

**LEAD AGENCY’S FINDINGS STATEMENT WITH RESPECT TO ADOPTION OF  
THE VILLAGE OF PORT CHESTER COMPREHENSIVE PLAN AND ZONING TEXT AND  
MAP AMENDMENTS**

**INTRODUCTION**

This document is a Findings Statement prepared pursuant to and as required by the New York State Environmental Quality Review Act (“SEQRA”), Environmental Conservation Law Article 8, and the implementing regulations in Title 6, Part 617 of the New York Code of Rules and Regulations (“NYCRR”) (the Regulations implementing the relating to the adoption of the Village of Port Chester *Comprehensive Plan and Zoning Text and Map Amendments* (“Proposed Action”). This Findings Statement draws upon the matters set forth in the administrative record for the Proposed Action, including the Generic Environmental Impact Statement (“GEIS”), consisting of the Draft Generic Environmental Impact Statement (“DGEIS”), dated September 26, 2012, and the Final Generic Environmental Impact Statement (“FGEIS”), dated November 30, 2012. The GEIS is expressly incorporated into these Findings by this reference.

This Findings Statement sets forth the findings and conclusions of the Lead Agency, as well as the matters upon which such findings and conclusions were based, and confirms that the Village of Port Chester Board of Trustees, as Lead Agency, has complied with all of the applicable procedural requirements of Part 617 in reviewing the Proposed Action including, but not limited to:

- A. Designation of the Board of Trustees as Lead Agency on February 6, 2012;
- B. Issuance by the Board of Trustees of a Positive Declaration on April 2, 2012, together with direction to prepare a DGEIS;
- C. Preparation and public review of a written Scoping Document for the DGEIS, and adoption of the written scope on May 7, 2012;
- D. Acceptance of the DGEIS as adequate in scope and content by the Board of Trustees and the filing and circulation of the DGEIS October 1, 2012;
- E. Holding of a Public Hearing on the DGEIS by the Board of Trustees on October 22, 2012;
- F. Receipt of all public comments on the DGEIS until November 1, 2012;
- G. Preparation of a FGEIS and acceptance of the FGEIS as complete by the Board of Trustees on December 3, 2012;
- H. Filing and circulation of the FGEIS by the Board of Trustees on December 4, 2012;
- I. Consideration of all public comments on the FGEIS until December 13, 2012;
- J. Adoption of this Findings Statement by the Board of Trustees.

This Findings Statement confirms that the Village of Port Chester Board of Trustees has given due consideration to the GEIS prepared in conjunction with this action and the public comments

submitted thereon. Further, this Findings Statement sets forth the facts and conclusions relied upon by the Village of Port Chester Board of Trustees to support its decision and indicates the social, economic and other considerations which form the basis thereof 6 NYCRR § 617.11(d).

## **DESCRIPTION OF THE PROPOSED ACTION**

The Proposed Action, according to the Positive Declaration issued by the Lead Agency on April 2, 2012, involves the adoption of the proposed *Comprehensive Plan* and proposed *Zoning Text and Map Amendments* by the Board of Trustees. Thus, while treated together in the SEQRA process, including the GEIS, these are two separate components. For example, adoption of the draft *Comprehensive Plan* does not dictate for every area of the Village a particular amendment to the draft *Zoning Text and Map Amendments*, as there are certain areas where multiple alternatives could be considered consistent with the draft *Comprehensive Plan*. Accordingly, this Finding Statement differentiates between the draft *Comprehensive Plan* and draft *Zoning Text and Map Amendments*. Furthermore, as is commonplace, the Village Board of Trustees may adopt the proposed *Comprehensive Plan* and may defer adoption of some or all of the proposed *Zoning Text and Map Amendments*. In addition, the Village Board of Trustees notes that the Village will undertake a site specific review of proposed redevelopment of the former United Hospital site and, in the course of that site specific review, there will be additional opportunity for public hearing, input and comment concerning the potential impacts of the proposed redevelopment and any implementing rezoning. Finally, any other proposed rezoning to implement the *Comprehensive Plan*, as finally adopted, would also provide additional opportunity for public hearing, input and comment.

The *Comprehensive Plan* provides a blueprint of the Village's planning strategies and actions that are proposed for implementation over the next decade in the Village of Port Chester. As stated in the proposed Plan, the Village's vision involves capitalizing on Port Chester's existing physical, social, economic and human capital while improving growth and development patterns, physical constraints limiting waterfront access, and underutilized non-residential properties. In pursuit of this vision, the Plan's guiding principles are to:

- Place focus on major elements of the built environment, including maintenance and enhancement of residential neighborhoods;
- Revitalize commercial areas and the waterfront;
- Strengthen industrial areas;
- Improve transportation and infrastructure facilities;
- Identify opportunities for new development;
- Address the issues and challenges associated with governmental and non-governmental jurisdictions; and

- Provide a framework for collaboration and coordination among relevant decision-makers and stakeholders.

