed Action and is therefore not the preferred alternative.*

4. CD-6-T Urban Core TOD Character District Alternative

The area immediately adjacent to the Port Chester Metro-North Train Station truly represents Transit-Oriented Development (TOD). However, in the suburban context, the market still requires providing sufficient on-site parking. In Port Chester, the area immediately adjacent to the Train Station is limited in its ability to provide such on-site parking. Recognizing all this, the CD-6-T Urban Core TOD Character District Alternative would allow for greater maximum Building Heights for Principal Buildings only for those parcels on the east side of Broad Street between Westchester Avenue and King Street so as to allow for property owners to provide their own multi-level parking, rather than relying on the Village’s limited on-street and municipal lot resources.

The CD-6-T District would differ from the CD-6 District only in the maximum Principal Building Height to be permitted, as shown below, the remaining regulations would remain the same:

Comparison of Maximum Principal Building Heights – CD-6 vs. CD-6-T Districts

| Principal Building | CD-6 District | CD-6-T District |
|--------------------|---------------|---|
| Minimum | 6 Stories | 6 Stories |
| Maximum | 12 Stories | 17 Stories or 179 Feet, whichever is less |

The CD-6-T Urban Core TOD Character District would apply only and specifically to the following parcels listed below known and designated on the Tax Map of the Town of Rye (the “CD-6-T Additional Study Area”):

Section/Block/Lot

- Section 142.22, Block 2, Lot 1
- Section 142.22, Block 2, Lot 2
- Section 142.22, Block 2, Lot 3
- Section 142.22, Block 2, Lot 4
- Section 142.22, Block 2, Lot 5
- Section 142.22, Block 2, Lot 67
- Section 142.22, Block 2, Lot 68
- Section 142.22, Block 2, Lot 69
- Section 142.22, Block 2, Lot 70
- Section 142.22, Block 2, Lot 71
- Section 142.22, Block 2, Lot 72
- Section 142.22, Block 2, Lot 73
- Section 142.22, Block 2, Lot 74
- Section 142.22, Block 2, Lot 75
- Section 142.22, Block 2, Lot 76
- Section 142.22, Block 2, Lot 77
- Section 142.30, Block 2, Lot 1
- Section 142.30, Block 2, Lot 2
- Section 142.30, Block 2, Lot 18
- Section 142.30, Block 2, Lot 19
- Section 142.30, Block 2, Lot 20
- Section 142.30, Block 2, Lot 21
- Section 142.30, Block 2, Lot 22

In order to understand the potential impacts of the CD-6-T Urban Core TOD Character District Alternative compared to the Proposed Action, a build-out of the CD-6-T Additional Study Area was performed.

Comparison of CD-6-T Additional Study Area Build Out Scenarios – CD-6 vs. CD-6-T Districts

| CD-6 | CD-6-T |
|--|--|
| Maximum Program: 286 Apartments 198 studio 55 1-bedroom 33 2-bedroom 12,600 sqft retail 160 parking spaces | Maximum Program: 286 Apartments 78 studio 169 1-bedroom 39 2-bedroom 12,000 sqft retail 267 parking spaces |
| Total Population: 499 | Total Population: 503 |
| School Aged Children: Rutgers 2006 – 28 Rutgers 2016 – 6 Actual - 11 | School Aged Children: Rutgers 2006 – 29 Rutgers 2016 – 6 Actual - 12 |
| Police: Personnel – 1.0 Vehicles – 0.29 Facilities – 99.8 sqft | Police: Personnel – 1.0 Vehicles – 0.30 Facilities – 100.6 sqft |
| Fire: Personnel – .82 Vehicles – 0.1 Facilities – 124.7 sqft | Fire: Personnel – .83 Vehicles – 0.1 Facilities – 125.7 sqft |
| Water & Sewer: Residential – 35,090 gpd Retail – 1,200 gpd Total = 36,290 gpd | Water & Sewer: Residential – 35,750 gpd Retail – 1,269 gpd Total = 37,010 gpd |
| Solid Waste Residential – 251 tons/year Retail – 20 tons/year Total = 271 tons/year (22.6 tons/month) | Solid Waste Residential – 251 tons/year Retail – 20 tons/year Total = 271 tons/year (22.6 tons/month) |
| Traffic Residential – 63 Retail – 12 Total = 75 Peak Hour Trips | Traffic Residential – 63 Retail – 13 Total = 76 Peak Hour Trips |
| Taxes Current = \$142,860 Proposed = \$3 million 11 students: instructional cost = \$135,564 School taxes = \$1,905,700 (\$1,770,136 surplus) | Taxes Current = \$142,860 Proposed = \$3 million 12 students: instructional cost = \$147,888 School taxes = \$1,905,700 (\$1,757,812 surplus) |

Utilizing this comparison of the additional build out under the CD-6-T Urban Core TOD Character District Alternative, it is anticipated that the following potential impacts would occur in comparison to the potential impacts of the Proposed Action:

Land Use, Zoning and Public Policy

The CD-6-T Urban Core TOD Character District Alternative would allow for greater height and density, but would not alter any permitted land uses. Therefore, the CD-6-T Urban Core TOD Character District Alternative would impact Land Use the same as the Proposed Action. Should the CD-6-T Urban Core TOD Character District Alternative be integrated as part of the adopted new zoning, it would be consistent with Zoning and would form the accepted Public Policy of the Village with regards to maximum height in that particular location within the Village. The CD-6-T Urban Core TOD Character District Alternative would align with the Village’s 2012 Comprehensive Plan and other local

and regional public policy documents similar to the Proposed Action as it would promote context-sensitive transit-oriented development around the Port Chester Train Station, among other things.