The central purpose of the Proposed Action – most particularly the proposed *Comprehensive Plan* – is to establish the nature and level of potential development in the Village of Port Chester under proposed land use policies and zoning regulations; make changes as necessary to existing regulations to ensure that future development is in keeping with the character of the Village; follow sound planning principles and standards; and protect public safety, health and welfare. Approvals authorized by the Proposed Action involve adoption of the proposed *Comprehensive Plan* and proposed *Zoning Map and Text Amendments* by the Village of Port Chester Board of Trustees.

This document focuses on the proposed *Comprehensive Plan* because, as noted above, it is the focus of the GEIS and would be the catalyst for amendments to the zoning text and/or map to achieve its goals and objectives.

## **ENVIRONMENTAL IMPACTS OF THE PROPOSED ACTION**

### **Land Use, Zoning and Public Policy**

The Proposed Action is intended to guide development and preservation patterns in a proactive and predictable manner and ultimately realize the Village’s vision for a sustainable and prosperous future.

The proposed Plan sets forth major land use strategies based on location and intensity. The three Planning Intensity Zones are based on the existing and future character of the Village of Port Chester. The ‘Neighborhood Protection and Enhancement’ designation seeks to protect and enhance the existing low-density character of neighborhood; the ‘Limited Intensity Planning Zone’ is intended to maintain and allow for additional appropriate uses; and the ‘Higher Intensity Planning Zone’ is proposed to allow for mixed-use development to reinforce key commercial activity in strategic downtown, train station and central waterfront areas in addition to absorbing future development pressure in residential areas. Overall, the proposed Plan encourages a focused land use plan to accommodate increased density in strategic locations – not Village-wide – while upzoning select residential neighborhoods helps achieve an overall reduction of density and impacts for those areas.

The Proposed Action involves changes to both residential and non-residential zones – consistent with the proposed *Comprehensive Plan* – to help reduce Village-wide density. In strategic residential zones, proposed upzoning via reductions in floor area ratio (“FAR”) and building story height will help achieve neighborhood character protection and enhancement. The areas in which potential density would be reduced include selected One Family R20, R7, and R5; Two Family R2F; and Multi Family RA2, RA3 and RA4 districts. Changes in the non-residential/mixed use districts

include the elimination of the existing C4 General Commercial and PRSPD Planned Railroad Station Plaza Development districts and the modification of the existing DW Design Waterfront district. Strategic downzonings will occur in the existing C2 Central Business district, proposed to change to C2 Main Street Business, and three new districts – C5 Train

Station Mixed Use, C5T Downtown Mixed Use Transitional and PMU Planned Mixed Use – are proposed to allow for focused development.

In order to evaluate the land use and zoning recommendations described by the proposed *Comprehensive Plan*, a Build-Out Analysis was prepared, which indicated that implementation of the Proposed Action would result in a potential net reduction of 242 dwelling units. Additional analyses evaluated various zoning options for the proposed PMU and DW districts, providing a range of alternative amendments to the zoning text and map. Please see the GEIS section titled ‘Alternatives’ for additional information.

Because there is a potential net reduction in dwelling units anticipated from the Proposed Action, the Lead Agency finds that the proposed *Comprehensive Plan*, as implemented by amendments to the zoning text and/or map consistent with the Plan and assessed in the GEIS, will not adversely impact the overall environment of the Village due to reduced potential impacts to transportation, infrastructure, and the School District. The Proposed Action encourages increased density in strategic locations in order to target future development in appropriate districts.

Overall, the Lead Agency finds the proposed *Comprehensive Plan*, together with amendments to the zoning text and/or map adopted to achieve its goals and objectives, is consistent with local and regional planning policies, including *Westchester County 2025* and the *Local Waterfront Revitalization Program* (1992), which includes comprehensive strategies for the portion of the Village that abuts the Byram River.