Community Character and Visual Resources

The CD-6-T Urban Core TOD Character District Alternative would allow for greater height and density. This will have a greater impact upon community character and visual resources. Throughout the visioning process to develop the Proposed Action, there was much concern over height and density and that tall buildings may block important views, cast shadows, and generally impact community character and visual resources. The Board agreed to pursue a maximum Principal Building Height (in the CD-6 District) of twelve (12) stories as the Proposed Action. Section 3.2 of this DGEIS discusses the potential impacts and proposed mitigation measures of such a maximum height. Seventeen (17) or 179 feet, whichever is less, is likely to exacerbate those potential impacts. In consideration of this alternative, the Lead Agency (the Board of Trustees) would have to examine in greater detail those greater potential impacts. That being said, since the CD-6-T Urban Core TOD Character District Alternative is also form-based, any subsequent development, regardless of height, would need to be designed to be consistent with the character of the train station area and the community as a whole.

Transportation Resources

With greater height, and, therefore, density, it would be anticipated that there would be additional traffic generated under the CD-6-T Urban Core TOD Character District Alternative. As the table indicates, this would only be slightly greater. As a result, the corresponding increased potential traffic impacts would only be slight. Regardless, for any site-specific development application, a supplemental traffic analysis will be necessary. In addition, for each site-specific application, “Fair Share Contribution Traffic” mitigation will be applied – so any increased impact as a result of the greater height and density would have to pay an increased proportional fair share. With regards to parking, an objective of the CD-6-T Urban Core TOD Character District Alternative is to provide greater height to allow for on-site parking. This would alleviate any additional burden on municipal and on-street parking resources. Impacts to pedestrian and alternative transportation modes would not change between the CD-6-T Urban Core TOD Character District and the Proposed Action.

Community Services and Utilities

With greater height, and, therefore, density, it would be anticipated that there would be additional demands on community services and utilities under the CD-6-T Urban Core TOD Character District Alternative. As the table indicates, this would only be slightly greater. Regardless, for any site-specific development application, supplemental studies will be necessary. In addition, for each site-specific application, “Fair Share Contribution” mitigation will be applied – so any increased impact as a result of the greater height and density would have to pay an increased proportional fair share.

Socioeconomics

With greater height, and, therefore, density, it would be anticipated that there would be additional impacts under the CD-6-T Urban Core TOD Character District Alternative:

- *Population:* As the table indicates, a slightly greater generation of people would be anticipated by the CD-6-T Urban Core TOD Character District Alternative. This delta of four (4) persons would represent a negligible increase in the Village population over the Proposed Action. That being said, the addition of population to downtown Port Chester is a goal of the Village and is considered a beneficial impact.
- *Schools:* As the table indicates, a slightly greater generation of school-aged children would be anticipated by the CD-6-T Urban Core TOD Character District Alternative. This delta of one (1) child would represent a negligible increase in the generation of school-age children over the Proposed Action. That being said, each site-specific development application will be required to provide specific school-aged child generation documentation and may participate in a “Fair Share Contribution” Mitigation for Schools to assist with additional school-aged children based upon the Port Chester Public Schools Overcrowding and Mitigation Analysis (see Appendix F of the FGEIS).
- *Fiscal Impact:* As the table indicates, the CD-6-T Urban Core TOD Character District Alternative would result in the same generation of tax revenues for all taxing jurisdictions as compared to the Proposed Action, with a slightly lower net gain for the School District (based on the additional school-aged child). In addition,

there would be increased demands for services that would come with an increased cost. Generally speaking, the larger the project the greater number of construction jobs that could be anticipated.

- *Affordable Housing*: No change from the Proposed Action. The CD-6-T Urban Core TOD Character District would result in the same number of affordable housing units since the build out would accomplish the same amount of overall units.
- *Residential and Commercial Displacement/Impact on Environmental Justice Communities*: No change from the Proposed Action. The CD-6-T Urban Core TOD Character District would result in the same Residential and Commercial Displacement and any impacts on Environmental Justice Communities as the Proposed Action since the only change would be height within the CD-6-T Additional Study Area – an above-the-ground difference; determination of any specific impacts will be necessary as part of a site-specific development review regardless of the maximum height.

Cultural Resources

No change from the Proposed Action. The CD-6-T Urban Core TOD Character District would impact Cultural Resources generally the same as the Proposed Action since the only change would be height within the CD-6-T Additional Study Area. Regardless of maximum building height, there is the potential for historic properties (i.e., properties listed- or eligible for the State and NRHP) to be impacted by a redevelopment of properties within the CD-6-T Additional Study Area; determination of specific potential impacts to historic resources will likely be necessary as part of a site-specific development review regardless of the maximum height. With regards to archaeological resources, the CD-6-T Additional Study Area is located outside of an “Archaeologically Sensitive Area”. As a result, there would be no difference in impacts than with the Proposed Action with regards to archaeological resources.