### **Parks, Open Space and Recreational and Historic Resources**

As part of the Proposed Action, the proposed *Comprehensive Plan* identifies the need to expand and improve existing community and visual resources, such as parks and open space, to provide Port Chester residents with needed active and passive recreation space. The proposed *Comprehensive Plan* recommends exploring innovative solutions designed to provide additional open space and recreational opportunities. Moreover, the proposed *Comprehensive Plan* aims to connect neighborhoods, parks and the waterfront through pedestrian and bicycle-friendly streets and trails via strategically acquiring parcels to link such spaces together. Another major component of the proposed *Comprehensive Plan* is to reactivate and enhance the public waterfront via the creation of new recreational opportunities and the preservation of key vistas and view corridors of the Bryam River and the Long Island Sound.

Additionally, the proposed *Comprehensive Plan*, as implemented by zoning changes, will strengthen the historic character of Port Chester by preserving qualities unique to the Village. Five resources are listed on the National Register of Historic Places (Bush-Lyon Homestead, Capitol

Theater, Port Chester Post Office, St. Peter's Episcopal Church and the Life Savers Building). The proposed *Comprehensive Plan* specifically recommends protecting and preserving the Village's historic resources through design standards and zoning controls used in conjunction with financial mechanisms, such as grants and tax incentives.

The Lead Agency finds the proposed *Comprehensive Plan*, together with amendments to the zoning text and/or map adopted to achieve its goals and objectives, is specifically designed to enhance the Village's visual and community character and to affect positive impacts on the community.

### **Environmental Resources**

The proposed *Comprehensive Plan* promotes the conservation of natural resources through environmentally sound principles and strategies. It recommends protecting environmentally significant and sensitive areas, such as the Byram River Waterfront and, ultimately, the Long Island Sound. Additionally, the proposed Plan advises the Village to lead by example in terms of resource conservation and encourages the Village establish and adopt sustainable design and development guidelines through improved development procedures and green/retrofitting design practices. The proposed *Comprehensive Plan* also advances efforts to coordinate planning among neighboring communities, New York State and Federal agencies to address regional sustainability issues. For example, the proposed *Comprehensive Plan* recommends that the Village engage in collaboration with New York State regarding brownfield assessment and remediation for sites within the Village and form a joint venture with the State of Connecticut to help protect the Byram River.

Overall, the Lead Agency finds the proposed *Comprehensive Plan*, together with amendments to the zoning text and/or map adopted to achieve its goals and objectives, will further the protection and enhancement of the Village's environmental resources and will not pose significant adverse impacts.

### **Socio-economic Resources**

The proposed *Comprehensive Plan* recommends preserving, restoring and revitalizing Port Chester's housing stock and neighborhoods through strategic upzonings in existing multi-family residential neighborhoods and enforced building code regulations. Also, the proposed Plan encourages a mandate for all homes with accessory apartments to be owner-occupied to help ensure property maintenance and reduce the potential of tenant exploitation by an absentee landlord.

The proposed Plan, as effectuated by amendments to the zoning text and/or map, also encourages a range of housing types and densities to help balance future service costs. The Proposed Action will reduce overall potential density, thereby reducing population and associated impacts to traffic, infrastructure and the Port Chester Rye Union Free School District (School District). A range of housing types, including specialized housing options for the elderly, handicapped and young adult population, will assure a diversity of housing types in the Village, including multi-

family and affordable units. Strategic residential upzonings in select districts outlined in the Proposed Action will allow the Village to help protect neighborhood character through compatible scale, density and aesthetics.

The Lead Agency finds that the Proposed Action will not result in a substantial adverse impact on the socio-economic resources of the Village and encourages multifamily housing and mixed use in strategic districts (i.e., C5, C5T and PMU).

To help improve baseline economic conditions in the Village, the proposed *Comprehensive Plan* recommends strengthening and expanding business opportunities through supportive financing and redevelopment tools. Leveraging supportive industries in the Downtown Business District will help promote quality of life through new business and career ventures. The Lead Agency finds that the proposed *Comprehensive Plan*, together with amendments to the zoning text and/or map adopted to achieve its goals and objectives, will encourage positive economic expansion tailored to further the Village's economic development visions and will not significantly impose adverse impacts on the Village.

### **Infrastructure and Community Facilities/Resources**

Overall, the proposed *Comprehensive Plan*, together with effectuating zoning modifications, seeks to maintain and enhance public infrastructure systems and services via preserving the quality of life and commerce within the Village.

SEQRA recognizes the importance of assessing the Proposed Action's impacts on a community's infrastructure and vital services, including police, fire protection, schools, emergency services, public works and recreation facilities. In terms of water supply, United Water Company provides four connections to the Village; however, the water pipes are substandard and require upgrading to increase capacity through cost-effective measures. The overall water system provides a separate storm and sanitary sewer system, and the proposed *Comprehensive Plan* recommends the maintenance and replacement of any inadequate pipes to better serve the needs of Port Chester residents. The stormwater collection system covers thirty-five (35) miles of storm sewers. The system is aging, and the proposed Plan suggests upgrading and replacing strategic sections in order to better manage stormwater runoff to the Byram River. Overall, the proposed *Comprehensive Plan* finds that areas of lower intensity planning strategies, i.e. upzoned districts, will likely have less adverse impact on the Village's infrastructure and community resources. The proposed *Comprehensive Plan* also encourages mitigation measures such as the improvement, upgrade or replacement of aging water and sewer infrastructure to reduce potentially adverse impacts from future development in the Village.

The Village of Port Chester Police Department has five divisions and provides protection in the Village. The Village of Port Chester Fire Department provides fire protection and emergency services to all of Port Chester in addition to nighttime services to neighboring Village of Rye Brook. The Proposed Action recommends adequately supporting the duties, responsibilities, staffing and

training of personnel to protect the health, safety and welfare of Port Chester residents. Doing so will help promote a high quality of public services for the comfort of residents and business owners. Because the Proposed Action anticipates a net reduction in dwelling units, there will be no additional burden imparted; however, a redistribution of employees and/or services may be required in the High Intensity Planning Zones.

Recreational facilities will also be enhanced as a result of the proposed *Comprehensive Plan*. It recommends maintaining and enhancing Village community resources in order to provide a sustainable and high quality parks and recreation system, providing and activating recreational programming for residents of all ages, and connecting neighborhoods, parks and the waterfront through pedestrian/bicycle friendly facilities.

Overall, the Lead Agency finds there will be no significant adverse environmental impact on community facilities and services as a result of the proposed *Comprehensive Plan*, together with amendments to the zoning text and/or map adopted to achieve its goals and objectives.

### **Transportation**

The proposed *Comprehensive Plan* to manage all transportation systems in the Village of Port Chester, including roadways, public transit, and bicycle and pedestrian facilities. More specifically, the proposed *Comprehensive Plan* recommends managing the roadway network by investing in operational and reconstruction improvements, including the creation and implementation of a 10-year plan and the feasibility of reconfiguring Main Street and Abendroth Avenue from two-way streets to one-way streets. Managing traffic through signal timing upgrades and Village-wide congestion management studies is also recommended by both the Proposed Action and the *Route 1/North Main Street Corridor Study* (2012).

In terms of public transportation, the proposed *Comprehensive Plan* encourages investing in mass transit as a means to help reduce vehicular congestion and parking demand. The proposed *Comprehensive Plan* supports efforts to develop a comprehensive parking approach in select residential and downtown areas. Shared parking or additional parking structures are suggested to help alleviate parking constraints as recently outlined in a parking feasibility study<sup>1</sup>. Additionally, collaborating with Westchester County, the Metropolitan Transportation Authority, and other state/regional transportation agencies will help identify transit supply and demand linkages, aimed to reduce parking demand.

The proposed Plan also promotes improved bicycle and pedestrian facilities, including promoting infrastructure investments and creating a citizens advisory group to help provide strategies for a convenient and safe network. Additionally, the proposed *Comprehensive Plan* recommends public safety considerations, including developing walkways to and along the waterfront; linking

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<sup>1</sup> *Preliminary Parking Garage Feasibility Analysis*, Desman Associates (2012); *Route 1/North Main Street Corridor Study* (2012).

sidewalks into a continuous system; and creating design standards for all bicycle and pedestrian initiatives, especially at public parks, schools and buildings.

The Lead Agency finds that the proposed *Comprehensive Plan*, together with amendments to the zoning text and/or map adopted to achieve its goals and objectives, will not result in significant adverse impacts to transportation systems in the Village of Port Chester. Although more traffic may occur in the High Intensity Planning Zones, traffic will be reduced in the Limited Intensity Planning Zones and in the upzoned residential areas, resulting in an overall decrease of traffic impacts.

## **ALTERNATIVES**

The GEIS evaluated the No Action Alternative (existing zoning). Additionally, two detailed analyses for the proposed PMU Planned Mixed Use district, including the proposed district zoning and a variant of the district, as well as a detailed assessment of the proposed DW Design Waterfront district were completed.