Water Resources

With greater height, and, therefore, density, it would be anticipated that there would be additional demands on water resources under the CD-6-T Urban Core TOD Character District Alternative. As the table indicates, this would only be slightly greater. Since the only change would be height within the CD-6-T Additional Study Area – an above-the-ground difference for any site-specific development application, supplemental studies will likely be necessary regardless of the maximum height.

Ecological Resources

No change from the Proposed Action. The CD-6-T Urban Core TOD Character District Alternative would impact Ecological Resources the same as the Proposed Action since the only change would be height within the CD-6-T Additional Study Area, which is currently consists of impervious surfaces, buildings, and structures, with little vegetative cover.

Geology, Topography and Soils

No change from the Proposed Action. The CD-6-T Urban Core TOD Character District Alternative would impact Geology, Topography and Soils the same as the Proposed Action since the only change would be height within the CD-6-T Additional Study Area – an above-the-ground difference; determination of specific subsurface conditions will be necessary as part of a site-specific development review regardless of the maximum height.

Hazardous Materials

No change from the Proposed Action. The CD-6-T Urban Core TOD Character District Alternative would impact Hazardous Materials the same as the Proposed Action since the only change would be height within the CD-6-T Additional Study Area – an above-the-ground difference; remediation of sites where recognized environmental conditions have been identified will be necessary as part of a site-specific development review regardless of the maximum height.

Air and Noise

Similar to transportation, with greater height, and, therefore, density, it would be anticipated that there would be additional traffic generated under the CD-6-T Urban Core TOD Character District Alternative. This additional traffic is anticipated to be slight. Carbon dioxide emissions from truck delivery and passenger vehicles will result, but will be not noticeably different than the Proposed Action. As with air quality, the impacts with respect to noise would be limited to increases in vehicular traffic and its impact on the noise environment, especially residential components.

Since the land use patterns in the Village are not expected to change dramatically, such that new noise-generating uses would be prevalent; therefore, the character of the noise environment would not be expected to worsen. HVAC systems would be the only new significant sources of noise to consider, and such systems are normally located on the building roof. Since the CD-6-T Urban Core TOD Character District would allow for greater heights, such HVAC systems would potentially be further away from any sensitive noise receptors. Regardless, any site-specific development application will be required to conform to Chapter 224 of the Village Code.

Lead Agency Finding M4: *The Board of Trustees as Lead Agency finds that the CD-6-T Urban Core TOD Character District Alternative would have a greater impact upon community character and visual resources. As a result, it would not be consistent with the vision of the community with regards to height and density and, therefore, is not the preferred alternative.*

Further Alternatives

Based on public comment received on the FGEIS, one (1) new alternative was proposed based upon agency and public comment.

5. Modified CD-5 and CD-5W Districts Maximum Building Height Alternative

Many properties within the downtown and along the waterfront experience flooding, especially during larger storm events. In fact, many of these properties lie within the Federal Emergency Management Agency (FEMA) AE Flood Zone. This, among other things, limits any ability to provide underground or below-grade parking. This is in contrast to the local desire and market for the need to provide sufficient on-site parking. Recognizing all this, the Modified CD-5 and CD-5W Districts Maximum Building Height Alternative would allow for greater maximum Building Heights for Principal Buildings only for those parcels within a FEMA AE Flood Zone so as to allow for property owners to provide their own on-site, above-ground, multi-level parking, rather than relying on the Village’s limited on-street and municipal lot resources.

The Modified CD-5 and CD-5W Districts Maximum Building Height Alternative would apply to approximately 142 properties covering approximately 55.7 acres of the Village. The Alternative would differ from the CD-5 and 5W Districts only in the maximum Principal Building Height to be permitted, as shown below, the remaining regulations would remain the same:

Comparison of Maximum Principal Building Heights – CD-6 vs. CD-6-T Districts

| Principal Building | CD-5 District | Modified CD-5 District | CD-5W District | Modified CD-5W District |
|--------------------|---------------|------------------------|---|---|
| Minimum | 2 stories | 2 stories | 2 stories | 2 stories |
| Maximum | 6 stories | 7 stories | 4 stories along waterfront; 6 stories elsewhere | 5 stories along waterfront; 7 stories elsewhere |

In order to understand the potential impacts of the Modified CD-5 and CD-5W Districts Maximum Building Height Alternative compared to the Proposed Action, a build-out of the Modified CD-5 and CD-5W Districts Maximum Building Height Alternative was developed. For the purposes of the build-out, the total square footage of these properties was reduced by twenty (20) percent for access, circulation, and setbacks. The result is an estimated additional approximately 1,941,518 square feet of development could occur and that such additional development would be all residential (to conservatively discuss the greatest impacts). This would result in the following estimated impacts:

Build-Out of Modified CD-5 and CD-5W Districts Maximum Building Height Alternative

| Modified CD-5 and CD-5W Districts Maximum Building Height Alternative Change over Proposed Action |
|---|
| Residential Units: 2,276 (228 affordable units) |
| Additional Population: 4,003 |
| Additional School-Aged Children: 96 |
| Demand for Police: Personnel – 7 Vehicles – 2 Facilities – 745 sqft |
| Demand for Fire: Personnel – 614 Vehicles – 1 Facilities – 930 sqft |
| Demand for Water & Sewer: 284,513 gpd |
| Demand for Solid Waste: 1,998 tons/year (166 tons/month) |
| Additional Peak Hour Traffic Generation: 501 Peak Hour Trips |
| Additional Generation of Taxes: \$22,203,966 |
| School Impacts: 96 Additional School-Aged Children Cost per each = \$147,888 School taxes = \$14,123,442 (\$8,080,525 surplus) |

Utilizing this comparison of the additional build-out under the Modified CD-5 and CD-5W Districts Maximum Building Height Alternative, it is anticipated that the following potential impacts would occur in comparison to the potential impacts of the Proposed Action:

Land Use, Zoning, and Public Policy

The Modified CD-5 and CD-5W Districts Maximum Building Height Alternative would allow for greater height and density, but would not alter any permitted land uses. Therefore, the Modified CD-5 and CD-5W Districts Maximum Building Height Alternative would impact Land Use the same as the Proposed Action. Should the Modified CD-5 and CD-5W Districts Maximum Building Height Alternative be integrated as part of the adopted new zoning, it would be consistent with Zoning and would form the accepted Public Policy of the Village with regards to maximum height in those particular locations within the Village. The Modified CD-5 and CD-5W Districts Maximum Building Height Alternative would align with the Village’s 2012 Comprehensive Plan as those properties lie within the “Higher Intensity Planning Zones” (notably the “N. and S. Main Street and Abendroth Avenue (west side)” and “Central Waterfront” Subareas. As noted in the Comprehensive Plan: “The goal for these areas is to allow for contextual mixed-use development that will reinforce the Village’s key commercial center and enhance the waterfront. The Higher Intensity Planning Zones are also intended to absorb development pressures in the Village’s residential neighborhoods.”

Community Character and Visual Resources

The Modified CD-5 and CD-5W Districts Maximum Building Height Alternative would allow for greater height and density. This will have a greater impact upon community character and visual resources. Throughout the visioning process to develop the Proposed Action, there was much concern over height and density and that tall buildings may block important views, cast shadows, and generally impact community character and visual resources. The Board agreed to pursue a maximum Principal Building Height in the CD-5 District of six (6) stories and a maximum Principal Building Height in the CD-5W District of four (4) stories on the waterfront and six (6) stories away from the water as

the Proposed Action. Section 3.2 of this DGEIS discusses the potential impacts and proposed mitigation measures of consideration of such a maximum height. The additional story would likely exacerbate those potential impacts, albeit minimally. In consideration of this alternative, the Lead Agency (the Board of Trustees) would have to examine in greater detail those greater potential impacts should it wish to pursue the alternative as a Proposed Action. That being said, since the Modified CD-5 and CD-5W Districts Maximum Building Height Alternative is also form-based, any subsequent development, regardless of height, would need to be designed to be consistent with the character of the downtown, waterfront, and the community as a whole.

Transportation Resources

With greater height, and, therefore, density, it would be anticipated that there would be additional traffic generated under the Modified CD-5 and CD-5W Districts Maximum Building Height Alternative. As the table indicates, the corresponding increased potential traffic impacts would be large. Regardless, for any site-specific development application, a supplemental traffic analysis will be necessary. In addition, for each site-specific application, “Fair Share Contribution” mitigation will be applied – so any increased impact as a result of the greater height and density would have to pay an increased proportional fair share. With regards to parking, an objective of the Modified CD-5 and CD-5W Districts Maximum Building Height Alternative is to provide greater height to allow for on-site parking. This would alleviate any additional burden on municipal and on-street parking resources. Impacts to pedestrian and alternative transportation modes would not change between the Modified CD-5 and CD-5W Districts Maximum Building Height Alternative and the Proposed Action.

Community Services and Utilities

With greater height, and, therefore, density, it would be anticipated that there would be additional demands on community services and utilities under the Modified CD-5 and CD-5W Districts Maximum Building Height Alternative. As the table indicates, this would be large. Regardless, for any site-specific development application, supplemental studies will be necessary. In addition, for each site-specific application, “Fair Share Contribution” mitigation will be applied – so any increased impact as a result of the greater height and density would have to pay an increased proportional fair share.