Under the No Action Alternative, land use development would continue to be regulated by the existing zoning, site plan, subdivision and other land use regulations guiding the physical development in the Village of Port Chester. This alternative would not further the Village's long-term planning goals and would prevent the Village from achieving its vision for the future. Without the adoption and implementation of the proposed *Comprehensive Plan* and effectuating zoning amendments, many of the public benefits identified would not be realized. While the existing regulations may be sufficient to protect natural resources, one benefit of the proposed *Comprehensive Plan* is that it suggests a manner in which the Village can accommodate growth while enhancing community character and protecting its valuable resources. The proposed *Comprehensive Plan*, as implemented by consistent amendments to the zoning text and/or map, will generate positive impacts, such as the flexibility for additional mixed-used development, the expansion of open space, a reduction in School District costs, and upgrading aging infrastructure services. Alternatively, development under the current zoning may potentially exacerbate usage and demand for public facilities and services, induce increased traffic volumes and congestion, and impair environmentally sensitive areas. Further, economic development potential in some areas could be limited. The absence of the proposed *Comprehensive Plan* and implementing zoning amendments would place the Village in a position of reacting to development instead of being proactive in its efforts.

### ***Proposed PMU Planned Mixed Use District***

The GEIS assessed three broad alternatives, a No Action Alternative (existing zoning) and two alternatives zoning amendments for the proposed PMU Planned Mixed Use district.

Detailed analysis was conducted for the former United Hospital site for several reasons. First, it is a gateway into the Village of Port Chester from Interstate 95 / Interstate 287. Second, the site's



large size (approximately 15.4 acres) is unusual in southern Westchester County and can provide exceptional redevelopment potential for the Village. Because the site has the potential to provide such redevelopment value, determining appropriate land uses and densities was an iterative process discussed among the Comprehensive Plan Advisory Committee (“CPAC”), project consultants, and the public over a five (5) year period<sup>2</sup>. Additional information was derived from the *Route 1/North Main Street Corridor Study* (2012), which recommended repositioning the Route 1 corridor as a network of clustered, retail nodes in conjunction with mixed use buildings to strengthen the corridor’s competitive share of the regional market.

The No Action Alternative for this site would retain the existing R2F Two Family Residential zoning. Under this scenario, a maximum build-out potential of 240 dwelling units is permitted by-right and can include both single and two-family structures. The R2F district does not permit non-residential uses, which does not further the Proposed Action’s recommendations for mixed uses. Moreover, the site could remain vacant or underutilized if the No Action Alternative is adopted. Benefits derived from a No Action Alternative include lower densities, potentially more open space due to the general character of a residential district, and potentially less obstructed sight lines to and from the district. The associated impacts, as previously outlined, would likely be minimal except for potential impacts incurred by the School District; however, as noted in the GEIS, the impacts of any residential development on the School District would depend on the type and mix of units, understanding that an efficiency unit will likely generate fewer public school children than a two or three-bedroom unit.

The owner of the property in this district has proposed a rezoning to a PMU district which differs from that recommended in the proposed *Comprehensive Plan* (discussed below), primarily by allowing increased density (the “Increased Overall Density Scenario”). In addition to the proposed zoning text and map amendments, the owner has advanced a development proposal that has both residential and commercial uses, which would be generally consistent with the proposed *Comprehensive Plan’s* recommendation for mixed uses in this area. One factor relevant to these Findings, and addressed further below, is whether the Village Board of Trustees prefers to await the site-specific environmental and land use review before determining what amended zoning text and map for this site would be most consistent with the goals and objectives of the proposed *Comprehensive Plan*. Such a site-specific assessment is (properly) not included in this GEIS but would be in the Environmental Impact Statement (“EIS”) that would be prepared for the owner’s proposal. For example, as noted below, the proposed *Comprehensive Plan* recommends efficiency (studio) and one-bedroom units targeted to serve young professionals, empty nesters or a combination of both to reduce potential impacts to the School District; to the extent the owner’s proposal incorporates that recommendation, it could avoid adverse impacts to the District.

The more limited PMU zoning scenario proposed in the GEIS allows a mix of land uses as recommended by the proposed *Comprehensive Plan*. The range of uses for the decommissioned

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<sup>2</sup> As referenced in Board of Trustees meetings and CPAC workshops (May 16, July 16, 2012).

hospital at 406 Boston Post Road includes residential, commercial, office and community facilities. Under this PMU district, each land use is assigned a specific floor area ratio (FAR) with varying zoning allowances for both non-restricted and age-restricted residential development. Table 1 outlines the different FARs by land use.

**Table 1 Proposed PMU District FAR Allotments by Land Use**

Land Use	Permitted FAR
Hotel/Conference Center	0.40
Commercial	0.20
Unrestricted Residential	0.20
Age Restricted Residential	0.30
Community Facility	0.10

See §345-62 in the *Zoning Text and Map Amendments* for additional detail.

As indicated in Table 1, the maximum FAR allowed for a hotel/conference center is 0.40; the maximum FAR allowed for commercial and unrestricted residential is 0.20; the maximum FAR for age restricted residential is 0.30; and the maximum FAR allowed for a community facility is 0.10. All land uses, when combined, cannot exceed a permitted FAR of 0.8<sup>3</sup>. The variation of density by land use is designed to provide a range of opportunities that does not reduce the overall density permitted in the existing R2F district.

The maximum build-out potential for this scenario, inclusive of maximizing residential potential, resulted in a possible 432 dwelling units and approximately 336,000 square feet of non-residential space. The associated impacts would likely affect the existing infrastructure and transportation systems as well as the School District to a greater extent than the No Action Alternative due to the increase in dwelling units/development potential. However, the proposed *Comprehensive Plan* recommends efficiency (studio) and one-bedroom units targeted to serve young professionals, empty nesters or a combination of both, which is incorporated into this PMU scenario. Thus, a development under this scenario would be expected to reduce undue burden to the School District. Also, senior housing, to the extent included, would help reduce traffic and School District impacts. However, as with each alternative scenario, the precise impacts could vary based on specific development proposals.<sup>4</sup> Furthermore, even if this PMU alternative is adopted, the zoning regulations would be subject to modification based upon a site specific EIS and evaluation of the parameters of a proposal submitted by the property owner.

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<sup>3</sup> A 0.2 FAR bonus up 1.0 FAR can be achieved pursuant to §345-67 of the Zoning Code Text and Map Amendments.

<sup>4</sup> The Board notes that the owner submitted information regarding asserted comparables by which to gauge the number of school children from its proposal. That information is part of the GEIS; however, a detailed analysis of such a submission best awaits a site-specific review of a particular proposal

The Increased Overall Density Scenario studied in the GEIS mirrors the rezoning proposal of the owner noted above. The proposal includes a permitted and unrestricted FAR to be 1.60 for all land uses combined – not apportioned by land use. This approach could afford additional development flexibility. Under this alternative PMU scenario, the maximum build-out potential results in 820 dwelling units and 20,000 square feet of non-residential space. The proposal – and proposed PMU district – provides a specific mix of residential and non-residential uses. The property owner conducted independent studies, which posited fiscal and socio-economic benefits, including job creation and tax generation. Although this scenario complies with the proposed *Comprehensive Plan's* general recommendation to increase mixed use development opportunities, the scenario could have potential adverse impacts imposed on local traffic patterns, water and sewer line capacities, and costs to the School District. As noted above, however, the extent to which potential impacts are realized would depend on the actual development proposal.

Overall, both PMU scenarios align with the recommendations of the proposed *Comprehensive Plan* by offering a mixed use landscape with housing targeted to efficiency (studio) and one and two-bedroom units. However, the owner's proposed PMU district, by allowing 820 dwelling units, exceeds the maximum build-out potential of either the No Action or proposed PMU scenario of 242 and 432 dwelling units, respectively. Such an increase has a greater potential than the other two alternatives to adversely affect the School District and existing transportation and infrastructure networks.<sup>5</sup>

There are, of course, potential variations to the alternative scenarios for the former United Hospital site based on the range of impacts identified in these alternatives. For example, the existing zoning could be modified to allow commercial uses, thus providing for a mix of uses. It could also be amended to restrict the types of housing units, thus limiting certain potential impacts. The potential for such variations has been considered by the Village Board of Trustees in making these Findings.

### ***Proposed DW Design Waterfront District***

The GEIS generically analyzed the proposed DW Design Waterfront district, located from Willett Avenue and Mill Street on the eastern side of Abendroth Avenue and including a portion on the north side of Mill Street from the Byram River to North Main Street (**See Appendix F**), at the request of the Mayor and discussed at the October 22, 2012 Board of Trustees Meeting (**See Appendix D, p. 39, Lines 16-23**). The proposed DW district recommends an FAR of 1.6 with rear, front, and side yard setbacks in addition to a parking requirement. There is also a proposed reduction in building story height. The proposed DW district is in concert with the proposed *Comprehensive Plan*, i.e. providing more appropriate land uses along the Byram River waterfront, improving sightlines to the water's edge and helping to manage potentially adverse environmental

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<sup>5</sup> Concerns regarding additional public school children generated and impacts to transportation and infrastructure were expressed by CPAC, the Board of Trustees and the public throughout the *Comprehensive Plan* process.

impacts through specific dimensional regulations. However, it will reduce development potential due to setback and FAR restrictions as well as the inclusion of a parking requirement.