Socioeconomics

With greater height, and, therefore, density, it would be anticipated that there would be additional socioeconomic impacts under the Modified CD-5 and CD-5W Districts Maximum Building Height Alternative, as follows:

- *Population:* Although the addition of population to downtown Port Chester is a goal of the Village and is considered a beneficial impact, as the table indicates, a significantly greater generation of people would be anticipated by the Modified CD-5 and CD-5W Districts Maximum Building Height Alternative, which would represent a large increase in the Village population over the Proposed Action.
- *Schools:* As the table indicates, a greater generation of school-aged children would be anticipated by the Modified CD-5 and CD-5W Districts Maximum Building Height Alternative, which would represent a large increase in generation of school-aged children over the Proposed Action. That being said, each site-specific development application will be required to provide specific school-aged child generation documentation and payment of the “Fair Share Contribution” Mitigation for Schools to assist with the additional school-aged children based upon the Port Chester Public Schools Overcrowding and Mitigation Analysis (see Appendix F of the FGEIS).
- *Fiscal Impact:* The Modified CD-5 and CD-5W Districts Maximum Building Height Alternative would result in a significantly greater generation of tax revenues for all taxing jurisdictions as compared to the Proposed Action, especially the School District (even with the costs of the additional school-aged children). In addition, there would be increased demands for services that would come with an increased cost. Generally speaking, the larger the project the greater number of construction jobs that could be anticipated.
- *Affordable Housing:* The Modified CD-5 and CD-5W Districts Maximum Building Height Alternative would result in a greater number of affordable housing units, based upon a greater number of overall units.
- *Residential and Commercial Displacement/Impact on Environmental Justice Communities:* No change from the Proposed Action. The Modified CD-5 and CD-5W Districts Maximum Building Height Alternative would result in the same Residential and Commercial Displacement and any impacts on Environmental Justice Communities as the Proposed Action since the only change would be height – an above-the-ground

difference. Determination of any specific impacts will be necessary as part of a site-specific development review regardless of the maximum height.

Cultural Resources

No change from the Proposed Action. The Modified CD-5 and CD-5W Districts Maximum Building Height Alternative would impact Cultural Resources generally the same as the Proposed Action since the only change would be height. Regardless of maximum building height, there is the potential for historic properties (i.e., properties listed- or eligible- for the State and NRHP) to be impacted by a redevelopment of properties within the Modified CD-5 and CD-5W Districts Maximum Building Height Alternative Study Area. Determination of specific potential impacts to historic resources will likely be necessary as part of a site-specific development review regardless of the maximum height. With regards to archaeological resources, most of the Modified CD-5 and CD-5W Districts Maximum Building Height Alternative properties are located within the “Archaeologically Sensitive Area”. However, there would be no difference in impacts than with the Proposed Action with regards to archaeological resources since the only change would be height – an above-the-ground difference.

Water Resources

With greater height, and, therefore, density, it would be anticipated that there would be additional demands on water resources under the Modified CD-5 and CD-5W Districts Maximum Building Height Alternative. As the table indicates, this would be large. Since the only change would be height – an above-the-ground difference for any site-specific development application, supplemental studies will likely be necessary regardless of the maximum height.

Ecological Resources

No change from the Proposed Action. The Modified CD-5 and CD-5W Districts Maximum Building Height Alternative would impact Ecological Resources the same as the Proposed Action since the only change would be height.

Geology, Topography, and Soils

No change from the Proposed Action. The Modified CD-5 and CD-5W Districts Maximum Building Height Alternative would impact Geology, Topography and Soils the same as the Proposed Action since the only change would be height – an above-the-ground difference. Determination of specific subsurface conditions will be necessary as part of a site-specific development review regardless of the maximum height.

Hazardous Materials

No change from the Proposed Action. The Modified CD-5 and CD-5W Districts Maximum Building Height Alternative would impact Hazardous Materials the same as the Proposed Action since the only change would be height – an above-the-ground difference. Remediation of sites where recognized environmental conditions have been identified will be necessary as part of a site-specific development review regardless of the maximum height.

Air and Noise

Similar to transportation, with greater height, and, therefore, density, it would be anticipated that there would be additional traffic generated under the Modified CD-5 and CD-5W Districts Maximum Building Height Alternative. This additional traffic is anticipated to be large. Carbon dioxide emissions from truck delivery and passenger vehicles will result, but will be not noticeably different than the Proposed Action. As with air quality, the impacts with respect to noise would be limited to increases in vehicular traffic and its impact on the noise environment, especially residential components. Since the land use patterns in the Village are not expected to change dramatically, such that new noise-generating uses would be prevalent; therefore, the character of the noise environment would not be expected to worsen. HVAC systems would be the only new significant sources of noise to consider, and such systems are normally located on the building roof. Since the Modified CD-5 and CD-5W Districts Maximum Building Height Alternative would allow for greater heights, such HVAC systems would potentially be further away from any sensitive noise receptors. Regardless, any site-specific development application will be required to conform to Chapter 224 of the Village Code.

Lead Agency Finding M5: The Board of Trustees as Lead Agency finds that the CD-6-T Urban Core TOD Character District Alternative would have a greater impact upon community character and visual resources. As a result, it would

not be consistent with the vision of the community with regards to height and density and, therefore, is not the preferred alternative.

Lead Agency Finding M6: *The alternatives analysis indicates that the beneficial impacts associated with adoption of the Proposed Action would not be realized and/or the impacts of each of the alternatives would be greater than the Proposed Action. Therefore, the Board of Trustees as Lead Agency finds that no alternative to the Proposed Action would meet the Village's objectives as fully as the Proposed Action.*

N. Future SEQRA Actions

The DGEIS and FGEIS analyzed the potential impacts associated with the adoption of the amended Code of the Village of Port Chester, Chapter 345, "Zoning," and Official Zoning Map. As stated in 6 NYCRR 617.10(c):

"Generic EISs and their findings should set forth specific conditions or criteria under which future actions will be undertaken or approved, including requirements for any subsequent SEQRA compliance. This may include thresholds and criteria for supplemental EISs to reflect specific significant impacts, such as site specific impacts, that were not adequately addressed or analyzed in the generic EIS."

Accordant with the Part 617.10(d) of the SEQRA regulations, supplementary SEQRA analysis for future actions may yield one the following determinations:

- (1) No further SEQRA compliance is required if a subsequent proposed action will be carried out in conformance with the conditions and thresholds established for such actions in the generic EIS or its findings statement;
- (2) An amended findings statement must be prepared if the subsequent proposed action was adequately addressed in the generic EIS but was not addressed or was not adequately addressed in the findings statement for the generic EIS;
- (3) A negative declaration must be prepared if a subsequent proposed action was not addressed or was not adequately addressed in the generic EIS and the subsequent action will not result in any significant environmental impacts;
- (4) A supplement to the final generic EIS must be prepared if the subsequent proposed action was not addressed or was not adequately addressed in the generic EIS and the subsequent action may have one or more significant adverse environmental impacts.

Lead Agency Finding N: *Based on the results of the impact analyses prepared for the GEIS, the Lead Agency finds that the following actions may be required for future site-specific SEQRA review.*

The term 'shall' denotes something that is mandatory for all site-specific applications; the term 'may' denotes something that would only be required on particular site-specific applications, but not all.

Land Use, Zoning, and Public Policy

- **Zoning Verification:** At the time a site-specific development application is submitted, the Planning & Economic Development Zoning Administrator shall verify that such application complies with zoning, as outlined in Article 8 of the Proposed Action.

Community Character and Visual Resources

- **Supplemental Visual Analyses:** At the time a site-specific development application is submitted, supplemental visual analyses shall be required and shall be reviewed and compared against the DGEIS Visual Resources analysis. This analysis may include a review of the potential for shadows cast by new buildings and structures. Mitigation may be necessary based on the results of the site-specific analysis.

Transportation Resources

- **Supplemental Traffic Analyses:** At the time a site-specific development application is submitted, supplemental detailed traffic studies will be required, and will be reviewed and compared against the findings set forth in the FGEIS TIS. The supplemental analyses will serve as a basis to determine if additional traffic analysis is warranted and/or the "Fair Share" mitigation for individual development projects. Adequacy of site access, bicycle, and pedestrian safety will also be reviewed as a part of the individual development review process.
- **Supplemental Parking Analysis:** At the time a site-specific development application is submitted, a supplemental parking analysis shall be required, and shall be reviewed and compared against the findings set forth in the traffic assessment. The supplemental analyses shall serve as a basis to determine if additional parking analysis is warranted for individual development projects. Where existing public parking facilities are proposed to fulfill some portion of the required site parking, the pedestrian route(s) from parking area to the project site shall be examined to determine if there is a need and opportunity for pedestrian and/or streetscape enhancements to improve safety and the overall pedestrian experience.
- **Construction Traffic and Parking Management Plan:** For each site-specific development application, any temporary changes in traffic flow and displacement of parking capacity shall be evaluated and identified. A Construction Traffic and Parking Management Plan shall be prepared, which would specify locations of alternative parking, establish signage, striping, and provide notification procedures for driver convenience and efficiency of traffic flow.
- **Curb Cut Minimization:** If an entire block is being redeveloped, curb-cuts shall be minimized and shall be placed the farthest away from traffic signals, especially where pedestrian traffic is significant.
- **Supplemental Transit Analyses:** At the time a site-specific development application is submitted, a supplemental transit impacts analysis shall be required and shall be reviewed and compared against the findings set forth in the Finding Statement.
- **Metro-North Operations Coordination:** Metro-North may require review and approval of future development plans that have the potential to have impacts to the active rail operation. Metro-North may also require that for all projects drainage be directed away from Metro-North's right-of-way. Additionally, entry permits from Metro-North may be required for construction of projects along Metro-North's right-of-way depending upon the distance.
- **Metro-North Parking Coordination:** Developments that would utilize existing railroad parking capacity may be required to coordinate with Metro-North on the expected provision of increased parking capacity.

Community Services and Utilities

- **Educational Facilities and Libraries:** Each development that generates school-aged children shall provide a "Fair Share Contribution" mitigation to assist with the school-aged children estimated to be generated based upon the *Port Chester Public Schools Overcrowding and Mitigation Analysis*.
- **Police Protection:** The Police Department shall have the opportunity to provide input on site-specific plans as part of the DRC, thereby requiring any site-specific mitigation measures necessary. This may include the provision of on-site private security for large projects. Each development shall provide the applicable "Fair Share Contribution" mitigation.
- **Fire and Emergency Services Protection:** The Fire Department and EMS will have the opportunity to review future proposed development plans as part of the DRC to ensure that firefighting and EMS needs, including provisions for emergency access, hydrant locations, sprinkler systems, fire alarms, and smoke and carbon monoxide detection, are properly addressed. Each development shall provide the applicable "Fair Share Contribution" mitigation.
- **Parks, Open Space, and Recreational Facilities:** Each development will be required to provide recreation or open space or pay a fee in-lieu of providing recreation or open space.
- **Water Supply:** Developments shall be examined during site-specific review to determine the types of system improvements that will be required to accommodate demand, which will be the responsibility of the developer in coordination with SUEZ.
- **Wastewater and Stormwater Management:** Developments shall be reviewed to ensure that site-specific applications provide 3.5 inches of stormwater retention as part of the drainage design, which will be ensured through the site plan and building permit review process. Each development shall provide the applicable "Fair Share Contribution" mitigation.

- **Solid Waste Management:** Each development shall provide the applicable "Fair Share Contribution" mitigation.
- **Electric and Natural Gas Utilities:** Developments shall be examined during site-specific review to determine the types of system improvements that will be required to accommodate demand, which will be the responsibility of the developer in coordination with ConEd.

Socioeconomics

- **Affordable Housing:** Each development that contains residential uses shall be examined during site-specific review with regards to the provision of affordable housing within the proposed development or alternative methods to providing affordable housing.
- **Supplemental Social Documentation:** For any site-specific proposal, specific supplemental social documentation shall be provided to the Village in its evaluation of the site-specific proposal under development plan review. This may include population growth, displacement, and impact on environmental justice communities (including people of color and/or lower income populations).
- **Supplemental Economic Documentation:** For any site-specific proposal, specific supplemental economic documentation shall be provided to the Village in its evaluation of the site-specific proposal under development plan review. This may include tax generation, job, employment, and economic growth, any business displacement, and indication of any potential requests for financial incentives from the Port Chester Industrial Development Agency (PCIDA). The Port Chester POC Business Map shall be reviewed by the applicant and a discussion of potential impacts to these businesses shall be included with the supplemental economic documentation.

Historic and Cultural Resources

- **Cultural Resource Assessments:** Developments shall be examined during site-specific review to determine any potential impacts to historic or archaeological resources. Should the Village establish a Historic Resource Commission or similar entity, such body would be a Referral Body related to cultural resources. Compliance to State and Federal standards may also be applicable for projects that adversely affect properties listed on the State and/or National Register of Historic Places, necessitating outreach and coordination with applicable agencies. Cultural resource evaluations may include contact with SHPO for review, input and approval. If that entity deems it appropriate, additional analysis may be required, or revisions to the application may be deemed necessary by SHPO to avoid or mitigate such impacts. For future redevelopment or site disturbance on sites identified as archaeologically sensitive that have not been previously disturbed or have had limited previous disturbance, a Phase IA (and possibly a Phase IB) cultural resource survey may be warranted.
- **Metro-North SHPO Coordination:** For any project that involves Metro-North, Metro-North is required to consult with SHPO. Further, any future site-specific development project in proximity to the Port Chester Station, Metro-North would have to consult with SHPO.

Water Resources

- **Stormwater Retention:** New development shall be required to retain 3.5 inches of stormwater runoff on site. For those individual projects that involve one (1) acre or more of disturbance, a SWPPP shall be prepared pursuant to NYSDEC requirements and the *2015 NYS Stormwater Management Design Manual*.
- **Storm Surge Inundation:** As part of any site-specific review, the potential for development that could be inundated by storm surges may be evaluated and appropriate measures incorporated to mitigate against damage.
- **Floodplains:** Development that is located within the 100-year or 500-year floodplains shall be reviewed to ensure that it meets Village regulations regarding minimizing and mitigating potential damage from flood flows.

Ecological Resources

- **Trees:** New development that involves the removal of trees shall be required to replace in-kind on-site or plant elsewhere in the Village.

Geology, Topography, and Soils

- **Geotechnical Evaluation:** If appropriate, subsurface soil conditions may be necessary for the purpose of

assessing structural and drainage system design as part of development plan application review. If unsuitable subsoils are found in connection with site-specific development, techniques including deep compaction or over-excavation and replacement of unsuitable fill materials may be utilized. Development areas may be required to be stabilized, as determined by a Geotechnical Engineer, prior to construction of structural elements.

- **Erosion and Soil Control:** If appropriate, an Erosion and Soil Control Plan may be required to be prepared for individual site developments during development plan application review. Such Erosion and Soil Control Plan may provide protection methods that will be utilized during construction to control transport of sediment and stormwater runoff during construction activities.

Hazardous and Contaminated Sites

- **Remediation:** Prior to the initiation of construction activities, remediation of sites where recognized environmental conditions have been identified shall be necessary. Remediation activities shall be required to be completed according to the protocols, procedures, standards and documentation requirements of the appropriate supervising entity, Village of Port Chester, New York State Department of Labor, and/or NYSDEC.

Air and Noise

- **Supplemental Air Quality Assessment:** A supplemental air quality assessment may be required if a site-specific development application is proposed that may have a greater potential impact on air resources as a result of the introduction of a regulated point source of air emissions or the generation of unmitigated traffic which exceeds that set forth in the traffic assessment.
- **Supplemental Noise Assessment:** All activity, including construction activity, shall comply with Chapter 224 (Noise) of the Village Code; all construction activities shall be conducted in conformance with Section 224.2.C.(5). A supplemental noise assessment may be required in the following situations:
 - For projects where rock drilling is required (or other activities in which the duration and levels exceed permitted levels), a Construction Noise Plan may be employed for protection of workers.
 - The design of projects that incorporate residential uses located adjacent to high volume roadways (including I-95) or the railroad may be designed to provide sufficient sound attenuation to reduce interior sound levels to the target goal of 45 decibels. Sound Transmission levels (STL) of construction materials and methods may be evaluated during site plan review, based upon the United States Department of Housing and Urban Development (HUD) noise policy (24 CFR 51B).
 - Should any proposed noise generating use be located in proximity to a noise sensitive zone, a site-specific noise assessment may be required. Noise sensitive zones would include areas around a school, church, senior citizen center, day-care center or areas adjacent to any hospital.

Construction

- **Construction Management Plans:** A Construction Management Plan may be required for each site-specific development project. A Construction Management Plan may be comprised of a number of lower-order plans as necessary, and may include, but would not be limited to: a Construction Traffic and Parking Management Plan, a SWPPP, Soil and Erosion Control Plan, and/or a Remediation Plan.

All applications for new development projects would continue to be required to adhere to SEQRA procedures and requirements. This means that all such future development projects would be subject to individual approval processes, including development review and site-specific impact review or consistency review with this Findings Statement, under SEQRA. In order to best evaluate site-specific impacts, preparation of a FEAF shall be required for each development proposal, supplemented with the technical studies noted above.

LEAD AGENCY DISCUSSION OF DECISION

The DGEIS and FGEIS have fully disclosed all pertinent information in order to arrive at the conclusions presented above. Based on the foregoing, the Board of Trustees has carefully considered the Proposed Action and reasonable alternatives available, and has considered in detail the social, economic, fiscal, land use, and other relevant factors, as well as the reasonably anticipated environmental impacts and measures to mitigate impacts of the Proposed Action and reasonable alternatives available. The Board of Trustees has given particularly close attention to issues that were the subject of extensive comment by the public and other agencies and/or the Board, including the importance socioeconomic conditions within the Village (such as impacts to affordable housing, commercial displacement, environmental justice communities), density, transportation, and infrastructural impacts. These Findings are the result of the Board of Trustees’ weighing and balancing of these and other relevant factors and considerations, and that allows for mitigation of all environmental impacts to the greatest extent reasonable and practicable, as set forth above.

CERTIFICATION OF FINDINGS TO APPROVE THE ACTION

Accordingly, having considered the DGEIS and FGEIS and all the comments received on the Proposed Action, and having considered the preceding written facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617.11, the Village of Port Chester Board of Trustees, through this Statement of Findings, certifies that:

- A. Village of Port Chester Board of Trustees has considered the relevant environmental impacts, facts, and conclusions disclosed in the DGEIS and the FGEIS and their supporting materials; and
- B. Village of Port Chester Board of Trustees has weighed and balanced the relevant environmental impacts with social, economic, and other considerations; and
- C. The Village of Port Chester Board of Trustees, as Lead Agency, has provided a rationale for its decision; and
- D. The requirements of Article 8 of the Environmental Conservation Law and the implementing regulations, 6 NYCRR Part 617 (State Environmental Quality Review Act [SEQRA]) have been met; and
- E. Consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the Proposed Action avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- F. The adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating, as conditions to this decision, those relevant mitigation measures that were identified as practicable in the DGEIS, FGEIS, and this Statement of Findings.

Certified by the Village Board of Trustees by Resolution adopted on May 20, 2020.

Village of Port Chester

By: _____
Janusz Richards, Village Clerk

FILING AND DISTRIBUTION

Filing:

The Village of Port Chester Board of Trustees' designees are hereby directed to file and distribute this Findings Statement as required by Article 8 of the Environmental Conservation Law and the implementing regulations, 6 NYCRR Part 617 (State Environmental Quality Review Act [SEQRA]).

A copy of this Finding Statement sent to:

Village of Port Chester Planning Commission
Village of Port Chester Zoning Board of Appeals
Village of Port Chester Board of Architectural Review
Village of Port Chester Industrial Development Agency
Village of Port Chester Waterfront Commission
Village of Port Chester Park Commission
Village of Port Chester Recreation Commission
Port Chester-Rye Union Free School District
Town of Rye
City of Rye
Village of Rye Brook
Town of Greenwich, Connecticut
Westchester County Planning Board
Westchester County Department of Planning
Westchester County Department of Health
Westchester County Department of Public Works/Transportation
Westchester County Department of Environmental Facilities
MTA Metro-North Railroad
New York State Department of Environmental Conservation, Region 3
New York State Office of Parks, Recreation and Historic Preservation
New York State Department of Transportation, Region 8
United States Army Corps of Engineers, New York District
New York State Department of State