## **CONCLUSION**

The Lead Agency finds that the Proposed Action, as described below, is consistent with the goals and objectives of the Village of Port Chester, that such objectives are reasonable, taking into account all of the circumstances, characteristics and environs of the Village, and that the alternatives required to be studied in the Scoping Document were studied to sufficient degree to permit the Lead Agency to make a determination. The proposed *Comprehensive Plan* seeks to balance growth and development with the protection of neighborhood and Village character through the use of targeting appropriate land use and zoning strategies, i.e. strategic upzonings in select residential districts and strategic downzonings in select non-residential districts. The overall vision of the Proposed Action includes the reduction of density on a Village-wide basis in order to reduce environmental impacts to transportation, infrastructure, the visual landscape, economics and the School District. The amendments to the zoning text and map described below are consistent with the overall goals and objectives of the proposed *Comprehensive Plan*.

### ***Proposed PMU Planned Mixed Use District***

The Proposed Action provides a range of land uses and densities for the proposed PMU district, including residential, commercial, office and community facilities.

The range of alternatives for the zoning of the former Untied Hospital site, as noted above, includes a No Action Alternative scenario and two variants of the proposed PMU district, whereby maximum build-out potential and generic impacts (land use and zoning, transportation, infrastructure, visual, environmental and fiscal) were evaluated.

The Village finds, with respect to the former United Hospital site, that the following zoning amendments would be consistent with the Comprehensive Plan:

#### ***Option 1***

The No Action Alternative scenario would maintain the existing R2F Two Family Residential zoning, which does not permit non-residential uses and thus may not be in concert with the proposed *Comprehensive Plan*. The potential adverse impacts of this alternative, pursuant to the GEIS, are primarily in regard to impacts on the School District. In light of the owner's extant proposal to amend the zoning text and map for this site, and for a specific redevelopment of the property, the Village Board of Trustees finds that the best approach to assure consistency with the Comprehensive Plan and overall Village interests is for that proposal to undergo a site-specific environmental review under SEQRA. This would allow the Village Board of Trustees, which is the designated Lead Agency for that environmental review, to consider the detailed site-specific impacts of the particular proposal, rather than relying on the generic assessment in the GEIS. That

site-specific review would analyze in detail the potential impacts of the proposed rezoning on critical areas of concern, including transportation, infrastructure and the School District, and would incorporate any proposed measures to mitigate any adverse impacts. The assessment in a generic EIS, such as prepared for the Proposed Action, properly and appropriately did not contain the level of detail that can be ascertained through a site-specific SEQRA review.

### *Option 2*

The PMU Planned Mixed Use district scenario aligns with the overall goal for mixed uses in the Proposed Action. Specifically, the proposed district includes the appropriation of FARs by land use with a permitted combined FAR density of 0.80, bonusable up to 1.0<sup>6</sup> (**Table 1**). With a potential maximum build-out of 432 dwelling units, associated impacts would likely affect the surrounding transportation and infrastructure systems and, with the increase in potential dwelling units from 240 (existing R2F district) to 432, potentially burden the School District. One measure to help reduce potential School District impacts is the allowance of only efficiency (studio), one bedroom and two bedroom units. Moreover, the permitted 0.30 FAR for age restricted housing will likely reduce traffic, infrastructure and School District impacts. Overall, this alternative, which is part of the Proposed Action, appears to best meet the goals and objectives of the Comprehensive Plan. However, given the pending application by the owner for zoning amendments accompanied by a specific redevelopment proposal, it is possible that some variant of this district could be found, after a site-specific review, to be as or even more consistent with the proposed *Comprehensive Plan*.

### *Option 3*

The owner's proposed PMU district scenario includes a mix of residential and non-residential uses and thus aligns with this broad-based goal of the Proposed Action. The proposal recommends a bulk FAR of 1.6 with no specific appropriation of FAR by individual land use. The provision of an overall FAR, rather than having the FAR limited to specific uses, would provide more flexibility than the PMU district that is part of the Proposed Action. However, this increased FAR could result in a potential build-out of 820 dwelling units and 20,000 square feet of non-residential space, and potentially adversely affect transportation and infrastructure systems. Although the recommended unit structure of efficiency (studio), one bedroom and two bedroom units would serve to limit potential impacts to the School District, and specific development proposals might include measures to mitigate any significant adverse effects, the permissible density would tend to exacerbate the potential for adverse impacts, even with a site-specific review of the owner's development proposal.

As noted above, the owner's proposed zoning amendments are accompanied by a detailed redevelopment proposal, which will be subject to a site-specific review. Although the owner has provided certain preliminary information relating to that proposal, that information cannot

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<sup>6</sup> Pursuant to §345-67 of the Zoning Map and Text Amendments.

substitute for the comprehensive evaluation to be undertaken pursuant to SEQRA and Village Law. Such a further assessment is of particular significance given the importance of the area to Village planning, and thus to the public interest. Accordingly, while the Village Board of Trustees may consider amendments to the zoning arising from the owner's proposal, that consideration would follow and be predicated upon the comprehensive site-specific evaluation.

Based on the foregoing, the Village Board of Trustees:

approves the PMU Planned Mixed Use scenario, recognizing that the owner's proposal for rezoning and redevelopment of that site and concomitant detailed, comprehensive site-specific environmental review under SEQRA could result in modifications to this district.

### ***Proposed DW Design Waterfront District***

Another detailed zoning alternative analyzed was the proposed DW Design Waterfront district, from Willett Avenue and Mill Street on the east side of Abendroth Avenue and including a portion on the north side of Mill Street from the Byram River to North Main Street, after potential development concerns were raised by Village officials and the public (**See Appendix C**).

#### *Option 1*

With the adoption of the proposed DW Design Waterfront district scenario, from Willett Avenue and Mill Street on the east side of Abendroth Avenue and including a portion on the north side of Mill Street from the Byram River to North Main Street, there is a reduction in development potential of approximately fifty (50) percent or almost 422,000 square feet due to the increased setback regulations and a reduction in FAR (**See Appendix F**). These dimensional regulations ultimately reduce the 'development envelope' of a parcel, thereby reducing the amount of commercial space available. Benefits of the proposed DW district include the preservation of sightlines to the Byram River waterfront through a building height and land use intensity 'step-down' approach and setback regulations that will likely reduce the amount of impervious surface and environmental impacts to the Bryam River. The proposed district is also in concert with the *Local Waterfront Revitalization Program* (1992) that encourages water-dependent uses.

#### *Option 2*

The elimination of the proposed DW Design Waterfront district scenario, from Willett Avenue and Mill Street on the eastern side of Abendroth Avenue and including a portion on the north side of Mill Street from the Byram River to North Main Street (**See Appendix F**), will maintain the area's existing zoning, C2 Central Business. As part of the Proposed Action, the remainder of the existing C2 Central Business district is proposed to be C2 Main Street Business to allow for more appropriate land uses in the overall downtown area. The same bulk requirements, i.e. FAR and setbacks, remain consistent between the two C2 districts with the exception of a potential density bonus available in the proposed C2 Main Street Business district. There is also a change in permitted building height from eight stories (70 feet) to five stories (60 feet), respectively. Both of these districts are potentially inconsistent with the proposed *Comprehensive Plan* and *Local*

*Waterfront Revitalization Program (1992)* for this area due to permitted building heights and lack of permitted water-dependent uses.

### *Option 3*

The adoption of a modified DW Design Waterfront district with appropriate dimensional regulations and schedule of permitted water-dependent uses is in concert with both the proposed *Comprehensive Plan* and *Local Waterfront Revitalization Program (1992)*. A modified district boundary will create a rational nexus between portions of the Abendroth Avenue/Mill Street and desired water-dependent uses. Further, dimensional regulations, including FAR, setback requirements, and building height cap (4 stories), will provide viable future development and public waterfront access opportunities without having significant, adverse impacts to the surrounding environs within the thresholds recommended and evaluated, respectively, in the FGEIS **Appendix F**.

Based on the foregoing, the Village Board of Trustees

approves the adoption of a modified DW Design Waterfront district along Abendroth Avenue/Mill Street with appropriate dimensional regulations and schedule of permitted water-dependent uses in concert with both the proposed *Comprehensive Plan* and *Local Waterfront Revitalization Program (1992)*.

### **Summary**

Based upon the foregoing, having considered the relevant environmental impacts, facts and conclusions disclosed in the Generic Environmental Impact Statement; having weighed and balanced relevant environmental impacts with social, economic, transportation, community facilities and other considerations; and having set forth the rationale for its decision in the foregoing Findings, the Lead Agency now certifies that the requirements of New York Code of Rules and Regulations Part 617, Title 6 have been met; and further certifies that, consistent with social, economic and other essential consideration from among the reasonable alternatives available, the Proposed Action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable.