

**CITY OF RYE  
1051 BOSTON POST ROAD  
RYE, NY 10580  
AGENDA**

**REGULAR MEETING OF THE CITY COUNCIL VIA  
ZOOM CONFERENCE  
Wednesday, May 5, 2021  
6:30 p.m.**

*PURSUANT TO GOVERNOR CUOMO'S EXECUTIVE ORDER No. 202.1, REQUIREMENTS UNDER THE OPEN MEETINGS LAW HAVE BEEN SUSPENDED AND PUBLIC BODIES MAY MEET WITHOUT ALLOWING THE PUBLIC TO BE PHYSICALLY PRESENT. FOR THE HEALTH AND SAFETY OF ALL, CITY HALL WILL REMAIN CLOSED. THE MEETING WILL BE HELD VIA ZOOM VIDEO-CONFERENCING WITH NO IN-PERSON LOCATION AND WILL BE BROADCAST ON THE CITY WEBSITE. A FULL TRANSCRIPT OF THE MEETING WILL BE MADE AVAILABLE AT A FUTURE DATE.*

City of Rye residents may participate in the public meeting via the zoom link below. A resident wishing to speak on a topic should raise his or her hand and, when admitted to speak, should provide name and home address, and limit comment to no more than three minutes.

Please click the link below to join the webinar:

<https://zoom.us/j/98349639703?pwd=TDFaR2hoZEIYOTRQbjR1RTNPK01CUT09>

Or phone: (646) 558-8656 or (301) 715-8592 or (312) 626-6799

Webinar ID: 983 4963 9703

Password: 221617

*[The Council will convene via ZOOM CONFERENCE at 5:15 p.m. and it is expected they will adjourn into a teleconference Executive Session at 5:16 p.m. to discuss attorney-client privileged matters, personnel matters, and/or labor negotiations.]*

1. Roll Call.
2. Draft unapproved minutes of the Regular Meeting of the City Council held April 21, 2021.
3. Resolution to raise a Pride flag in June.
4. Purchase Plaza update with consideration to extend the cold weather plan until June 15, 2021.
5. Continue the public hearing to adopt a new local law to implement a six-month moratorium in the City of Rye temporarily prohibiting the review, processing or approval of any new application (after April 7, 2021) related to a subdivision or re-subdivision of property development on steep slopes or the placement of a residential structure with its front not oriented towards a front yard for the duration of this moratorium. All public

hearing comments should be emailed to [publichearingcomments@ryeny.gov](mailto:publichearingcomments@ryeny.gov) with “moratorium” as the subject no later than 3:00 pm on the day of the hearing.

6. Presentation of preliminary 2020 financials summary from City Comptroller, Joe Fazzino.
7. Presentation of 2021 street resurfacing plan.
8. Open a public hearing to amend a local law, Chapter 161 “Sewers” of the Rye City Code. All public hearing comments should be emailed to [publichearingcomments@ryeny.gov](mailto:publichearingcomments@ryeny.gov) with “Chapter 161” as the subject no later than 3:00 pm on the day of the hearing.
9. Open the public hearing to consider an application from Rye Town Park to install a communications facility that will allow for Verizon Wireless and AT&T to co-locate equipment within the same structure located at 95 Dearborn Avenue, Rye, New York. All public hearing comments should be emailed to [publichearingcomments@ryeny.gov](mailto:publichearingcomments@ryeny.gov) with “RTP Wireless” as the subject no later than 3:00 pm on the day of the hearing.
10. Residents may be heard on matters for Council consideration that do not appear on the agenda.
11. Consideration to set a public hearing for May 19, 2021 to add Chapter 166 “No Smoking” to the City Code.
12. Home Rule Resolution supporting A10516 /S8377 extension of the City of Rye Hotel Occupancy Tax.
13. Adjourn until June 9, 2021 the public hearing for consideration of a petition from The Miriam Osborn Memorial Home to amend the text of the City of Rye Zoning Code Association to create new use and development standards for “Senior Living Facilities” in the R-2 Zoning District. All public hearing comments should be emailed to [publichearingcomments@ryeny.gov](mailto:publichearingcomments@ryeny.gov) with “Osborn Zoning Change” as the subject no later than 3:00 pm on the day of the hearing.
14. Old Business/New Business.
15. Adjournment

\* \* \* \* \*

The next regular meeting of the City Council will be held on Wednesday, May 19, 2021 at 6:30 p.m.

\*\* City Council meetings are available live on Cablevision Channel 75, Verizon Channel 39, and on the City Website, indexed by Agenda item, at [www.ryeny.gov](http://www.ryeny.gov) under “RyeTV Live”.

***UNAPPROVED MINUTES*** of the Regular  
Meeting of the City Council of the City of Rye held via  
Zoom Conference on April 21, 2021, at 6:30 P.M.

**PRESENT:**

JOSH COHN, Mayor  
SARA GODDARD  
CAROLINA JOHNSON  
RICHARD MECCA  
JULIE SOUZA  
BENJAMIN STACKS  
PAMELA TARLOW  
Councilmembers

**ABSENT: NONE**

The Council convened at 5:15 P.M. by videoconference pursuant to Governor Cuomo's Executive Order 202.1 waiving requirements of the Open Meetings Law. Councilwoman Souza made a motion, seconded by Councilwoman Johnson, to adjourn briefly into executive session to discuss litigation and personnel matters. The Council reconvened in a public videoconference at 6:30 P.M. The meeting was streamed live at [www.ryeny.gov](http://www.ryeny.gov) for public viewing and participation.

1. Roll Call.

Mayor Cohn asked the City Clerk to call the roll; a quorum was present to conduct official City business.

Councilman Mecca made a statement to the Council and public, thanking them for having the meetings earlier since the start of the pandemic. He asked that the Council consider moving Item 12, which was important to him, up in the agenda order as he needed to adjourn the meeting earlier than normal.

2. Draft unapproved minutes of the Regular Meeting of the City Council held April 7, 2021.

Councilman Mecca made a motion, seconded by Councilman Stacks and unanimously carried, to adopt the minutes of March 24, 2021.

3. Hiring of First Amendment counsel with respect to possible Pride flag raising and other matters. Part 1 of 2.

Corporation Counsel Wilson explained that over the last year, important First Amendment issues with regard to both individuals and government have been raised with respect to the subject of flag raising. The recommendation at this time to be prepared with all necessary courses of action with regard to these important issues is to retain special counsel, Sokoloff and Stern, for an amount not to exceed \$10,000. The purpose of this would be to seek First Amendment advice and guidance for the City.

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Councilwoman Goddard stated that she had recently learned that some of the Council had been looking into the legality of some of these First Amendment issues. She said that prior to retaining counsel with taxpayer dollars, she would like to hear what the particular issues and concerns are. She commented that she did not believe the issue of a flag raising required any special legal analysis. She felt that the Council did not need to spend money on the question of whether a municipality could choose to display a flag on a pole. She cited other municipalities that have decided to raise the Pride Flag without question. She felt it was appropriate to vote on a case-by-case basis when it came to the issue of flag raising.

Mayor Cohn responded that the work product of the Councilmembers who had looked into the issues was comprised of a questionnaire sent to various law firms on the issue of flag raising. He said that the Council unanimously voted to declare June “Pride Month” last year. The hesitation comes with the risk that once the Council approves the Pride Flag, the City may open itself up to being required to raise other flags not of its choosing, perhaps with negative consequences. As fiduciaries of the City, Mayor Cohn said that most of the Council felt a need to figure it out. He distinguished the case of *Shurtleff v. City of Boston*, No. 18-1898 (1st Cir. 2019), in that it may not be binding precedent in our jurisdiction. He stated that only a small fraction of municipalities move forward without concern. He said that the Council must anticipate what may happen in Rye once the City puts up that first flag. He reiterated the Council’s acceptance for the LGBTQ+ community.

Prior to the Council vote on the next resolution, Councilwoman Tarlow made a statement. She stated that she felt that the City needed a firm policy that can be handled administratively when it comes to these types of requests. She said that once the government regulates content, it can create a problem. She reiterated support for a policy.

Councilwoman Goddard stated that should an offensive request be made, the Council would be able to vote it down.

Councilwoman Tarlow stated that she was prepared to vote in favor of raising the flag this evening, and said that there is discrepancy when the City is inherently approving the POW MIA flag while voting down the rainbow flag. She said that the City can then move forward with a concrete policy for the future.

Mayor Cohn said that it is that inconsistency that makes it imperative for the City to seek professional guidance on the matter.

Councilwoman Goddard said that she did not need a policy or legal memo to tell her that she could approve a nationally-recognized flag.

Councilwoman Souza mentioned that the firm that the City was considering understands that time is of the essence.

Councilwoman Souza made a motion, seconded by Councilman Mecca, to adopt the following resolution:



**WHEREAS**, over the course of the last year, several first amendment issues have been raised throughout the City as it relates to the constitutional rights of individuals as well as protecting government policy and property; and

**WHEREAS**, Corporation Counsel recommends seeking special Counsel to help draft necessary policies or procedures for the Council to consider;

**NOW THEREFORE BE IT, RESOLVED**, that the City Council hereby authorizes Corporation Counsel to retain the law office of Sokoloff Stern LLC for an amount not to exceed \$10,000, to provide first amendment advice and guidance to the City Council including the potential civil legal obligations of the City with regard to the request for a flag raising.

**ROLL CALL**

AYES: Mayor Cohn, Councilmembers Johnson, Mecca, Souza, Stacks, Tarlow  
NAYS: Councilwoman Goddard  
ABSENT: None

Councilwoman Johnson stated that Rye has seen firsthand that it is not immune to the groups that do not share the same values as the City and Council that are present in the community. She felt that securing legal counsel would put the City in the greatest position to protect the LGBTQ+ community.

Councilman Stacks added that this issue was very important and the goal was to ensure that the Council could vote to raise the flag. He stated that all of the Council agreed that this flag should be raised. He felt that there was a real need to do it right.

Councilwoman Souza added that as fiduciaries of the City, it was important to ensure that the City is protected as best as possible.

The following residents made statements in support of raising the Pride Flag on public property and against the Council decision to spend funds on special legal counsel on the issue. Their thoughtful, thorough comments can be heard in detail here: <https://ryeny.new.swagit.com/videos/119840> at 04:10.

- Suki Van Dijk
- Fiona Degnan
- Eason Kamander
- Kim Iannucci
- Odessa Meulbroek
- Hannah Lutz
- Natalie Auerbach
- Alison Relyea
- Dr. Genevieve Weber
- Amanda Yannett

With the level of public interest on this topic, the Council decided to briefly adjourn the subject and return to it later in the meeting to ensure that all could be heard.

4. Open the public hearing to adopt a new local law to implement a six-month moratorium in the City of Rye temporarily prohibiting the review, processing or approval of any new application related to a subdivision or re-subdivision of property [or, alternatively, prohibiting the issuance of any building permit for any development on subdivision plats filed after June 1, 2020], development on steep slopes or the placement of a residential structure with its front not oriented towards a front yard for the duration of this moratorium. All public hearing comments should be emailed to publichearingcomments@ryeny.gov with “moratorium” as the subject no later than 3:00 pm on the day of the hearing.

Councilwoman Goddard recused herself from the agenda item.

Corporation Council Kristen Wilson introduced the intent of the proposed moratorium. The specific proposed local laws are as follows: 1) a Local Law adopting a six-month moratorium in the City of Rye temporarily prohibiting the review, processing or approval of any new application related to a subdivision or re-subdivision of property, the development on steep slopes or the placement of a residential building with its front not oriented towards a front yard for the duration of this moratorium (applications received prior to April 7, 2021 are not impacted by this proposed moratorium), and, 2) a Local Law adopting a six-month moratorium in the City of Rye temporarily prohibiting the review, processing or approval of any new application related to a subdivision or re-subdivision of property, the development on steep slopes or the placement of a residential building with its front not oriented towards a front yard for the duration of this moratorium (this moratorium would apply to any subdivision plat filed after June 1, 2020).

Councilwoman Tarlow asked where the June 1, 2020 date originated.

Corporation Council Wilson replied that date was arrived at through consultation and review in response to the County’s delays caused by Covid. It accounts for delayed application and filing times.

Councilwoman Tarlow asked Rye’s City Planner, Christian Miller, what the process is for design review approval, the steps required to receive approval, and what issues should be addressed by the moratorium.

City Planner Miller stated that a subdivision is presented to the Planning Commission, it follows the subdivision rules and regulations in the City Code, it has to demonstrate compliance with zoning, and it then goes through a subdivision process that requires public meetings with the Planning Commission and a Public Hearing. If the subdivision is approved, the map has to be filed in the Westchester County Land Records Office.

Councilwoman Tarlow noted that a subdivision plan affected by the proposed moratorium could have been approved in March, April, or May of 2020 and filed in June of 2020.

City Planner Miller confirmed that these are approvals that were granted in late 2019 or early 2020, and because of Covid delays, they were not filed until June 2020. He noted that there are two subdivisions that were affected by that.

Councilwoman Tarlow asked if there was a long process and a large cost associated with obtaining a subdivision approval.

City Planner Miller confirmed that that was the case even with smaller subdivisions like what is seen in Rye.

Councilwoman Tarlow asked if there were available solutions to the various issues in the subdivision map process.

City Planner Miller noted that are tree loss issues and lot line issues that could be addressed by the moratorium. These issues have been considered for many years.

Mayor Cohn stated that the Council hoped to look at other municipalities' laws.

Councilman Mecca made a motion, seconded by Councilwoman Johnson and unanimously carried, to open the public hearing.

Tony Bancroft, Rye Resident, spoke of his concern for the moratorium. He requested that the subdivision applications be evaluated on a case by case basis.

Mayor Cohn encouraged Mr. Bancroft to take note of the waiver process associated with the moratorium.

City Planner Miller stated that the Bancrofts would be subject to the wavier provisions of the Planning Commission if the moratorium was passed.

Maggie Jahn, Rye Resident, suggested that the Council update the City's Master Plan.

Mayor Cohn spoke to the Council's intention of beginning the Master Plan process.

Councilman Stacks noted that Covid has changed the lives of many residents, and he suggested that waiting to begin the Master Plan process was actually a good thing in light of those changes.

Michael Wing, 395 Park Ave., spoke in opposition to the retroactive moratorium. He asked if there was precedence for this, he asked if it was legal to do this, and he asked if the City was open to a potential lawsuit as a result of passing the moratorium.

Mayor Cohn stated that the Council has been advised that both local laws are legal.

Joe Lorono, 160 Osborn Road, spoke in opposition to the local law.

Tracy Stora, 3 Fairlawn Court resident and CCAC chair, thanked the Council for reviewing the land use laws. She also supports the Planning Commission chair's open letter to the Council.

Linda Whitehead, partner at McCullough, Goldberger, and Staudt, spoke against the proposed moratorium, stating that it takes away property rights. She discussed the legalities of a moratorium as an emergency measure put in place by a municipality. She felt that this specific moratorium was a direct response to Rye residents who expressed upset over development on a particular property. She stated that she represented the owner of a property who would be adversely affected by the moratorium. She urged the Council not to move forward with the retroactive moratorium.

Jonathan Kraut, Rye Resident and legal representation for Joseph Lorono, developer of 95-97 Oakland Beach Avenue and Rye resident, spoke in opposition to the local law. He gave a detailed history of the subdivision of the property at 95-97 Oakland Beach Avenue. He discussed the process before the Planning Commission, which recommended a setup of the properties that it felt could benefit the neighbors, which required a variance. The variance was granted, giving the neighbors more of a distanced buffer to the proposed homes. He noted a recent memo from Planning Commission Chairman Everett to the Council, but asked why the matter was never formally referred to the Planning Commission. He felt it important for the Planning Commission to have been able to have a public discussion regarding the matter, and ask that the Council refer both moratoriums for comment. He stated that the moratoriums take away his client's property rights.

Leslie Ebers, 138 Osborn Rd., spoke about the City's need for a plan for the City with better rules from the outset, to prevent problems from the outset instead of reacting to them later.

John Leonard, Rye Resident, spoke in favor of a moratorium while the City creates a new Master Plan. He spoke about the legalities and specifics of development, including character of the neighborhood, blasting needs, and the waiver process.

Samuel Coleman, Grace Church Street Resident, thanked the Council and Planning Commission. A longtime resident of Rye, he discussed the history of his particular application to subdivide his property, which was approved in 2019. The retroactive moratorium, if passed, would directly impact his property. Mr. Coleman spoke against the moratoriums due to undue financial hardship and other concerns.

Danielle Tagger-Epstein, 10 Sound Road, spoke about the City's need for a new Master Plan. She stressed the importance of this blueprint for the City with regard to quality of life, future growth, and management of dwindling open spaces. She discussed the need for better zoning, tree ordinances and wetlands regulations for the community.

Leo Napior, Harfenist, Kraut & Perlstein, stated that he does not believe that the moratorium is legal. He challenged the process at which the moratorium came to be on the City Council agenda, stating that no other land use board had made any formal recommendations.

Linda Whitehead spoke again and stated that the Council cannot undo a subdivision that had already been approved. She addressed her concerns with the “steep slopes” provision part of the moratorium. She also addressed her concerns about the waiver provision, which is burdensome on the property owner. Finally, she addressed her concerns with the “flag lots” portion of the local law. She felt these issues should be reviewed on a case-by-case basis.

Nadine Waxenberg, 19 Thorne Place, spoke in support of the moratoriums. She stated that the former owner of 95 and 97 Oakland Beach Avenue would have wanted the future owners to keep the landscaping intact. She felt concerned for the character of the neighborhood.

Martin Kehoe, 101 Oakland Beach Avenue, spoke in support of the moratoriums. He expressed his disappointment with the development of the 95 and 97 Oakland Beach Avenue property. He was concerned with the removal of the trees with respect to the subdivision and development.

Jonathan Kraut spoke again against the local law. He stated that a FOIL request to the City turned up no documents with respect to concerns from other land use boards regarding the need for such moratoriums. He also gave a history of similar local laws that had been considered previously (2003), and urged the Council to review that history.

Leo Napior spoke again in response to Ms. Waxenberg’s comments. He stated that the applicant at 95-97 Oakland Beach complied with all of the set regulations that had been put in place, and the intent of the code as is. He asked the Council if they had studied the far-reaching potential impacts of the moratoriums across the properties of Rye.

Jonathan Kraut continued his comments on the history of previous similar local laws and asked that the Council review the processes of previous Councils. He stated concern regarding the process of which this particular moratorium was put on the agenda. He felt the proposed moratoriums were the product of a response of complaints resulting from a particular property, and stated that it was not supported by New York law.

Carlos Peraza, Rye resident, spoke about the importance of laws to protect and preserve the charm and character of the City.

Marc Alimena, Rye resident, spoke in favor of the moratorium, and eventually better laws, in order to preserve the character of the community.

John Hobbins, 75 Oakland Beach Avenue, spoke in support of the moratoriums to help keep with the character of Rye. He discussed the impact on neighbors to development. He asked if the law would allow for patios to be built.

City Planner Miller stated that a patio would be subject to the moratorium if it is close enough to a slope. Corporation Counsel Wilson reaffirmed this.

Jonathan Kraut spoke again against the moratoriums. He reiterated that the 95-97 subdivision was done with the spirit of the code and neighbors in mind. He discussed the

benefits of development in Rye, using the ballfields as a historical example. He asked the Council to take a judicious look at this case and review the history of development.

Alan and Anne Gold, 89 Oakland Beach Ave., spoke in support of the local law. They stated that the Council needed to take a look to see what kind of community Rye will be going forward.

Patti Yoon, 93 Oakland Beach Ave, spoke in support of the moratoriums. She spoke about the importance of creating a new Master Plan and updating the blasting laws and tree ordinances.

Jim Cornacchia, Rye Resident and member of the Board of Architectural Review, recommended that the Council and public take a look at the BAR meetings available online. He stressed that the BAR is tasked with ensuring that the character of Rye is preserved.

Kathy Grainger-Hobbins, 75 Oakland Beach Avenue, spoke in support of the moratorium. Regarding the building on 95-97 Oakland Beach Avenue, she said that building two homes on one lot is not necessarily always the right thing to do. She reminded the Council that they are there to protect the residents.

Sally Loizaeaux, Meadow Place resident, spoke in support of the moratorium. She noted that the City has become overcrowded and has suffered from too much growth. She also noted that the schools are also overcrowded.

Mayor Cohn asked the Council members how they would like to proceed.

Councilwoman Tarlow commented that she is ready to vote on the retroactive item.

Councilman Mecca stated that he believed that they public should be given another chance to speak.

Councilwoman Souza made a motion, seconded by Councilwoman Tarlow and unanimously carried, to close the Public Hearing on the proposed local law to implement a six-month moratorium in the City of Rye temporarily prohibiting the review, processing or approval of any application related to a subdivision or re-subdivision of property, prohibiting the issuance of any building permit for any development on subdivision plats filed after June 1, 2020, development on steep slopes or the placement of a residential structure with its front not oriented towards a front yard for the duration of this moratorium.

Mayor Cohn made a motion, seconded by Councilwoman Johnson, to adopt the proposed local law to implement a six-month moratorium in the City of Rye temporarily prohibiting the review, processing or approval of any application related to a subdivision or re-subdivision of property, prohibiting the issuance of any building permit for any development on subdivision plats filed after June 1, 2020, development on steep slopes or the placement of a residential structure with its front not oriented towards a front yard for the duration of this moratorium (the “retroactive” proposed moratorium).

**ROLL CALL**

AYES: Mayor Cohn, Councilmembers Johnson, Stacks  
NAYS: Councilmembers Mecca, Souza, Tarlow  
ABSENT: None  
ABSTAIN: Councilmember Goddard

The motion did not pass.

Mayor Cohn stated that he was for the retroactive moratorium, but he sees subdivisions as having the most dramatic impact by the moratorium.

Councilwoman Johnson added that there is never a perfect time, and someone will always be affected.

Councilwoman Souza agreed with Councilwoman Johnson that the system is broken, and there are weaknesses with the law. She believes that the zoning law should be looked at more carefully, but going back to change it retroactively is not the way to go. She hopes that the Oakland Beach Avenue neighbors and developer can reach some agreement.

Councilman Mecca stated that he did not participate in the Planning Commission memo regarding this issue.

Councilwoman Tarlow agrees that the system is broken, and that the neighbors of 95 and 97 Oakland Beach Avenue were harmed by the Council's negligence in protecting them. She hopes that the Council is able to come up with solutions to prevent something like this from happening again.

Councilman Stacks noted that he did not have anything further to add beyond what Councilwoman Johnson and Mayor Cohn said.

Councilman Mecca made a motion, seconded by Councilwoman Souza, and unanimously carried to continue the Public Hearing for the second part of the moratorium open until the May 5, 2021 meeting. This proposed six-month moratorium would temporarily prohibit the review, processing or approval of any application related to a subdivision or re-subdivision of property, prohibiting the issuance of any building permit for any development on subdivision plats filed after April 7, 2021, development on steep slopes or the placement of a residential structure with its front not oriented towards a front yard for the duration of this moratorium.

12. Resolution for a native tree dedication on Purchase Street on April 30, 2021 to Emanuela (Mannie) Riccio, concurrent with Arbor Day.

This item was taken out of order.

Councilman Mecca introduced the issue. He stated that he had a familial relationship with lifelong Rye resident, Emanuela (Mannie) Riccio, who resided on Purchase Street in the last 40 years of her life. Ms. Riccio was born in the Dublin area of Rye and spent her life here. She was very proud of the historic building and put a lot of care into it. Councilman Mecca

mentioned the many contributions that Ms. Riccio gave to Rye in her life. He thanked Mr. Wilson of Woodrow Jewelers for supporting the initiative of planting the native tree in Ms. Riccio's honor.

Councilwoman Souza made a motion, seconded by Councilman Stacks and unanimously carried, to adopt the following resolution:

**WHEREAS**, Emanuela (Mannie) Riccio, a life-long resident of Rye, passed away on April 1, 2016 at the age of 97; and

**WHEREAS**, Ms. Riccio graduated from Rye High School in 1937 and went on to work for Suzanne Gedney Real Estate on Purchase Street in Rye as both an insurance and real estate agent; and

**WHEREAS**, after Ms. Gedney's death, Ms. Riccio purchased what is now the Woodrow Jewelers Building from Ms. Gedney's estate; and

**WHEREAS**, Ms. Riccio was a long time member of the Ceres Garden Club, Business and Professional Women Organization and a former member of the Rye Landmark's Advisory Commission; and

**WHEREAS**, earlier this year, a well-recognized tree had to be removed from the front of Woodrow Jewelers located at 21 Purchase Street; and

**WHEREAS**, the City takes great pride in ensuring the Central Business District maintains its pedestrian friendly character and feel, including its tree scape along Purchase Street to provide a buffer between the on-street parking and the storefronts; and

**WHEREAS**, on April 30, 2021 "Arbor Day", the City would like to replace the tree and dedicate the new, native tree as the "Riccio Tree" in the City; and

**NOW, THEREFORE, BE IT RESOLVED THAT:** The City Council hereby dedicates this tree to be in memory of Mannie Riccio.

Councilman Mecca left the meeting.

The Council took a ten minute recess.

3. Hiring of First Amendment counsel with respect to possible Pride flag raising and other matters. Part 2 of 2.

The Council invited interested members of the public to speak on this topic.

The following residents addressed the Council. They spoke out in favor of raising the Pride Flag on public property, in favor of equal rights for the LGBTQ+ community, and against the Council's retention of special counsel to advise on the issues of flag raising with respect to First Amendment issues. They asked that the Council decide as-of-right to exercise its power to



fly the flag. Their in-depth, thoughtful comments can be heard here: <https://ryeny.new.swagit.com/videos/119840> at 3:18:32.

- Becki Ianucci
- Leslie Ebers
- Natalia Roman
- Odessa Meulbroek
- Nancy Pasquale
- Natalie Auerbach
- Alison Relyea
- Suki van Dijk
- Eason Kamander
- Amanda Timchak
- Fiona Degnan
- Morgan Kaplan
- Lilibet Kirwan
- Colleen Margiloff
- Amanda Yannett
- Hannah Lutz

The Council discussed the various issues presented at length.

Councilwoman Tarlow opined that the City needed a policy in place to move forward in a responsible way.

Councilwoman Goddard felt that the City had the authority to decide this issue absent legal advice or a policy, and that the Council should vote to fly the flag as-of-right.

Councilmembers Johnson, Stacks, Souza, and Mayor Cohn stated that all members of the Council supported raising the flag and the LGBTQ+ community. The issue of retaining legal counsel to advise the City was predicated on the risk that other groups that do not share these values of equality may approach the City being permitted to raise a flag if the City opens the door.

Councilwoman Johnson stressed that she felt that the retention of legal counsel would put the City in the best position to support and protect the most vulnerable population.

Councilwoman Tarlow made a motion, seconded by Councilwoman Goddard, to authorize the City to fly the Pride Flag on City property in the month of June 2021.

**ROLL CALL**

**AYES:** Councilmembers Goddard, Tarlow

**NAYS:** None

**ABSENT:** Councilman Mecca

**ABSTAIN:** Mayor Cohn, Councilmembers Johnson, Souza, Stacks

The motion did not carry.

After hearing the comments and discussing the pertinent issues, Mayor Cohn made a motion, seconded by Councilwoman Souza, to raise a Pride Flag outside of City Hall in the month of June 2021, subject to the advice of special counsel.

**ROLL CALL**

AYES: Mayor Cohn, Councilmembers Goddard, Johnson, Souza, Stacks, Tarlow  
NAYS: None  
ABSENT: Councilman Mecca

5. Residents may be heard on matters for Council consideration that do not appear on the agenda.

There was nothing discussed under this agenda item.

6. Presentation of 2021 street resurfacing plan.

This item was adjourned to a future meeting.

7. Consideration of a resolution authorizing the funding for the rehabilitation and roof repairs of Building 7 at Disbrow Park for the Department of Public Works.

City Manager Usry explained the need to authorize the funding for the rehabilitation and roof repairs of Building 7 at Disbrow Park for the Department of Public Works. He stated that the plan was to improve the structural issues with the building and the damaged roof, but not to increase the footprint or size in any way. The estimated cost of repair is \$350,000. The City will be holding a meeting with the neighbors prior to it being heard on the BAR agenda.

Councilwoman Tarlow made a motion, seconded by Mayor Cohn and unanimously carried, to adopt the following resolution:

**WHEREAS**, the City's Capital Improvement Plan includes the rehabilitation of Building 7 at Disbrow Park for use by the City of Rye Department of Public Works; and

**WHEREAS**, the improvements include, but are not limited to, roof repair and other structural upgrades to the building; and

**WHEREAS**, pursuant to Rye City Code § 32-4(G) "Piggybacking of purchasing", the City of Rye intends to use and "piggyback" on the municipal contract procured through the City of White Plains; and

**WHEREAS**, the City Council determines that the proposed action is considered a Type II Action; and no further environmental review is necessary; and now therefore be it

**RESOLVED**, that the City acknowledges that the City will be using the contract prices procured by the City of White Plains contract; and be it further

**RESOLVED** that the City Council requests that the Board of Architectural Review at its next regularly scheduled meeting to provide any advisory comments back to City staff on the design of proposed buildings and structures.

**ROLL CALL**

AYES: Mayor Cohn, Councilmembers Goddard, Johnson, Souza, Stacks, Tarlow  
NAYS: None  
ABSENT: Councilman Mecca

8. **Resolution to authorize the acceptance of electronic filing of assessment complaints with the Office of Assessment.**

City Manager Usry explained In April of 2020, the City Council allowed assessment roll and real property grievances to be heard remotely via telephone conference call or similar video conference service due to the pandemic. The City believes that the electronic filing of complaints has several benefits to the City and to its residents, including but not limited to: (i) reducing the exposure of the City staff and the public from the spread COVID-19 virus; (ii) record keeping and verification that the e-filing system provides; (iii) reducing the amount of paper and travel, which encourages environmental sustainability; and (iv) convenience for the residents of the City. Therefore, the City Council would like to make the electronic filing of assessment complaints permanent.

Councilwoman Tarlow made a motion, seconded by Councilman Stacks and unanimously carried, to authorize the City Manager to adopt the following resolution:

**WHEREAS**, Real Property Tax Law authorizes the City of Rye (the “City”) to accept electronic filing (e-filing) of complaints for the administrative review of real property assessment;

**WHEREAS**, the City Council believes that the electronic filing of complaints has several benefits to the City and to its residents, including but not limited to: (i) reducing the exposure of the City staff and the public from the spread COVID-19 virus; (ii) record keeping and verification that the e-filing system provides; (iii) reducing the amount of paper and travel, which encourages environmental sustainability; and (iv) convenience for the residents of the City; and

**WHEREAS**, for the above reasons, the City Council desires to authorize the City Assessor to accept complaints by e-filing; now therefore be it

**RESOLVED**, that the City Council hereby authorizes and directs the Assessor of the City to accept assessment complaints e-filed to the Assessor’s Office; and be it further

**RESOLVED**, that the following rules shall be in place for the acceptance of e-filed complaints:

1. Complaint Forms (RP-524) (the “Form”) shall be available to the public on the City Web site [www.ryeny.gov](http://www.ryeny.gov).

2. Staff of the Assessor’s Office shall inform any person requesting a Form that the complaints may be filed by e-filing and provide them with the RP-524 that contains instructions for filing and further instructions for how to accomplish the e-filing.

3. The City Council shall direct the City Clerk to publish in the official City newspaper, at least 30 days before the Board of Assessment Review meets to review complaints, a notice explaining the option to e-file.

4. Property owners may e-file the Form themselves or by an authorized representative or an attorney may file a Form on their behalf. A fully completed power of attorney or designation of representative must accompany the Form or it may be rejected.

5. A separate Form must be e-filed for each individual parcel unless the Assessor, in his/her discretion, agrees in writing that a single Form will be accepted for certain contiguous parcels identified in writing by the Assessor.

6. By choosing to e-file, the Complainant consents to receive correspondence related to their complaint, as well as the determination of the Board of Assessment Review, via e-mail or other electronic method established by the City.

7. Complainants must e-file documents in advance of the filing deadlines set by the State. User problems such as problems with a user’s telephone line, internet service provider, hardware, software, acts of nature or problems understanding or following the e-filing instructions, or rejection of documents because they contain a virus will not excuse untimely filing. A Complainant who cannot e-file a document because of any of these problems must file conventionally and timely. The City’s inability to receive a document via its e-filing system due to technical failure will not excuse an untimely filing unless the City acknowledges the technical failure in writing and agrees to an extension of time; and be it further

**RESOLVED**, that this Resolution shall be posted on the City website; and be it further

**RESOLVED**, that the City Clerk is hereby directed to forward a copy of this resolution to the Board of Assessment Review and the Office of the Corporation Council of the City of Rye.

9. Adoption of the 2021 County property tax rates.

(Background: that the City must by law collect the County taxes and remit the collected amount of the tax warrant to the County in two installments: 60% on May 25th and the balance of 40% on October 15th. The County tax rates must be adopted by the City Council in order to provide sufficient lead time for the preparation and mailing of the County tax bills, and to allow sufficient time for property owners to remit their payment within the penalty-free period (the

month of May). Failure to adopt this resolution does not relieve the City of its legal responsibility to remit to the County the amount of the tax warrant due on the dates noted above, and, by State law, the City cannot waive penalties for late payment of property taxes, even if the property owner(s) did not receive a bill or received a bill after the penalty-free period. For the 2021 Tax Year, the combined county tax rate for the Blind Brook Sanitary Sewer District decreased by 4.51% and the combined county tax rate for the Mamaroneck Valley Sanitary Sewer District decreased by 2.61%).

Councilman Stacks made a motion, seconded by Councilwoman Tarlow and unanimously carried, to adopt the following resolution:

**RESOLVED**, that the tax rates for the amounts of Westchester County, Blind Brook Sewer District, Mamaroneck Valley Sewer District and Refuse Disposal District charges for the fiscal year beginning January 1, 2021, shall be as follows:

Westchester County  
Levy \$26,920,079  
Taxable Assessed Value 140,699,035  
Taxable Rate per \$1,000 Assessed Value 191.330943

Blind Brook Sewer District  
Levy \$4,140,847  
Taxable Assessed Value 141,309,808  
Taxable Rate per \$1,000 Assessed Value 29.303323

Mamaroneck Valley Sewer District  
Levy \$714,869  
Taxable Assessed Value 19,694,464  
Taxable Rate per \$1,000 Assessed Value 36.297967

Refuse Disposal District No. 1  
Levy \$2,528,736  
Taxable Assessed Value 142,017,522  
Taxable Rate per \$1,000 Assessed Value 17.805803

And be it further

**RESOLVED**, that the Council does hereby certify to the City Comptroller the above stated levies and tax rates for Westchester County, Blind Brook Sewer District, Mamaroneck Valley Sewer District and Refuse Disposal District No. 1 charges, and the City Comptroller is hereby directed to apportion and extend against each taxable property listed upon the assessment roll of the City of Rye for 2021 at the rates specified, the amount of taxes required to produce the total sums certified and to render tax notices for, and receive and collect, the several sums computed and determined, and, it is further

**RESOLVED**, that the tax warrant of Westchester County be signed by the Mayor and directed to the City Comptroller to collect the amount of said taxes with interest as provided by law and any special assessment heretofore authorized and approved.

**ROLL CALL**

AYES: Mayor Cohn, Councilmembers Goddard, Johnson, Mecca, Souza, Stacks, Tarlow  
NAYS: None  
ABSENT: Councilman Mecca

10. Consideration to set a public hearing for May 5, 2021 to amend a local law, Chapter 161 “Sewers” of the Rye City Code.

Corporation Counsel Wilson explained that this is one of the requirements of the stipulation of settlement with Save the Sound. The significant amendments to this chapter include definitions and the requirement of inspections and what has been defined to be a “discharge compliance certificate.” Property owners will need to comply with these regulations prior to the sale of a home (which are already a requirement under state law, but this will codify it locally).

Councilwoman Tarlow asked if it would be safe to say that this is a step toward clean water in the area, beyond the litigation requirements.

Corporation Counsel Wilson responded in the affirmative, and stated that it will also address illegal hookups to the City’s sanitary sewer system.

Mayor Cohn thanked Councilwoman Tarlow for highlighting that this is not only a part of the Save the Sound lawsuit, but most importantly, to improve the environmental conditions.

Councilwoman Tarlow made a motion, seconded by Councilwoman Souza and unanimously carried, to set a public hearing for May 5, 2021 to amend a local law, Chapter 161 “Sewers” of the Rye City Code.

11. Consideration of a request by Rye City Rotary and Rye Arts Center to install a public butterfly sculpture project.

This item was adjourned.

13. Adjourn the public hearing to May 5, 2021 for consideration of a petition from The Miriam Osborn Memorial Home to amend the text of the City of Rye Zoning Code Association to create new use and development standards for “Senior Living Facilities” in the R-2 Zoning District. All public hearing comments should be emailed to publichearingcomments@ryeny.gov with “Osborn Zoning Change” as the subject no later than 3:00 pm on the day of the hearing.

The Council adjourned the public hearing to May 5, 2021 for consideration of a petition from The Miriam Osborn Memorial Home to amend the text of the City of Rye Zoning Code

Association to create new use and development standards for “Senior Living Facilities” in the R-2 Zoning District, based on the applicant’s request.

14. Consideration of a request from the Rye Free Reading Room to use the Village Green to offer a variety of library programs from May 1, 2020 through September 6, 2021. The programs will include the summer reading kick-off, an outdoor museum walkthrough of Greek and Roman artifacts, baby wear dance classes, and other common library programs.

Councilwoman Johnson made a motion, seconded by Councilwoman Souza and unanimously carried, to approve a request from the Rye Free Reading Room to use the Village Green to offer a variety of library programs from May 1, 2021 through September 6, 2021. The programs will include the summer reading kick-off, an outdoor museum walkthrough of Greek and Roman artifacts, baby wear dance classes, and other common library programs.

15. Appointments to Boards and Commissions, by the Mayor with Council approval.

Mayor Cohn made the following appointments and reappointments to the Boards, Commissions and Committees, which the Council approved:

Playland Advisory Committee

- Brandon Reddington, appointed to fill the unexpired term of Mike Visci, set to expire December 31, 2021.

16. Old Business/New Business.

There was nothing on this agenda item.

17. Adjournment

There being no further business to discuss, Councilman Stacks made a motion, seconded by Councilwoman Souza and unanimously carried, to adjourn the regular meeting of the City Council at 11:29 P.M.

Respectfully submitted,

Carolyn D’Andrea  
Rye City Clerk



# CITY COUNCIL AGENDA

DEPT.: City Manager's Office

DATE: May 1, 2021

CONTACT: Greg Usry, Interim City Manager

**ACTION:** Resolution to raise a Pride flag in June.

**FOR THE MEETING OF:**

May 5, 2021

**RYE CITY CODE,**  
CHAPTER  
SECTION

**RECOMMENDATION:** That the City Council adopt the resolution.

**IMPACT:** ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

**BACKGROUND:**

Please see attached resolution.





# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: May 4, 2021

CONTACT: Greg Usry, Interim City Manager

**AGENDA ITEM:** Purchase Plaza update with consideration to extend the cold weather plan until June 15, 2021.

**FOR THE MEETING OF:**  
May 5, 2021

**RECOMMENDATION:** That the Council consider the future of Purchase Plaza and outdoor dining.

**IMPACT:** Environmental ☐ Fiscal ☒ Neighborhood ☐ Other: ☐

**BACKGROUND:** Due to COVID-19, the restaurants and other businesses in Rye cannot open their doors to allow for full capacity of patrons. This allows for greater foot traffic for our restaurants and merchants as dining can remain outdoors during the colder weather.



# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: April 7, 2021

CONTACT: Greg Usry, Interim City Manager

**AGENDA ITEM:** Continue the public hearings to adopt a new local law to implement a six-month moratorium in the City of Rye temporarily prohibiting the review, processing or approval of any new application (after April 7, 2021) related to a subdivision or re-subdivision of property, development on steep slopes or the placement of a residential structure with its front not oriented towards a front yard for the duration of this moratorium. All public hearing comments should be emailed to [publichearingcomments@ryeny.gov](mailto:publichearingcomments@ryeny.gov) with "moratorium" as the subject no later than 3:00 pm on the day of the hearing.

**FOR THE MEETING OF:**

May 5, 2021

**RYE CITY CODE,  
CHAPTER  
SECTION**

**RECOMMENDATION:** That the Council continue the public hearing.

**IMPACT:** ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

**BACKGROUND:**

See attached Local Law.

**CITY OF RYE**

**LOCAL LAW NO. \_\_ OF 2021**

**A Local Law adopting a six-month moratorium in the City of Rye temporarily prohibiting the review, processing or approval of any new<sup>1</sup> application related to a subdivision or re-subdivision of property, the development on steep slopes or the placement of a residential building with its front not oriented towards a front yard for the duration of this moratorium.**

WHEREAS, in recent years, the City of Rye’s land use boards have become increasingly concerned with the configuration of properties proposed within subdivisions; and

WHEREAS, the City Council would like to address the maneuvering of lot lines and the creation of flag lots that may meet the dimensional requirements but not the intent of the City Zoning Code and land use regulations; and

WHEREAS, the City Council would also like to address the impact that development has on property that is environmentally constrained with steep slopes; and

WHEREAS, the subdivision and re-subdivision of property with minimum street frontage can impact neighborhood character, can result in streetscape and traffic circulation impacts, and can limit flexibility to choose alternative driveway curb-cut locations; and

WHEREAS, the creation of new lots can translate into more density and the removal of open space without careful planning; and

WHEREAS, as a result of this increase in development, the City Council is becoming increasingly concerned about tree loss and destruction occurring prior to any substantive review by the City’s land use boards; and

WHEREAS, properties that have remained undeveloped for many years because they are constrained by topographic features, such as the presence of rock outcroppings, steep slopes, wetlands or high groundwater, and that may ease density and provide physical and vegetative buffers, can now be improved because of new technologies (rock removal techniques and sump and sewer pumps); and

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<sup>1</sup> This moratorium would apply to any application filed after April 7, 2021 that has not been approved.

WHEREAS, the City Council finds that residential buildings that are not sited on property in proper relationship to an improved right-of-way or street can negatively impact the character and the harmony of a neighborhood; and

WHEREAS, the City Council has determined that it is appropriate to review the City's existing Zoning Code and other land use regulations relating to the above observations to ensure that the character of the neighborhoods are preserved and that any subdivision or re-subdivision of property, development on steep slopes, maneuvering of lot lines or siting of residential buildings on lots is appropriate and addresses any environmental, visual or other relevant considerations; and

WHEREAS, the City expects that it may require up to six months to consider the aforementioned issues and prepare any necessary legislative amendments.

NOW, THEREFORE, Be It Enacted by the City Council of the City of Rye as follows:

Section 1. Findings and Purpose.

The City Council wishes to review the existing zoning and land use regulations permitting the subdivision or re-subdivision of property, the development on steep slopes and the siting of residential buildings on lots. The goals of the City Council include, but are not limited to, the overall development of the City, protecting sensitive environmental features of property, ensuring that the appropriate land use mechanisms are in place to allow for flexibility in design and placement of residential buildings, and that the health, welfare and safety of its residents can be maintained while allowing for reasonable and appropriate development.

Section 2. Enactment of Moratorium. Prohibited Actions.

For any application received after April 7, 2021 but not yet approved by the appropriate board, commission or City official, the City Council hereby declares a moratorium as follows:

- A. The Planning Commission shall be prohibited from accepting or considering any new applications for subdivision or re-subdivision of residential property in the City of Rye.
- B. The Planning Commission, Board of Architectural Review, Board of Appeals or any other City Department may issue permits and approvals except for the following:

- 1) Any wetland and watercourse permit, area variance, design review permit, building permit, tree removal permit, sediment and erosion control permit, blasting permit or rock removal permit involving any residential building or structure that includes ground or vegetation disturbance within 20 feet of slopes greater than 25%, which slope shall be defined as any contiguous land area greater than one-hundred (100) square feet having a topographical gradient of 25% or more (i.e. ratio of vertical distance to horizontal distance) and a minimum horizontal distance of 10 feet.
  - 2) any new applications involving a new residential building that does not have its front facing a front yard.
- C. Acceptance or consideration of any new administrative lot line adjustments pursuant to City Code § 170.11.C on which at least one of the parcels contains a residential building.

### Section 3. Appeals/waiver.

- A. An aggrieved property owner may petition the Planning Commission for a waiver and the Planning Commission shall have the discretion to grant such waiver, or as much relief as said Planning Commission may determine to be necessary and appropriate. In determining the suitability of a waiver under this section, the Planning Commission shall consider the following factors:
1. Unnecessary hardship to the petitioner, which hardship is substantially greater than any harm to the general public welfare that would result from the granting of the waiver. The property owner shall have the burden of demonstrating to the Planning Commission that a waiver is warranted due to substantial hardship and that such substantial hardship was not the result of an act or omission by the applicant or property owner. In considering this factor, the Planning Commission may request information regarding alternatives that the Applicant has considered or whether there are additional long-term plans; and
  2. The project's harmony (or lack thereof) with the existing character of the community as a whole and the area of the community in which the property is located; and
  3. Whether the application for which the relief is requested is consistent with any recommendations, or conclusions which may be drawn at the time of the public hearing from the aforementioned Planning Commission review and study; and

4. Whether the applicant is in compliance with all other City Code requirements with respect to its City's operations; and
5. Whether the application for which the relief is requested is consistent with any proposed regulations, if and as such may exist at the time of the public hearing.

B. Waiver procedure. Such petition shall be the subject of a public hearing before the Planning Commission. Upon submittal of a written petition to the Building Department by the property owner or applicant seeking a waiver of this moratorium, and supported by such documentation as the applicant deems relevant, the Planning Commission shall, within thirty (30) days of receipt of such petition, conduct a public hearing on said petition upon five (5) days public notification in the official newspaper of the City. The Planning Commission shall, within ten (10) days of the close of the hearing, render its decision in writing, either granting or denying the petition.

C. It shall be within the discretion of the Planning Commission to grant, in whole or in part, grant with conditions, or deny, the petition for relief from the terms of this moratorium. In granting a waiver, in whole or in part, the Planning Commission must find that the waiver will not adversely affect the purpose of this Local Law.

D. If the Planning Commission does grant a waiver, in whole or in part, the Applicant must still submit an application for the requested permit to the appropriate board or commission and proceed through the necessary review process set forth in the Rye City Code.

#### Section 4. Length of Time. Early Termination or Extension of this Local Law

This moratorium shall be in effect for six (6) months from the effective date. In the event any new Local Law which addresses the substantive issues set forth herein, should be enacted and adopted by the City Council prior to the date that the moratorium imposed by this Local Law expires, then in that event, the moratorium imposed by this Local Law shall expire on the date such new Local Law takes effect in accordance with § 27 of the Municipal Home Rule Law.

In like manner, if more than six (6) months have passed since the implementation of this Local Law, and it shall be determined by a finding of the City Council that an extension of this moratorium is required, then the City Council by resolution, may extend this moratorium for such a period of time as it deems necessary in order to further the purposes of this law up to and including an additional 180 days from the date of the original expiration of this Local Law.

#### Section 5. Conflicts with State Statutes and Authority to Supersede

A. To the extent any provisions of this Local Law are in conflict with or are construed as inconsistent with the provisions of New York State Law, this Local Law shall control. The City Council adopts this local law pursuant to authority in the New York State Constitution, Article IX, Section 2; Section 10 of the New York State Municipal Home Rule Law; Section 10 of the Statute of Local Governments; the relevant provisions of the General City Law of the State of New York; and the general police power vested with the City of Rye to promote the health, safety and welfare of all residents and property owners in the City.

B. During the time that this law is in effect, it shall take precedence over and shall be considered controlling over contrary laws, ordinances and provisions. It is the intent of the City Council, pursuant to its authority under section 10, subdivision 1(ii)(d)(3), and section 22 of the Municipal Home Rule Law, to supersede inconsistent provision of the New York State General City Law and the City of Rye Zoning Code.

- a. In particular, it is the intent of the City Council, pursuant to authority under Sections 10 and 22 of the Municipal Home Rule Law, to supersede inconsistent provisions of the New York State General City Law and the City of Rye City Code relating to the time limits in connection with zoning and planning determinations and with respect to the jurisdiction and authority of the Board of Appeals with respect to hearing variances or waivers related to this local law.

#### Section 6. Severability

If any part of this Local Law is deemed by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Local Law.

#### Section 7. Effective Date

This Local Law shall take effect immediately upon filing with the New York Secretary of State.



# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: April 21, 2021

CONTACT: Greg Usry, Interim City Manager

**AGENDA ITEM:** Presentation of preliminary 2020 financials summary from City Comptroller, Joe Fazzino.

**FOR THE MEETING OF:**  
May 5, 2021

**RECOMMENDATION:** That the Council hear the presentation.

**IMPACT:** ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

**BACKGROUND:**

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# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: April 21, 2021

CONTACT: Greg Usry, Interim City Manager

**AGENDA ITEM:** Presentation of Street Resurfacing Plan for 2021.

**FOR THE MEETING OF:**  
April 21, 2020

**RECOMMENDATION:** That the Council hear the presentation.

**IMPACT:** ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

**BACKGROUND:**

See Attached.



To: Ryan Coyne, City Engineer

Date: April 16, 2021  
Project #: 46292.03

## Memorandum

From: Gordon Daring, VHB

Re: Proposed 2021 City of Rye Resurfacing Program

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The attached listing and map identify the street sections recommended to be included in the 2021 City of Rye Resurfacing Program. These street sections include all sections that had been planned for the later part of last year, plus additional sections that have the lowest estimated pavement condition index (PCI) values. For a limited number of locations where utility work or other improvements are planned, pavement improvements have been postponed until the other work is completed.

The proposed program includes approximately \$1.75 million worth of Mill and Overlay improvements on 3.9 miles of City streets. In addition, it's recommended to reserve \$100k for crack sealing on various streets in the City that are currently in fair or good condition but exhibit cracking that could be sealed to preserve the pavement condition and protect the investment that the City has previously made on these street sections. Also, it's recommended to reserve \$100k to address intermittent repairs to Portland cement concrete pavement surfaces in the City. There are numerous areas where isolated concrete pavement slabs are in poor condition, and this funding would allow some of the areas in poorest condition to be addressed. Finally, it's recommended to reserve approximately \$50k for inspection services and other soft costs. The attached listing and map also include an additional 5 street sections that have a low PCI values and need resurfacing that could potentially be included in the program if favorable bid prices are received.

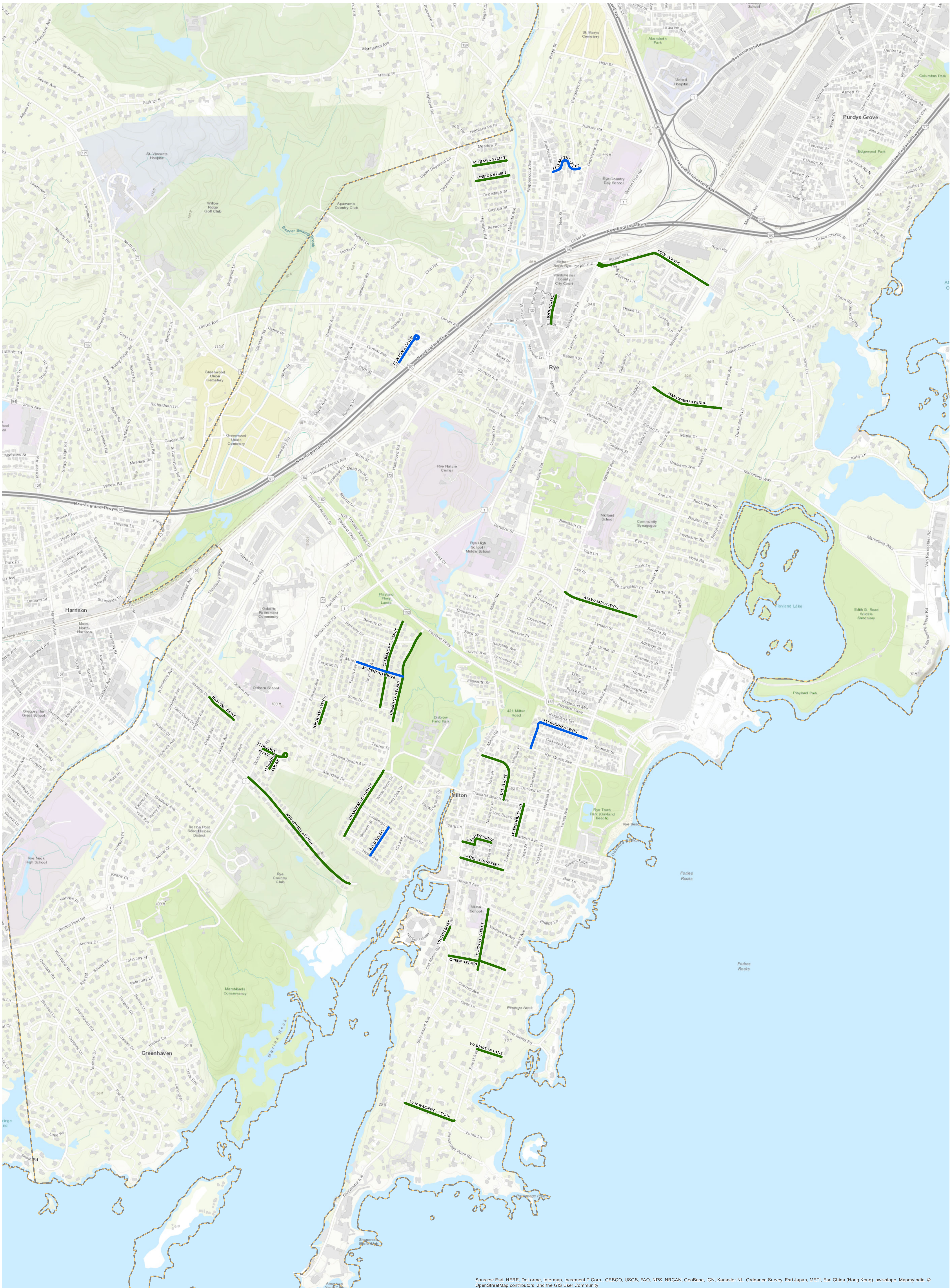
Please let me know if there are any questions associated with the attached information.

Name	From	To	Length (')	PCI	Treatment	Cost
<b>Proposed 2021 Resurfacing Program Street Sections:</b>						
APAWAMIS AV	FOREST AV	MIDLAND AV	1,244	52	Mill & Overlay	\$54,114
CHAMBERLAIN STREET	OAKLAND BEACH	MILDRED AV	1,242	56	Mill & Overlay	\$116,059
CLAREMONT AVENUE	SONN DR	DEAD END	1,449	49	Mill & Overlay w Base Repair	\$119,140
CRESCENT AVENUE	PARKWAY DR	DEAD END	1,525	49	Mill & Overlay w Base Repair	\$125,388
ELDREDGE COURT	EDLREDGE PL	DEAD END	243	56	Mill & Overlay	\$23,490
ELDREDGE PLACE	BOSTON POST ROAD	CUL DE SAC LOOP	566	56	Mill & Overlay	\$54,713
FAIRLAWN STREET	MILTON RD	EVERETT ST	723	54	Mill & Overlay	\$46,593
FAIRWAY AVENUE	GREEN AV	HEWLETT AV	1,008	51	Mill & Overlay	\$68,208
FORDHAM AVENUE	SONN DR	DEAD END	373	51	Mill & Overlay	\$21,634
GARDEN DRIVE	MILTON RD	ORCHARD DR	564	48	Mill & Overlay w Base Repair	\$51,010
GREEN AVENUE	FOREST AV	STUYVESANT AV	950	53	Mill & Overlay	\$61,222
HARDING DRIVE	LASALLE AV	HUGHES AV	543	55	Mill & Overlay	\$50,740
HILL STREET	OAKLAND BEACH	VALE PLACE	777	44	Mill & Overlay w Base Repair	\$92,636
MANURSING AVENUE	MIDLAND AV	DAVIS AV	581	56	Mill & Overlay	\$56,163
MANURSING AVENUE	DAVIS AV	FOREST AV	602	57	Mill & Overlay	\$44,615
MILTON ROAD	STUYVESANT AVE	235' N OF STUYVESANT AVE	235	47	Mill & Overlay w Base Repair	\$26,085
MOHAWK STREET	HIGHLAND RD	MENDOTA AV	552	54	Mill & Overlay	\$48,024
ONEIDA STREET	HIGHLAND RD	MENDOTA AV	554	54	Mill & Overlay	\$49,983
OVERLOOK PLACE	DEARBORN AV	OAKLAND BEACH AVE	530	50	Mill & Overlay w Base Repair	\$43,577
PECK AVENUE	BOSTON POST ROAD	138' N OF STATION PLAZA	463	57	Mill & Overlay	\$68,626
PECK AVENUE	138' N OF STATION PLAZA	369' S OF STATION PLAZA	507	55	Mill & Overlay	\$47,376
PECK AVENUE	369' S OF STATION PLAZA	MIDLAND AV	1,001	56	Mill & Overlay	\$96,763
PECK AVENUE Y INTERSECTION	PECK AVE	BOSTON POST RD	124	52	Mill & Overlay	\$9,189
SCHOOL STREET	SMITH ST	PURDY AV	469	55	Mill & Overlay	\$36,269
SOUNDVIEW AVENUE	BOSTON POST ROAD	DEAD END	2,413	49	Mill & Overlay w Base Repair	\$228,162
VAN WAGNEN AVENUE	STUYVESANT AV	FOREST AV	861	50	Mill & Overlay w Base Repair	\$74,333
WARRISTON LANE	FOREST AV	CUL DE SAC	413	55	Mill & Overlay	\$21,292
Totals			3.9	miles	\$1,735,404	

**Potential Additions, if funding allows:**

BYRD STREET	HELEN AV	LINDBERGH AV	548	58	Mill & Overlay	38,847
CLINTON AVENUE	CENTRAL AV	CUL DE SAC LOOP	672	58	Mill & Overlay	64,960
ELIZABETH STREET	PURCHASE ST	EVERGREEN AV	619	58	Mill & Overlay	51,858
ELMWOOD AVENUE	FOREST AV	RYE BEACH AV	1,259	57	Mill & Overlay	105,476
MOREHEAD DRIVE	FULTON AV	CRESCENT AVE	790	57	Mill & Overlay	50,942
			0.7	miles		







Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

**2021 Resurfacing Program** | Rye, New York

**Road Program 2021**

-  Proposed Road Program
-  Potential Additions





# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: April 14, 2021

CONTACT: Greg Usry, Interim City Manager

**AGENDA ITEM:**

Open a public hearing for May 5, 2021 to amend a local law, Chapter 161 "Sewers" of the Rye City Code.

**FOR THE MEETING OF:**

May 5, 2021  
**RYE CITY CODE,**  
CHAPTER  
SECTION

**RECOMMENDATION:** That the Council open the public hearing.

**IMPACT:** ☒ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

**BACKGROUND:**

See attached law.

## CITY OF RYE

### LOCAL LAW NO. \_\_ OF 2021

A local law to amend Chapter 161 “Sewers” of the Code of the City of Rye by remaining and amending Article I “Use of Public Sewers” to provide for illicit discharge detection and enforcement; and adding Article III “Private Sanitary Sewer Laterals” as follows:

Be it enacted by the City Council of the City of Rye as follows:

**Section 1:** Article I, *Use of Public Sewers*, is hereby amended as follows:

**§ 161-1 Use required; exceptions; inspections.**

Where a public sewer is available and accessible in a street, alley, easement or thoroughfare to a building or premises abutting thereon, the liquid sewage wastes from any plumbing system in said building shall be discharged into the public sewer unless otherwise prohibited, except that where a place of residence is so located that a gravity connection from the plumbing above the first floor thereof to the street sewer is not possible or such place of residence is located more than 150 feet from the nearest public sewer, a separate sewerage system may be maintained which otherwise complies with city, county or state health laws, codes or regulations. Immediately after the construction of a sewer connection every sewage tank, cesspool or privy vault shall be emptied, cleaned, disinfected and filled with clean mineral soil, rock or gravel. Where a public sanitary sewer is not accessible, a building permit shall not be issued without submission of a copy of the written approval of the Westchester County Commissioner of Health, indicating that the premises may be adequately sewered by a separate sewage disposal system. The further approval of the Common Council of the City of Rye is required for such separate disposal systems. In addition thereto there shall be an annual inspection of all private sewage disposal systems by a contractor duly approved by the Westchester County Commissioner of Health on all properties bordering on all watercourses, including Long Island Sound, Milton Harbor and all tributaries thereto, and wherever else directed by the Sanitation Committee of the Common Council. A written certificate of such inspection shall be submitted to said Committee for such action thereon as it may direct.

**§ 161-2 Duty of owner.**

[Added 12-17-1980 by Ord. No. 6-1980<sup>[1]</sup>]

A. Where an owner of any building is required to discharge sewage or other liquid wastes from any plumbing system into a public sewer as required by § 161-1 of this Code, he shall maintain such plumbing system within the building and from the building to the point of connection with the public sewer main, so as not to expose or discharge the sewage contents or other deleterious liquid or matter therefrom to the atmosphere, except through legally permissible vents, or on the surface of the ground, public or private, or into any storm sewer or drain or into any watercourse or body of water.

B. No property owners shall discharge or cause to be discharged any non-sewage flow into the City's public sewer including, but not limited to, any such flow from: pumped groundwater, foundation or footing drains, crawl space or basement sump pump discharges, rain gutters, and any other potential water source with non-sewage flow. Any such connection for non-sewage flow shall be deemed an unauthorized connection and the property owner shall be obligated to remove such connection at their own expense.

[1] *Editor's Note: This ordinance also renumbered former §§ 161-2 through 161-5 to become §§ 161-5 through 161-8, respectively.*

**§ 161-2.1 Sewer use.**

[Added 11-2-1983 by L.L. No. 11-1983]

A. The City of Rye and all users of the city's sanitary sewer system shall be subject to all applicable rules and regulations contained in the Westchester County Environmental Facilities Sewer Ordinance No. 1, as amended. A copy of Sewer Ordinance No. 1, as last amended, is available for review in the office of the City Clerk of the City of Rye.

B. The City of Rye and its agents may conduct inspections of public sewer connections to identify any unauthorized connections and issue violations to property owners.

**§ 161-3 Performance of work; costs; collection.**

[Added 12-17-1980 by Ord. No. 6-1980<sup>[1]</sup>]

A. If the provisions of the foregoing sections are not complied with, the City Manager or the Building Inspector shall cause written notice to be served personally upon the owner or by mailing the same to the name of the last known owner of the premises where the building is located as the same appears on the assessment roll of the City of Rye for the last calendar year. If the owner fails, neglects or refuses to correct the conditions and remove the violations so as to comply with the provisions of this article within 10 days after service of such notice, then in that event, the city may cause the plumbing system to be repaired or replaced so as to comply with the provisions of this article, and the cost or expense of doing said work, plus an administrative charge of \$100, shall be ascertained, and a report thereof shall be forthwith filed with the City Comptroller and City Assessor. The total cost of the same shall be paid by the owner to the city within 30 days after demand. The owner shall have the right to a hearing before the City Manager with respect to the total cost of the work as set forth in said report within 10 days after service by mail of a copy of said report.

B. The total cost of said work, as the same shall appear from the report on file with the City Comptroller, may be sued for and recovered from said owner in a civil suit.

C. The total cost of said work shall become and be a lien on the property benefited by the work done on the plumbing system, and, if the owner thereof shall fail to pay the total cost of the work within 30 days after demand, the City Assessor shall, in the preparation of the next assessment roll, assess such amount upon such property, and the same shall be levied, collected and enforced in the same manner as taxes upon said property for city purposes are levied, collected and enforced.

[1] *Editor's Note: This ordinance also renumbered former §§ 161-2 through 161-5 to become §§ 161-5 through 161-8, respectively.*

**§ 161-4 Penalties for offenses.**

[Added 12-17-1980 by Ord. No. 6-1980<sup>[1]</sup>]

A. Any person violating any of the provisions of this article shall, upon conviction thereof, be punished by a fine not exceeding \$500 or by imprisonment not exceeding 15 days, or by both such fine and imprisonment. Each day such violation shall continue shall constitute a separate offense.

B. Where the City Engineer has, upon inspection, identified an unauthorized connection pursuant to 161-2(B), the City Engineer may issue a Notice of Violation and order property owners to remove any such unauthorized connections at the property owner's expense. If property owners do not comply with an order of the City Engineer to remove an unauthorized connection within a timely manner, i.e. within fifteen (15) days, the City, or any of its agents, may take administrative or judicial enforcement action, including impositions of penalties pursuant to 161-4 (A).

[1] *Editor's Note: This ordinance also renumbered former §§ 161-2 through 161-5 to become §§ 161-5 through 161-8, respectively.*

**Section 2.** Article III, *Private Sanitary Sewer Laterals*, is hereby added to Chapter 161 “Sewers” of the Code of the City of Rye as follows:

**§ 161-15. Legislative intent.**

The purpose of this article is to reduce infiltration and inflow into the sanitary sewer system operated by the City of Rye and exfiltration of sewage into groundwater and waterways by



requiring inspection, testing, repair, replacement and ongoing maintenance of private sewer laterals by property owners in the City of Rye.

#### § 161-16. Definitions.

As used in this article, the following terms are defined as follows:

#### **DISCHARGE COMPLIANCE CERTIFICATE**

A certificate issued by the Building Inspector based upon a plumber's certification stating that:

- A. All of the connections leading from the structures on the property to the public stormwater sewer lines and the public sanitary sewer lines comply with the requirements of the New York State Building Code, the Westchester County Sewer Act, the Westchester County Sanitary Code and the City Code;
- B. There are no culverts, drains, hoses, leaders, lines, pipes or pumps that discharge liquids into the sanitary sewer; and
- C. The sanitary sewer laterals leading from the structures on the property do not directly or indirectly allow inflow or infiltration into the City's public sanitary sewer lines.

#### **EXFILTRATION**

Raw sewage that leaks out of laterals into soil, groundwater and waterways.

#### **INFILTRATION**

Water other than wastewater that enters a sewer system (including sanitary sewer laterals or sewer service connections) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.

#### **INFLOW**

Water other than wastewater that enters a sewer system (including sanitary sewer laterals or sewer service connections) from sources such as, but not limited to, roof leaders, sump pumps, cellar drains, yard drains, area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross-connections between storm sewers and sanitary sewers, catch basins, cooling towers,

stormwaters, surface runoff, street washwaters and drainage. Inflow does not include, and is distinguished from, infiltration.

### **PLUMBER'S CERTIFICATION**

A certification made to the City by a plumber licensed to do business within the County of Westchester that the plumber:

- A. Has inspected all of the connections leading from the structures on the property to the public stormwater sewer lines and the public sanitary sewer lines and that all such connections comply with the requirements of the New York State Building Code, Westchester County Sewer Act, the Westchester County Sanitary Code and the City Code;
- B. Has inspected the real property and found that there are no culverts, drains, hoses, leaders, lines, pipes or pumps that discharge liquids into the sanitary sewer; and
- C. Has inspected the sanitary sewer laterals leading from the structures on the property and determined that such laterals do not directly or indirectly allow inflow or infiltration therefrom into the City's public sanitary sewer lines, which inspection must include either a video record of a closed-circuit television (CCTV) inspection of the entire sanitary sewer lateral that has been provided to the City, or, in the case of a force or pump system, the results of a pressure test of the system; satisfactory, in either case, to the Building Inspector or his designee.

### **RENEWAL EVENT**

Either a transfer of title to the real property, other than a transfer between family members in order to create a joint tenancy or tenancy in common, or an application for a building and/or plumbing permits for construction with a value that exceeds 50% of the assessed value of the property, including improvements. Renewal events shall occur provided no inspection has been conducted at the subject property in the five (5) year period prior.

### **SANITARY SEWER LATERAL or LATERAL**

The sanitary sewer pipe running from the structures on a property conveying wastewater from the structure and connecting to the public sanitary sewer main.

§ 161-17. Standards for maintenance of sanitary sewer laterals.

- A. It is the sole responsibility of the private property owner to perform all required maintenance, repairs and replacements of sanitary sewer laterals in accordance with the requirements of this article and the requirements of the New York State Building Code, the Westchester County Sewer Act, the Westchester County Sanitary Code and the City Code.
- B. Laterals shall be kept free from roots, grease deposits and other solids which may impede the flow or obstruct the transmission of sewage.
- C. Laterals shall not exhibit any signs of infiltration.
- D. Laterals shall not exhibit any sign of exfiltration or leakage.
- E. Lateral pipe joints shall be tight and all lateral pipes shall be free of any structure defects such as breaks, openings, and voids.

§ 161-18. Correction or abatement.

- A. If at any time any sanitary sewer lateral is found by the Building Inspector or City Engineer to not be in compliance with the requirements of § 161-17, the owner of the property must cause all necessary repairs made to bring the lateral into compliance. Unless the Building Inspector and City Engineer allow additional time for good cause shown, the owner of the property must undertake to complete the required repairs to the satisfaction of the Building Inspector and City Engineer or their designees within 60 days of the sooner of becoming aware of the noncompliance, or receiving notice from the City or otherwise, including an inspection by a plumber done in connection with providing a plumber's certification, that the lateral is not in compliance.
- B. If the owner fails to complete the repairs and bring the lateral into compliance within the time required, the City may enter upon the property and complete the required work, and the cost of doing so will be billed to the owner of the property, and in the event of nonpayment, will be a lien on the property which can be collected and enforced as part of, and in the same manner as City taxes.
- C. Upon completion of the repairs, the owner must provide to the Building Inspector and City Engineer a detailed invoice specifying the repairs made and reflecting payment for the

repairs and a plumber's certification, and must obtain from the Building Inspector a discharge compliance certificate.

- D. An owner may choose to correct the noncompliance by replacing the sanitary sewer lateral. Any new sanitary sewer lateral, whether installed to correct a noncompliance or otherwise, must be installed in accordance with all applicable codes and regulations, including this article, and must be inspected by the Building Inspector, who will issue a discharge compliance certificate if the new lateral complies with the requirements of this article.

#### § 161-18.1. Inspection upon renewal event.

- A. Each property owner must obtain discharge compliance certificate prior to any renewal event as defined in § 161-16. Upon making an application for a discharge compliance certificate, the Building Inspector, City Engineer, or their designees shall have the right to inspect the property. If the plumber's inspection, the video required to be submitted, or the inspection by the Building Inspector or his designee indicates the lateral is not in compliance with the requirements set forth in § 161-16above, the owner shall be required to correct the conditions not meeting the requirements and provide a plumber's certification and video indicating all conditions have been corrected and that the lateral is now in compliance with this article. Upon the Building Inspector and City Engineer determination that the lateral is in compliance, the discharge compliance certificate will be issued.
- B. If at the time of a renewal event or a required inspection the owner can prove that a discharge compliance certificate has been issued within the preceding five (5) years, and there has been no significant change in the condition of the property, the Building Inspector may waive the requirement for a new discharge compliance certificate for that particular renewal event.

#### § 161-18.2. Fees.

The fee for the issuance of a discharge compliance certificate shall be as set forth in the fee schedule adopted by the City Council.

#### § 161-18.3. Penalties for offenses.

Any person, firm, association, or corporation which violates any of the provisions of this article or fails to complete remediation as required herein shall be guilty of a violation and, upon conviction, shall be punished by a fine of not more than \$500 or imprisonment for not more than 15 days, or both such fine and imprisonment. Each day the violation exists shall constitute a separate offense.

**Section 3.** Severability

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law that can be given effect without such invalid part or parts.

**Section 4.** Effective Date

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.

NOTE: Proposed additions, if any, are shown in underline and proposed deletions, if any, are shown in ~~striketrough~~.



# CITY COUNCIL AGENDA

DEPT.: City Manager's Office

DATE: May 1, 2021

CONTACT: Greg Usry, Interim City Manager

**ACTION:** Open the public hearing to consider an application from Rye Town Park to install a communications facility that will allow for Verizon Wireless and AT&T to co-locate equipment within the same structure located at 95 Dearborn Avenue, Rye, New York.

**FOR THE MEETING OF:**

May 5, 2021

**RYE CITY CODE,**  
CHAPTER  
SECTION

**RECOMMENDATION:** That the City Council approve the resolution.

**IMPACT:** ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

**BACKGROUND:**

Please see attached application information regarding the special permit request from Verizon and AT&T to co-locate equipment within the same structure located at 95 Dearborn Avenue, Rye, New York.



445 Hamilton Avenue, 14th Floor  
White Plains, New York 10601  
T 914 761 1300  
F 914 761 5372  
cuddyfeder.com

Lucia Chiocchio  
[lchiocchio@cuddyfeder.com](mailto:lchiocchio@cuddyfeder.com)

April 29, 2021

**VIA ELECTRONIC MAIL AND HAND DELIVERY**

Mayor Josh Cohn  
and Members of the City Council  
Rye City Hall  
1051 Boston Post Road  
Rye, New York 10580

Re: Special Permit Application by New York SMSA Limited Partnership d/b/a Verizon Wireless and New Cingular Wireless PCS, LLC ("AT&T") to Install a Public Utility Wireless Telecommunications Facility  
Premises: Rye Town Park, 95 Dearborn Avenue, Rye, New York

Dear Mayor Cohn and Members of the City Council:

On behalf of our client, New Cingular Wireless PCS, LLC ("AT&T"), we respectfully submit the enclosed materials in connection with Verizon's pending special permit application for a screened wireless telecommunications facility at Rye Town Park where AT&T will co-locate its facility. As set forth in the enclosed materials, the screened wireless telecommunications facility is designed such that AT&T's and Verizon's antennas will be located within the belfry-like tower structures on the existing building. Associated unmanned equipment cabinets will be located inside the existing building. When discussing this facility with Verizon, the Rye Town Park Commission approached AT&T about sharing use of the proposed facility, which AT&T is pleased to do, in order to deploy reliable and enhanced wireless services to the public including FirstNet emergency services at the Rye Town Park and in the area.

Given that AT&T's proposed facility is designed in conjunction with Verizon's proposed facility in consultation with the Rye Town Park Commission, the reasons supporting the requested waivers from the provisions of the Wireless Law as set forth in Verizon's Application and the Rye Town Park Commission's April 2, 2021 correspondence are also applicable to AT&T's proposed facility. Thus, pursuant to Wireless Law Section 196-28, AT&T respectfully requests the same waivers from the provisions of the Wireless Law.

Kindly note that AT&T's application also furthers the goals and objectives established by Congress under the federal Telecommunications Act of 1996 and the Wireless Communications and Public Safety Act of 1999 (the "911 Act")<sup>1</sup>: "to encourage and facilitate the prompt deployment throughout the United States of seamless, ubiquitous, and reliable end-to-end infrastructure for communications, including wireless communications, to meet the Nation's public safety and other communications needs."

In order to facilitate the rapid deployment of reliable wireless services, on November 18, 2009, the FCC issued a Declaratory Ruling regarding timely review of applications for siting of wireless facilities, known as the "Shot Clock Order".<sup>2</sup> Per the Shot Clock Order, a "reasonable period of time" for a local government to act on this type of application, a collocation application, is presumptively 90 days. The Shot Clock Order provides that if the City fails to act within such reasonable period of time, the applicant may commence an action in court for "failure to act" under Section 332(c)(7)(B)(v) of the Federal Communications Act.<sup>3</sup>

#### Application Materials

In support of AT&T's proposed wireless facility, enclosed please find ten (10) copies of the following documentation:

- Exhibit A:            Photosimulations depicting existing and proposed views of the proposed stealth screened wireless facility.
- Exhibit B:            Radio Frequency Statement of Need prepared by Daniel Penesso along with the following attachments:
1. FCC Licenses
  2. Map of Neighboring Coverage
  3. Map of Proposed Composite Coverage
  4. Map of Proposed Site Coverage
  5. Rye Site List

Also enclosed are ten (10) sets of Drawings prepared by Azimuth Engineering Group last revised April 28, 2021, depicting specific details of AT&T's proposed facility.

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<sup>1</sup> Wireless Communications and Public Safety Act of 1999, Pub. L. No. 106-81, enacted Oct. 26, 1999, 113 Stat. 1286, amending the Communications Act of 1934, §§ 222, 251 (911 Act).

<sup>2</sup> A copy of the FCC Order is available at [https://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-09-99A1.pdf](https://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-09-99A1.pdf). It is codified in 47 C.F.R. §1.6003.

<sup>3</sup> 47 U.S.C. § 332(c)(7)(B)(v).





April 29, 2021  
Page 3

AT&T looks forward to appearing before the City Council with Verizon on May 5, 2021 for the public hearing on this proposal. Thank you in advance for your consideration of the enclosed materials. Should the Council or City Staff have any questions or need anything further, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in dark ink that reads "Lucia Chiocchio". The signature is fluid and cursive, with the first name "Lucia" and last name "Chiocchio" clearly distinguishable.

Lucia Chiocchio  
Enclosure

cc: AT&T  
Leslie Snyder, Esq., Snyder & Snyder  
Jeanene Chambliss, Cuddy & Feder LLP

# Exhibit A



Existing South Tower

Proposed AT&T Beta Sector Antennas

Future Antennas by Verizon (Typ)

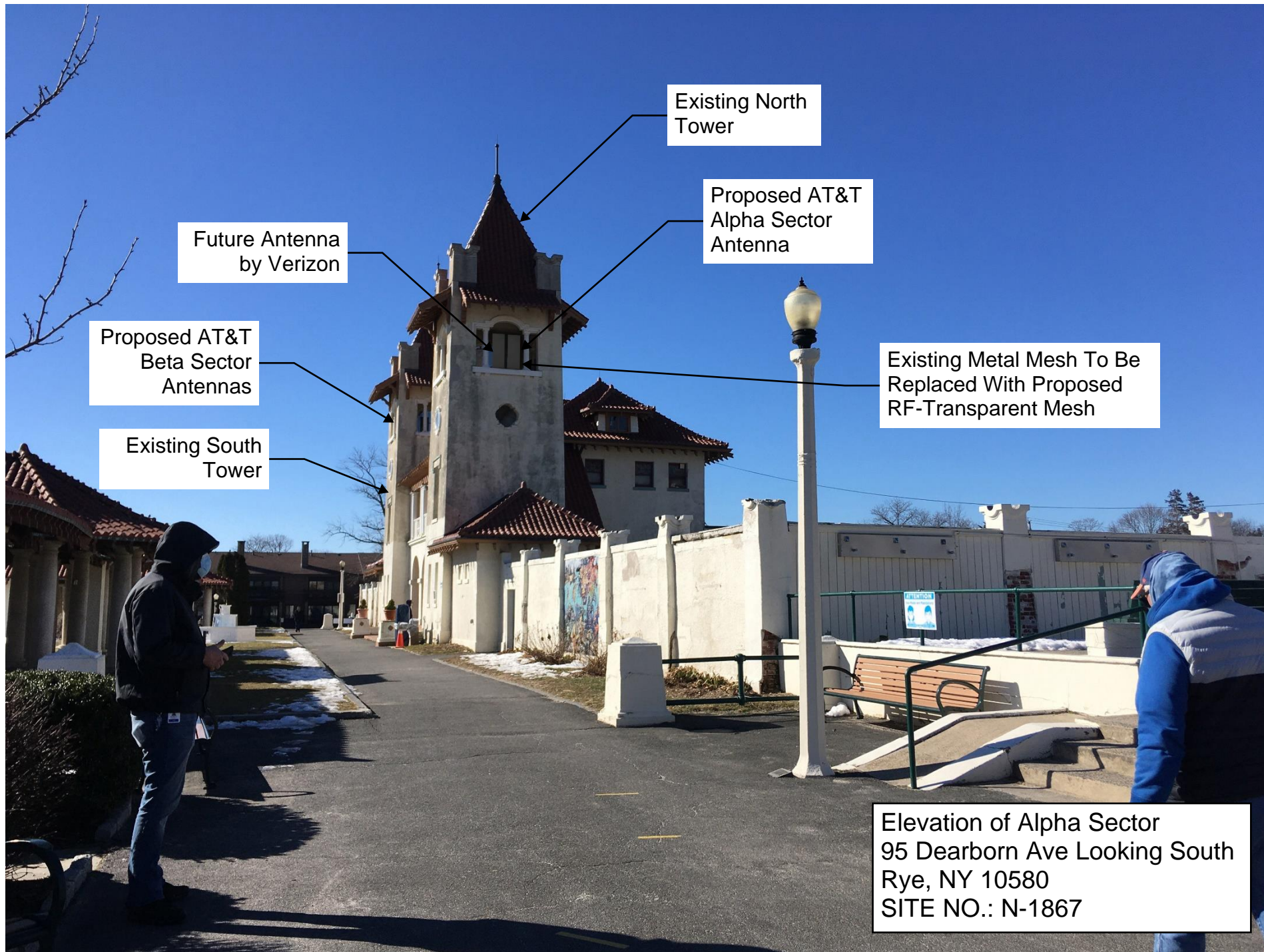
Existing North Tower

Existing Metal Mesh To Be Replaced With Proposed RF-Transparent Mesh

Proposed AT&T Hybrid Cable Routed Along Exterior Wall Above Existing Pergola Rafters

Elevation of Beta Sector  
95 Dearborn Ave Looking West  
Rye, NY 10580  
SITE NO.: N-1867





Existing North  
Tower

Proposed AT&T  
Alpha Sector  
Antenna

Future Antenna  
by Verizon

Proposed AT&T  
Beta Sector  
Antennas

Existing South  
Tower

Existing Metal Mesh To Be  
Replaced With Proposed  
RF-Transparent Mesh

Elevation of Alpha Sector  
95 Dearborn Ave Looking South  
Rye, NY 10580  
SITE NO.: N-1867





Existing Metal Mesh To Be  
Replaced With Proposed  
RF-Transparent Mesh

Existing South  
Tower

Proposed AT&T  
Gamma Sector  
Antenna

Proposed Verizon  
Antenna

Proposed AT&T  
Beta Sector  
Antennas

Future Antennas  
by Verizon

Existing North  
Tower

Elevation of Beta & Gamma Sector  
95 Dearborn Ave Looking Northwest  
Rye, NY 10580  
SITE NO.: N-1867





Existing Metal Mesh To Be  
Replaced With Proposed  
RF-Transparent Mesh

Existing South  
Tower

Proposed AT&T  
Gamma Sector  
Antennas

Proposed Verizon  
Antenna

Proposed AT&T Beta  
Sector Antennas

Elevation of Gamma Sector  
95 Dearborn Ave Looking North  
Rye, NY 10580  
SITE NO.: N-1867





Existing South Tower

Proposed AT&T Gamma Sector Antenna

Existing Metal Mesh To Be Replaced With Proposed RF-Transparent Mesh

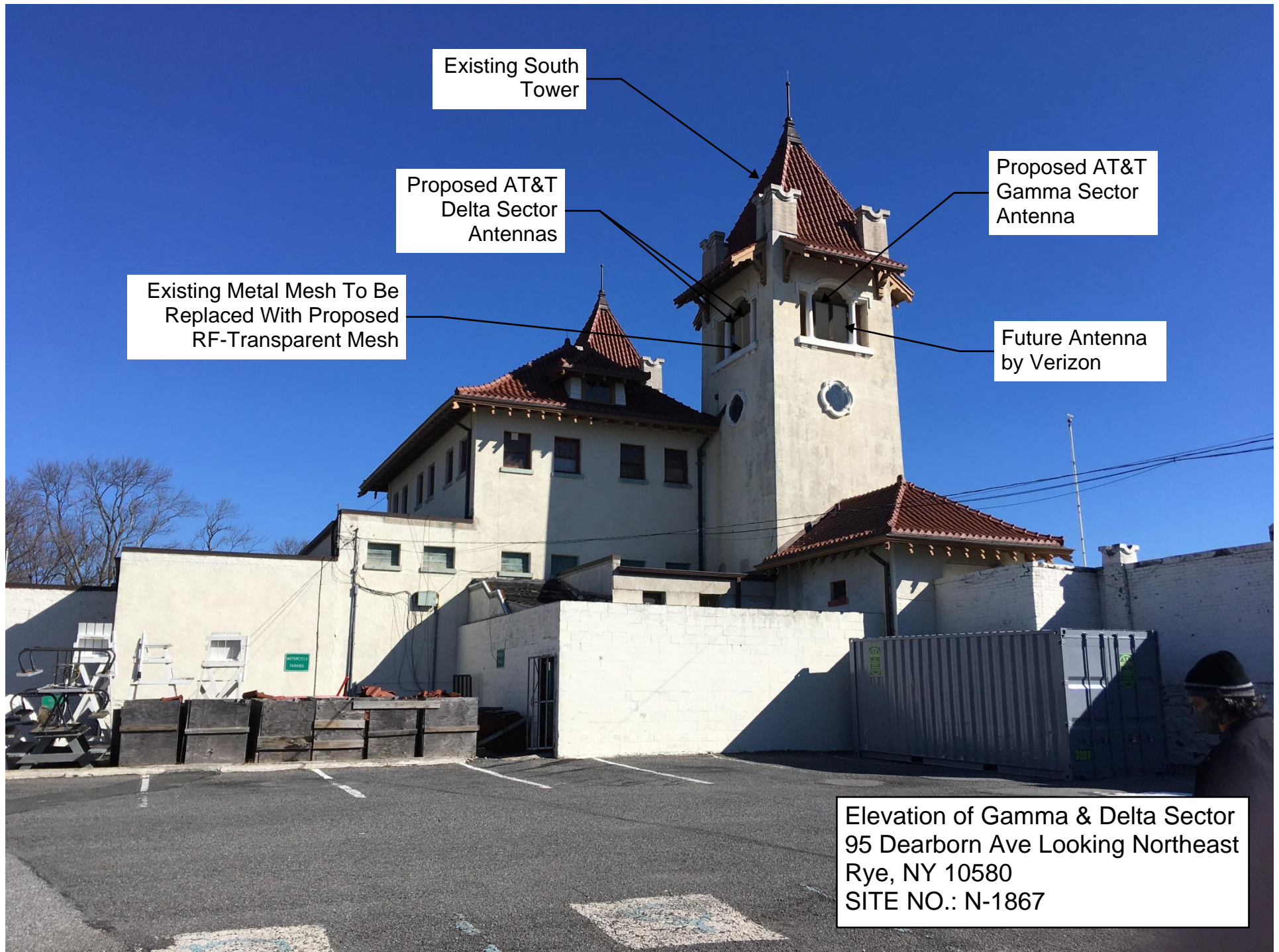
Future Antenna by Verizon

Proposed AT&T Beta Sector Antennas

Existing North Tower

Elevation of Gamma Sector  
95 Dearborn Ave Looking North  
Rye, NY 10580  
SITE NO.: N-1867





Existing South  
Tower

Proposed AT&T  
Delta Sector  
Antennas

Proposed AT&T  
Gamma Sector  
Antenna

Existing Metal Mesh To Be  
Replaced With Proposed  
RF-Transparent Mesh

Future Antenna  
by Verizon

Elevation of Gamma & Delta Sector  
95 Dearborn Ave Looking Northeast  
Rye, NY 10580  
SITE NO.: N-1867





Existing North  
Tower

Existing Metal Mesh To Be  
Replaced With Proposed  
RF-Transparent Mesh

Existing South  
Tower

Future Antennas  
by Verizon  
(Typ)

Proposed AT&T  
Delta Sector  
Antennas

Elevation of Delta Sector  
95 Dearborn Ave Looking East  
Rye, NY 10580  
SITE NO.: N-1867

# Exhibit B

## Before the City of Rye, NY - Comprehensive Radio Frequency Report

In the Matter of:        The Application for Municipal Approvals submitted by New Cingular Wireless PCS, LLC ("AT&T") to construct a Wireless Telecommunications Facility consisting of antennas mounted inside two separate building towers and associated equipment cabinets ("Proposed Facility") to be placed inside the south tower on the property located at 95 Dearborn Avenue, Rye, NY 10580 ("Site").

I, **Daniel Penesso**, am an RF Engineer contracted by AT&T to design radio communication systems.

My responsibilities include identifying signal coverage gaps in wireless telecommunications systems and assessing the ability of proposed antenna sites to adequately fill those gaps in signal coverage.

### INTRODUCTION

This report is respectfully submitted by AT&T in support of the Application by AT&T to permit the installation of antennas mounted inside two separate existing building towers and associated equipment inside one of the existing towers ("AT&T's Proposed Facility") on property located at 95 Dearborn Avenue, Rye, NY 10580, the site of Rye Town Park. Verizon is also proposing a similar stealth facility at this location and AT&T will collocate its Proposed Facility with Verizon.

The Federal Communications Commission ("FCC") has licensed and authorized AT&T to construct and operate a network of wireless telecommunications facilities in the State of New York. Pursuant to FCC regulations and its FCC license, AT&T must expeditiously construct its network of wireless telecommunications facilities in order to provide the public with substantially seamless coverage for wireless services within its licensed area. Copies of AT&T's FCC licenses are attached as Exhibit 1.

AT&T is in the process of upgrading its wireless network in the City of Rye, New York, as well as nationwide. AT&T's wireless network will utilize LTE (Long Term Evolution) Ethernet technology to enable faster mobile broadband data speeds as well as enhanced voice capability. Wireless data communication has increased exponentially over the past few years along with the technological advancements used by medical professionals, businesses, students/universities, and the rest of the general public. This increased demand has impacted the quality of service offered to AT&T's customers in the City of Rye. Without the Proposed Facility, AT&T will be unable to provide adequate service in this area.

LTE can carry more voice, video, and data traffic than ever before. As these services increase, along with Internet Access, Internet Protocol TV (IPTV), and video-on-demand, AT&T's future LTE Ethernet network will be crucial in dealing with these bandwidth intensive services and applications. In order to keep up with the growing demand for bandwidth and ensure its network is prepared to deliver these high performance services well into the future, AT&T plans to deploy the next generation of wireless services known as 5G on the proposed site utilizing 850MHz at some point in the future.

In addition to providing reliable wireless services, the Proposed Facility will enhance safety through the provision of FirstNet services. AT&T was selected by the First Responder Network Authority (FirstNet) to build and manage the only broadband network dedicated to unify emergency communications to give first responders the technology they need to communicate and collaborate across agencies and jurisdictions.

Rather than relying on commercial networks that can become congested in an emergency, the FirstNet system will allow immediate and dedicated access to a communications network by first responders.

AT&T's existing wireless network is not adequate to properly serve its customers who live in and travel through the City of Rye and the surrounding areas.

As described in greater detail below, AT&T has a significant coverage gap in service in Rye Town Park, Playland, along Dearborn Avenue, Forest Avenue, Halsted Place, Rye Beach Avenue, Oakland Beach Avenue and the surrounding local roads, as well as for the residents and businesses in the vicinity of the Site and the visitors of Rye Town Park.

In order to provide reliable, enhanced seamless service to the City of Rye and thereby meet its FCC obligations and the demands of its customers and obligations to FirstNet, AT&T has proposed locating its antennas inside two separate building towers on the property located at 95 Dearborn Avenue, Rye, NY 10580.

### **PROJECT DESCRIPTION**

AT&T proposes to construct a wireless telecommunications facility by placing its antennas inside two separate building towers and associated equipment cabinets inside the south tower on the property located at 95 Dearborn Avenue, Rye, NY 10580 (Rye Town Park). The proposed installation will consist of six (6) panel antennas by AT&T placed inside two separate building towers, five (5) antennas placed inside the existing south tower and one (1) antenna inside the existing north tower, respectively, with an antenna centerline height of approximately 32 feet – 10 inches above ground level (AGL).

This document addresses AT&T's need for the Proposed Facility and validates that there are no other existing structures that meet AT&T's coverage objective for this area. The Proposed Facility at 95 Dearborn Avenue, Rye, NY at the proposed antenna centerline height of 32 feet – 10 inches above ground level will best address the coverage objective and provide the needed interconnectivity to AT&T's existing neighboring sites and surrounding communities allowing AT&T to provide seamless reliable state-of-the-art service, and fulfill its FirstNet obligations.

As enabled under its FCC Licenses, AT&T seeks to design its wireless network to provide reliable and adequate wireless services to its customers, whether those customers are on the street, in a vehicle, or in a building. Providing reliable and adequate service to its customers in each context is critical for AT&T to provide the quality of wireless services that customers demand, and to meet objectives of Congress that a robust, competitive and low cost wireless communications capacity be developed to serve the entire nation.

In order to build out its network and meet customer demand for voice and data services, AT&T must have a place a system of low power "cell sites" to serve portable wireless communication handsets and mobile telephones. A typical cell site, such as the Proposed Facility, consists of antenna mounted to a building, tower, church or other structure. The antennas are connected to radio operating equipment housed at or near the structure.

To maintain effective, reliable and uninterrupted service, there must be a continuous series of cell sites located within close proximity to each other so as to overlap in a system



comparable to a honeycomb pattern. If there is no cell site available to accept/receive the signal, network service to the mobile telephone/data service will terminate involuntarily.

Accordingly, the overlap of coverage is necessary for the signal to transfer from one cell to another cell site seamlessly and without involuntary termination.

A number of factors determine the distance between the cell sites, including, but not limited to, topography, physical obstructions, foliage, antenna height, operating frequency and line-of-site.

### **FIRSTNET**

As noted above, the Proposed Facility is a part of the FirstNet network. AT&T has been selected by FirstNet to build and manage the first broadband network dedicated to America's police, firefighters and emergency medical services (EMS). FirstNet is a much-needed investment in America's communications infrastructure to support millions of first responders and public safety personnel nationwide who protect and serve more than 320 million people across the U.S. The FirstNet network will cover all 50 states, 5 U.S. territories and the District of Columbia, including rural communities and tribal lands in those states and territories.

This significant public-private infrastructure investment is expected to create 10,000 U.S. jobs over the next two years from AT&T's work for FirstNet. Today, first responders use commercial networks – the same ones used by consumers and businesses – for mobile data and applications. That can be an issue when a significant public safety crisis happens and commercial networks quickly become congested. It makes it difficult for first responders to communicate, coordinate and do their jobs.

Currently, first responders use more than 10,000 networks for voice communications. These networks often do not interoperate, which severely limits the ability of first responders to communicate with each other when responding to a situation.

FirstNet's mission is to fix these issues through a new public-private partnership which will deliver a dedicated, interoperable network and ecosystem that will give first responders the technology they need to better communicate and collaborate across agencies and jurisdictions – local, state and national.

### **AN UNSERVED AREA OF COVERAGE EXISTS IN THE CITY**

AT&T was granted licenses to operate a network of wireless telecommunications facilities in the state of New York. An un-served area in Radio Frequency ("RF") signal coverage currently exists in the City of Rye. An un-served area is characterized by the inability to originate or terminate calls on AT&T's wireless network. In this Application, the targeted area proposed for service coverage is Rye Town Park, Playland, Dearborn Avenue, Forest Avenue, Halsted Place, Rye Beach Avenue, Oakland Beach Avenue as well the other surrounding local roads and areas within the vicinity of the Site. In addition, the Proposed Facility will provide connectivity to AT&T's existing sites in the north, and north west; as well the other surrounding local roads and areas within the vicinity of the Site.

When this Site was located, predictive tests were performed to determine whether the Site would provide sufficient signal coverage. These tests involved the use of Forsk Atoll signal propagation testing. Forsk Atoll software is a predictive modeling tool.

It identifies areas where sufficient coverage does and does not exist, by taking into consideration topography, vegetation, and other morphology, which may attenuate the radio signal.

Each site proposed by AT&T is intended to address network requirements for providing service and is designed based on the unique circumstances applicable to the area in question and AT&T's network.

These circumstances include but are not limited to the area targeted to be served, the surrounding topography/morphology, types of buildings/structures in the area and numerous other factors. AT&T examines these factors as they relate to each site and designs its system accordingly.

Based upon these tests, a propagation map illustrating AT&T's existing coverage without the Proposed Facility is attached as Exhibit 2. As the map clearly demonstrates, there is a critical gap in service coverage in the portion of the City of Rye in the vicinity of the proposal. Specifically, the map shows that AT&T has significant gaps in coverage in Rye Town Park, Playland, along Dearborn Avenue, Forest Avenue, Halsted Place, Rye Beach Avenue, Oakland Beach Avenue, as well as the surrounding local roads and areas within the vicinity of the Site. This gap in coverage includes gaps in-building, in-vehicle, and even at the street level in the vicinity of the Site. Based on its studies, AT&T determined that a wireless facility would have to be established within a narrowly defined search area ("Search Ring") in order to remedy the service gap in question.

#### **THE PROPOSED FACILITY WILL COVER THE UNSERVED AREA**

The Proposed Facility will meet the primary objectives of AT&T's search area because it will provide LTE 700MHz, LTE 850MHz, LTE 1900MHz, LTE 2100MHz and LTE 2300MHz wireless signal coverage to a significant portion of one of AT&T's critical gaps in service coverage in the City of Rye.

A second propagation map illustrating AT&T's existing signal coverage in the City of Rye with the Proposed Facility, as well as coverage from other proposed AT&T sites, was also prepared and is attached as Exhibit 3. This map clearly demonstrates that the Proposed Facility will provide service coverage in the City of Rye, as well as to the local roads in the vicinity of the Site. In addition, Exhibit 3 demonstrates that the Proposed Facility will provide connectivity between AT&T's existing sites to the north (Site NWL00373), and to the northwest (Site NWL02868). A final propagation map, which is attached as Exhibit 4, shows the stand-alone coverage from the proposed Site. A table of existing and proposed AT&T sites within the City of Rye and neighboring municipalities is attached as Exhibit 5.

#### **STATEMENT OF NON-INTERFERENCE**

AT&T operates its wireless network in compliance with its FCC license and FCC rules and regulations concerning radio frequency emissions and/or radio frequency interference ("RFI").

AT&T's equipment utilize 700MHz, 850MHz, 1900MHz, 2100MHz and 2300MHz frequency modulation and operates in the LTE (700) Cellular, LTE (850) Cellular, LTE (1900MHz) PCS, LTE (2100MHz) AWS and LTE (2300MHz) WCS class of service. While we cannot guarantee that the operation of our network will not cause harmful interference with other wireless users, the possibility of such interference, if any, is extremely remote. With regard to governmental users, this is especially true because of the significant differences in frequencies between our proposed installation and those frequencies used by local police, fire and EMS departments. In the unlikely event that interference does occur, AT&T agrees to abide by its existing policy of fully cooperating with the entity experiencing interference to identify and correct, to the extent reasonably possible, any issues caused by its installation.

### CONCLUSION

It is my professional opinion that (1) There exists a significant un-served area of Radio Frequency signal coverage in the portion of the City of Rye where AT&T proposes to construct the Proposed Facility; (2) Due to the topography and morphology of the town, the Site represents the best available location for the Proposed Facility; (3) The suitability of the Site has been confirmed by reliable computer modeling; and (4) The Proposed Facility is necessary for AT&T to fulfill its FirstNet obligations to build and manage the first broadband network dedicated to first responders.

Therefore, it is respectfully requested that the City of Rye grant AT&T's Application in order to allow AT&T to construct the Proposed Facility and to thereby comply with the mandates of its FCC license and otherwise conform to the FCC rules and regulations for wireless telecommunications providers.



Daniel Penesso  
AT&T RF Engineer  
April 22, 2021

# 700 MHz Lower Band (Blocks A, B & E) License - WQJU424 - New Cingular Wireless PCS, LLC

Call Sign	WQJU424	Radio Service	WY - 700 MHz Lower Band (Blocks A, B & E)
Status	Active	Auth Type	Regular
<b>Rural Service Provider Bidding Credit</b>			
Is the Applicant seeking a Rural Service Provider (RSP) bidding credit?			
<b>Reserved Spectrum</b>			
Reserved Spectrum			
<b>Market</b>			
Market	CMA001 - New York, NY-NJ/Nassau-Suffolk	Channel Block	B
Submarket	0	Associated Frequencies (MHz)	000704.00000000-000710.00000000-000734.00000000-000740.00000000
<b>Dates</b>			
Grant	08/01/2019	Expiration	06/13/2029
Effective	08/01/2019	Cancellation	
<b>Buildout Deadlines</b>			
1st	12/13/2016	2nd	06/13/2019
<b>Notification Dates</b>			
1st	11/27/2012	2nd	11/30/2018
<b>Licensee</b>			
FRN	0003291192	Type	Limited Liability Company
<b>Licensee</b>			
New Cingular Wireless PCS, LLC 208 S Akard St Dallas, TX 75202 ATTN Cecil J Mathew		P:(855)699-7073 F:(214)746-6410 E:FCCMW@att.com	
<b>Contact</b>			
AT&T Mobility LLC Cecil J Mathew 208 S Akard St Dallas, TX 75202 ATTN FCC GROUP		P:(855)699-7073 F:(214)746-6410 E:FCCMW@att.com	



Ownership and Qualifications

Radio Service Type	Mobile		
Regulatory Status	Common Carrier	Interconnected	Yes

Alien Ownership

The Applicant answered "No" to each of the Alien Ownership questions.

Basic Qualifications

The Applicant answered "No" to each of the Basic Qualification questions.


Tribal Land Bidding Credits

This license did not have tribal land bidding credits.

Demographics

Race			
Ethnicity		Gender	

# 700 MHz Lower Band (Blocks A, B & E) License - WQIZ617 - New Cingular Wireless PCS, LLC

<div>  <b>This license has pending applications:</b> 0009378148         </div>			
Call Sign	WQIZ617	Radio Service	WY - 700 MHz Lower Band (Blocks A, B & E)
Status	Active	Auth Type	Regular
<b>Rural Service Provider Bidding Credit</b>			
Is the Applicant seeking a Rural Service Provider (RSP) bidding credit?			
<b>Reserved Spectrum</b>			
Reserved Spectrum			
<b>Market</b>			
Market	BEA010 - New York-North New Jersey-Long Island, NY-NJ-CT-PA-MA-VT	Channel Block	E
Submarket	0	Associated Frequencies (MHz)	000722.00000000-000728.00000000
3.7 GHz License Type		3.7 GHz Linked License	
<b>Dates</b>			
Grant	02/09/2021	Expiration	03/07/2031
Effective	02/09/2021	Cancellation	
<b>Buildout Deadlines</b>			
1st	03/07/2017	2nd	03/07/2021
<b>Discontinuance Dates</b>			
1st		2nd	
<b>Notification Dates</b>			
1st	03/15/2017	2nd	06/16/2020
<b>Licensee</b>			
FRN	0003291192	Type	Limited Liability Company
<b>Licensee</b>			
New Cingular Wireless PCS, LLC 208 S. Akard St., Room 2100 Dallas, TX 75202 ATTN FCC GROUP		P:(855)699-7073 E:FCCMW@att.com	
<b>Contact</b>			

AT&T Services, Inc. Cecil J Mathew 208 S. Akard St., Room 2100 Dallas, TX 75202 ATTN Cecil J Mathew	P:(855)699-7073 E:FCCMW@att.com
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Ownership and Qualifications

Radio Service Type	Fixed, Mobile		
Regulatory Status	Common Carrier, Non-Common Carrier	Interconnected	No

**Alien Ownership**  
The Applicant answered "No" to each of the Alien Ownership questions.

**Basic Qualifications**  
The Applicant answered "No" to each of the Basic Qualification questions.

**Tribal Land Bidding Credits**  
This license did not have tribal land bidding credits.

Demographics

Race			
Ethnicity		Gender	

# 700 MHz Lower Band (Blocks C, D) License - WPWU948 - New Cingular Wireless PCS, LLC

Call Sign	WPWU948	Radio Service	WZ - 700 MHz Lower Band (Blocks C, D)
Status	Active	Auth Type	Regular
<b>Rural Service Provider Bidding Credit</b>			
Is the Applicant seeking a Rural Service Provider (RSP) bidding credit?			
<b>Reserved Spectrum</b>			
Reserved Spectrum			
<b>Market</b>			
Market	CMA001 - New York, NY-NJ/Nassau-Suffolk	Channel Block	C
Submarket	0	Associated Frequencies (MHz)	000710.00000000-000716.00000000 000740.00000000-000746.00000000
<b>Dates</b>			
Grant	08/01/2019	Expiration	06/13/2029
Effective	08/01/2019	Cancellation	
<b>Buildout Deadlines</b>			
1st	06/13/2019	2nd	
<b>Notification Dates</b>			
1st	09/27/2018	2nd	09/27/2018
<b>Licensee</b>			
FRN	0003291192	Type	Limited Liability Company
<b>Licensee</b>			
New Cingular Wireless PCS, LLC 208 S Akard St Dallas, TX 75202 ATTN Cecil J Mathew		P:(855)699-7073 F:(214)746-6410 E:FCCMW@att.com	
<b>Contact</b>			
AT&T Mobility LLC Cecil J Mathew 208 S Akard St Dallas, TX 75202 ATTN FCC GROUP		P:(855)699-7073 F:(214)746-6410 E:FCCMW@att.com	

**Ownership and Qualifications**

Radio Service Type	Fixed, Mobile, Radio Location		
Regulatory Status	Common Carrier, Non-Common Carrier, Private Comm	Interconnected	Yes

**Alien Ownership**

The Applicant answered "No" to each of the Alien Ownership questions.

**Basic Qualifications**

The Applicant answered "No" to each of the Basic Qualification questions.

**Tribal Land Bidding Credits**

This license did not have tribal land bidding credits.

**Demographics**

Race			
Ethnicity		Gender	

# 700 MHz Lower Band (Blocks C, D) License - WPZA235 - New Cingular Wireless PCS, LLC

Call Sign	WPZA235	Radio Service	WZ - 700 MHz Lower Band (Blocks C, D)
Status	Active	Auth Type	Regular
<b>Rural Service Provider Bidding Credit</b>			
Is the Applicant seeking a Rural Service Provider (RSP) bidding credit?			
<b>Reserved Spectrum</b>			
Reserved Spectrum			
<b>Market</b>			
Market	EAG701 - Northeast	Channel Block	D
Submarket	0	Associated Frequencies (MHz)	000716.00000000-000722.00000000
<b>Dates</b>			
Grant	11/05/2019	Expiration	06/13/2029
Effective	11/05/2019	Cancellation	
<b>Buildout Deadlines</b>			
1st	06/13/2019	2nd	
<b>Notification Dates</b>			
1st	06/10/2019	2nd	06/10/2019
<b>Licensee</b>			
FRN	0003291192	Type	Limited Liability Company
<b>Licensee</b>			
New Cingular Wireless PCS, LLC 208 S Akard St Dallas, TX 75202 ATTN Cecil J Mathew		P:(855)699-7073 F:(214)746-6410 E:FCCMW@att.com	
<b>Contact</b>			
AT&T Mobility LLC Cecil J Mathew 208 S Akard St Dallas, TX 75202 ATTN FCC GROUP		P:(855)699-7073 F:(214)746-6410 E:FCCMW@att.com	
<b>Ownership and Qualifications</b>			

Radio Service Type	Fixed, Mobile		
Regulatory Status	Common Carrier, Non-Common Carrier	Interconnected	No
<b>Alien Ownership</b> The Applicant answered "No" to each of the Alien Ownership questions.			
<b>Basic Qualifications</b> The Applicant answered "No" to each of the Basic Qualification questions.			
<b>Tribal Land Bidding Credits</b> This license did not have tribal land bidding credits.			
<b>Demographics</b>			
Race			
Ethnicity		Gender	

# 700 MHz Public Safety Broadband Nationwide License License - WQQE234 - First Responder Network Authority

Call Sign	WQQE234	Radio Service	SP - 700 MHz Public Safety Broadband Nationwide License
Status	Active	Auth Type	Regular
<b>Dates</b>			
Grant	11/15/2012	Expiration	11/15/2022
Effective	12/29/2017	Cancellation	
<b>Area of Operation: N</b>			
Nationwide			
<b>Frequency Bands</b>			
000758.00000000-000769.00000000 000788.00000000-000799.00000000			
<b>Licensee</b>			
FRN	0025487950	Type	Other - Independent Authority
<b>Licensee</b>			
First Responder Network Authority 12201 Sunrise Valley Drive Reston, VA 20192 ATTN Uzoma Onyeije		P:(571)665-6142 E:Uzoma.Onyeije@firstnet.gov	
<b>Contact</b>			
<b>Ownership and Qualifications</b>			
Radio Service Type	Mobile		
Regulatory Status		Interconnected	
<b>Alien Ownership</b>			
Is the applicant a foreign government or the representative of any foreign government?			
Is the applicant an alien or the representative of an alien?			
Is the applicant a corporation organized under the laws of any foreign government?			
Is the applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?			
Is the applicant directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation			



organized under the laws of a foreign country?		
The Alien Ruling question is not answered.		
Basic Qualifications		
Has the applicant or any party to this application had any FCC station authorization, license or construction permit revoked or had any application for an initial, modification or renewal of FCC station authorization, license or construction permit denied by the Commission?		
Has the applicant or any party to this application, or any party directly or indirectly controlling the applicant, ever been convicted of a felony by any state or federal court?		
Has any court finally adjudged the applicant or any party directly or indirectly controlling the applicant guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement, or any other means or unfair methods of competition?		
Demographics		
Race		
Ethnicity		Gender

# AWS-3 (1695-1710 MHz, 1755-1780 MHz, and 2155-2180 MHz) License - WQVN685 - AT&T Wireless Services 3 LLC

Call Sign	WQVN685	Radio Service	AT - AWS-3 (1695-1710 MHz, 1755-1780 MHz, and 2155-2180 MHz)
Status	Active	Auth Type	Regular
<b>Rural Service Provider Bidding Credit</b>			
Is the Applicant seeking a Rural Service Provider (RSP) bidding credit?			
<b>Reserved Spectrum</b>			
Reserved Spectrum			
<b>Market</b>			
Market	BEA010 - New York-North New Jersey-Long Island, NY-NJ-CT-PA-MA-VT	Channel Block	J
Submarket	0	Associated Frequencies (MHz)	001770.00000000-001780.00000000 002170.00000000-002180.00000000
<b>Dates</b>			
Grant	04/08/2015	Expiration	04/08/2027
Effective	08/29/2018	Cancellation	
<b>Buildout Deadlines</b>			
1st	04/08/2021	2nd	04/08/2027
<b>Notification Dates</b>			
1st		2nd	
<b>Licensee</b>			
FRN	0023910920	Type	Limited Liability Company
<b>Licensee</b>			
AT&T Wireless Services 3 LLC 208 S. Akard St., RM 1015 Dallas, TX 75202 ATTN Cecil J Mathew		P:(855)699-7073 F:(214)746-6410 E:FCCMW@att.com	
<b>Contact</b>			
AT&T MOBILITY LLC Cecil J Mathew 208 S Akard St., RM 1015 Dallas, TX 75202		P:(855)699-7073 F:(214)746-6410 E:FCCMW@att.com	

ATTN Michael P. Goggin			
<b>Ownership and Qualifications</b>			
Radio Service Type	Mobile		
Regulatory Status	Common Carrier, Non-Common Carrier	Interconnected	Yes
<b>Alien Ownership</b> The Applicant answered "No" to each of the Alien Ownership questions.			
<b>Basic Qualifications</b> The Applicant answered "No" to each of the Basic Qualification questions.			
<b>Tribal Land Bidding Credits</b> This license did not have tribal land bidding credits.			
<b>Demographics</b>			
Race			
Ethnicity		Gender	

# Cellular License - KNKA310 - NEW CINGULAR WIRELESS PCS, LLC

Call Sign	KNKA310	Radio Service	CL - Cellular
Status	Active	Auth Type	Regular
<b>Market</b>			
Market	CMA001 - New York, NY-NJ/Nassau-Suffolk	Channel Block	A
Submarket	0	Phase	2
<b>Dates</b>			
Grant	10/14/2015	Expiration	10/01/2025
Effective	08/31/2018	Cancellation	
<b>Five Year Buildout Date</b>			
01/17/2000			
<b>Control Points</b>			
1	87 W. PASSAIC STREET, ROCHELLE PARK, NJ		
2	Manhattan Switch, 810 7th Avenue, New York, NY		
<b>Licensee</b>			
FRN	0003291192	Type	Limited Liability Company
<b>Licensee</b>			
NEW CINGULAR WIRELESS PCS, LLC 208 S Akard St., RM 1016 Dallas, TX 75202 ATTN Leslie Wilson		P:(855)699-7073 F:(214)746-6410 E:FCCMW@att.com	
<b>Contact</b>			
AT&T MOBILITY LLC Cecil J Mathew 208 S Akard St., RM 1015 Dallas, TX 75202 ATTN Michael P. Goggin		P:(855)699-7073 F:(214)746-6410 E:FCCMW@att.com	
<b>Ownership and Qualifications</b>			
Radio Service Type	Mobile		
Regulatory Status	Common Carrier	Interconnected	Yes
<b>Alien Ownership</b> The Applicant answered "No" to each of the Alien Ownership questions.			
<b>Basic Qualifications</b> The Applicant answered "No" to each of the Basic Qualification questions.			
<b>Demographics</b>			

# Cellular License - KNKA310 - NEW CINGULAR WIRELESS PCS, LLC - Frequencies

Call Sign	KNKA310	Radio Service	CL - Cellular
▶ <a href="#">Return to Main</a>			
<b>A Block</b>			
824 - 835 MHz paired with 869 - 880 MHz			
845 - 846.5 MHz paired with 890 - 891.5 MHz			

# PCS Broadband License - WPOL311 - NEW CINGULAR WIRELESS PCS, LLC

Call Sign	WPOL311	Radio Service	CW - PCS Broadband
Status	Active	Auth Type	Regular
<b>Rural Service Provider Bidding Credit</b>			
Is the Applicant seeking a Rural Service Provider (RSP) bidding credit?			
<b>Reserved Spectrum</b>			
Reserved Spectrum			
<b>Market</b>			
Market	BTA321 - New York, NY	Channel Block	E
Submarket	2	Associated Frequencies (MHz)	001885.00000000-001890.00000000 001965.00000000-001970.00000000
<b>Dates</b>			
Grant	06/02/2017	Expiration	06/27/2027
Effective	08/31/2018	Cancellation	
<b>Buildout Deadlines</b>			
1st	06/27/2002	2nd	
<b>Notification Dates</b>			
1st	05/29/2002	2nd	
<b>Licensee</b>			
FRN	0003291192	Type	Limited Liability Company
<b>Licensee</b>			
NEW CINGULAR WIRELESS PCS, LLC 208 S Akard St., RM 1015 Dallas, TX 75202 ATTN Cecil J Mathew		P:(855)699-7073 F:(214)746-6410 E:FCCMW@att.com	
<b>Contact</b>			
AT&T MOBILITY LLC Cecil J Mathew 208 S Akard St., RM 1015 Dallas, TX 75202 ATTN FCC Group		P:(855)699-7073 F:(214)746-6410 E:FCCMW@att.com	
<b>Ownership and Qualifications</b>			

Radio Service Type	Mobile		
Regulatory Status	Common Carrier	Interconnected	Yes
<b>Alien Ownership</b> The Applicant answered "No" to each of the Alien Ownership questions.			
<b>Basic Qualifications</b> The Applicant answered "No" to each of the Basic Qualification questions.			
<b>Tribal Land Bidding Credits</b> This license did not have tribal land bidding credits.			
<b>Demographics</b>			
Race			
Ethnicity		Gender	

ULS License

PCS Broadband License - WPSL626 - NEW CINGULAR WIRELESS PCS, LLC

Call Sign	WPSL626	Radio Service	CW - PCS Broadband
Status	Active	Auth Type	Regular
Rural Service Provider Bidding Credit			
Is the Applicant seeking a Rural Service Provider (RSP) bidding credit?			
Reserved Spectrum			
Reserved Spectrum			
Market			
Market	MTA001 - New York	Channel Block	A
Submarket	31	Associated Frequencies (MHz)	001850.00000000-001865.00000000001930.00000000-001945.00000000
Dates			
Grant	12/16/2014	Expiration	12/14/2024
Effective	08/31/2018	Cancellation	
Buildout Deadlines			
1st	12/14/1999	2nd	12/14/2004
Notification Dates			
1st	04/26/1999	2nd	04/01/1999
Licensee			
FRN	0003291192	Type	Limited Liability Company
Licensee			
NEW CINGULAR WIRELESS PCS, LLC 208 S Akard St., RM 1015 Dallas, TX 75202 ATTN Cecil J Mathew		P:(855)699-7073 F:(214)746-6410 E:FCCMW@att.com	
Contact			
AT&T MOBILITY LLC Cecil J Mathew 208 S Akard St., RM 1015 Dallas, TX 75202 ATTN FCC Group		P:(855)699-7073 F:(214)746-6410 E:FCCMW@att.com	
Ownership and Qualifications			



Radio Service Type	Mobile		
Regulatory Status	Common Carrier	Interconnected	Yes
<b>Alien Ownership</b> The Applicant answered "No" to each of the Alien Ownership questions.			
<b>Basic Qualifications</b> The Applicant answered "No" to each of the Basic Qualification questions.			
<b>Tribal Land Bidding Credits</b> This license did not have tribal land bidding credits.			
<b>Demographics</b>			
Race			
Ethnicity		Gender	

ULS License

PCS Broadband License - WQGG892 - NEW CINGULAR WIRELESS PCS, LLC

Call Sign	WQGG892	Radio Service	CW - PCS Broadband
Status	Active	Auth Type	Regular
Rural Service Provider Bidding Credit			
Is the Applicant seeking a Rural Service Provider (RSP) bidding credit?			
Reserved Spectrum			
Reserved Spectrum			
Market			
Market	MTA001 - New York	Channel Block	A
Submarket	14	Associated Frequencies (MHz)	001850.00000000-001865.00000000001930.00000000-001945.00000000
Dates			
Grant	12/10/2014	Expiration	12/14/2024
Effective	08/31/2018	Cancellation	
Buildout Deadlines			
1st		2nd	
Notification Dates			
1st		2nd	
Licensee			
FRN	0003291192	Type	Limited Liability Company
Licensee			
NEW CINGULAR WIRELESS PCS, LLC 208 S Akard St., RM 1015 Dallas, TX 75202 ATTN Cecil J Mathew		P:(855)699-7073 F:(214)746-6410 E:FCCMW@att.com	
Contact			
AT&T MOBILITY LLC Cecil J Mathew 208 S Akard St., RM 1015 Dallas, TX 75202 ATTN FCC Group		P:(855)699-7073 F:(214)746-6410 E:FCCMW@att.com	
Ownership and Qualifications			

Radio Service Type	Mobile		
Regulatory Status	Common Carrier	Interconnected	Yes
<b>Alien Ownership</b> The Applicant answered "No" to each of the Alien Ownership questions.			
<b>Basic Qualifications</b> The Applicant answered "No" to each of the Basic Qualification questions.			
<b>Tribal Land Bidding Credits</b> This license did not have tribal land bidding credits.			
<b>Demographics</b>			
Race			
Ethnicity		Gender	

# Wireless Communications Service License - KNLB204 - New Cingular Wireless PCS, LLC

<b>PA This license has pending applications: 0008763787</b>			
Call Sign	KNLB204	Radio Service	WS - Wireless Communications Service
Status	Active	Auth Type	Regular
<b>Rural Service Provider Bidding Credit</b>			
Is the Applicant seeking a Rural Service Provider (RSP) bidding credit?			
<b>Reserved Spectrum</b>			
Reserved Spectrum			
<b>Market</b>			
Market	MEA002 - New York City	Channel Block	B
Submarket	0	Associated Frequencies (MHz)	002310.00000000-002315.00000000 002355.00000000-002360.00000000
<b>Dates</b>			
Grant	02/04/2020	Expiration	07/21/2027
Effective	02/04/2020	Cancellation	
<b>Buildout Deadlines</b>			
1st	03/13/2017	2nd	09/13/2019
<b>Notification Dates</b>			
1st	03/17/2017	2nd	
<b>Licensee</b>			
FRN	0003291192	Type	Limited Liability Company
<b>Licensee</b>			
New Cingular Wireless PCS, LLC 208 S. Akard St., RM 1016 Dallas, TX 75202 ATTN Leslie A. Wilson		P:(855)699-7073 F:(214)746-6410 E:FCCMW@att.com	
<b>Contact</b>			
AT&T Mobility LLC  1120 20th Street, NW, Suite 1000 Washington, DC 20036 ATTN Michael P. Goggin		P:(202)457-2055 F:(202)457-3073 E:michael.p.goggin@att.com	

**Ownership and Qualifications**

Radio Service Type			
Regulatory Status		Interconnected	

**Alien Ownership**

The Applicant answered "No" to each of the Alien Ownership questions.

**Basic Qualifications**

The Applicant answered "No" to each of the Basic Qualification questions.

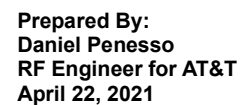
**Tribal Land Bidding Credits**

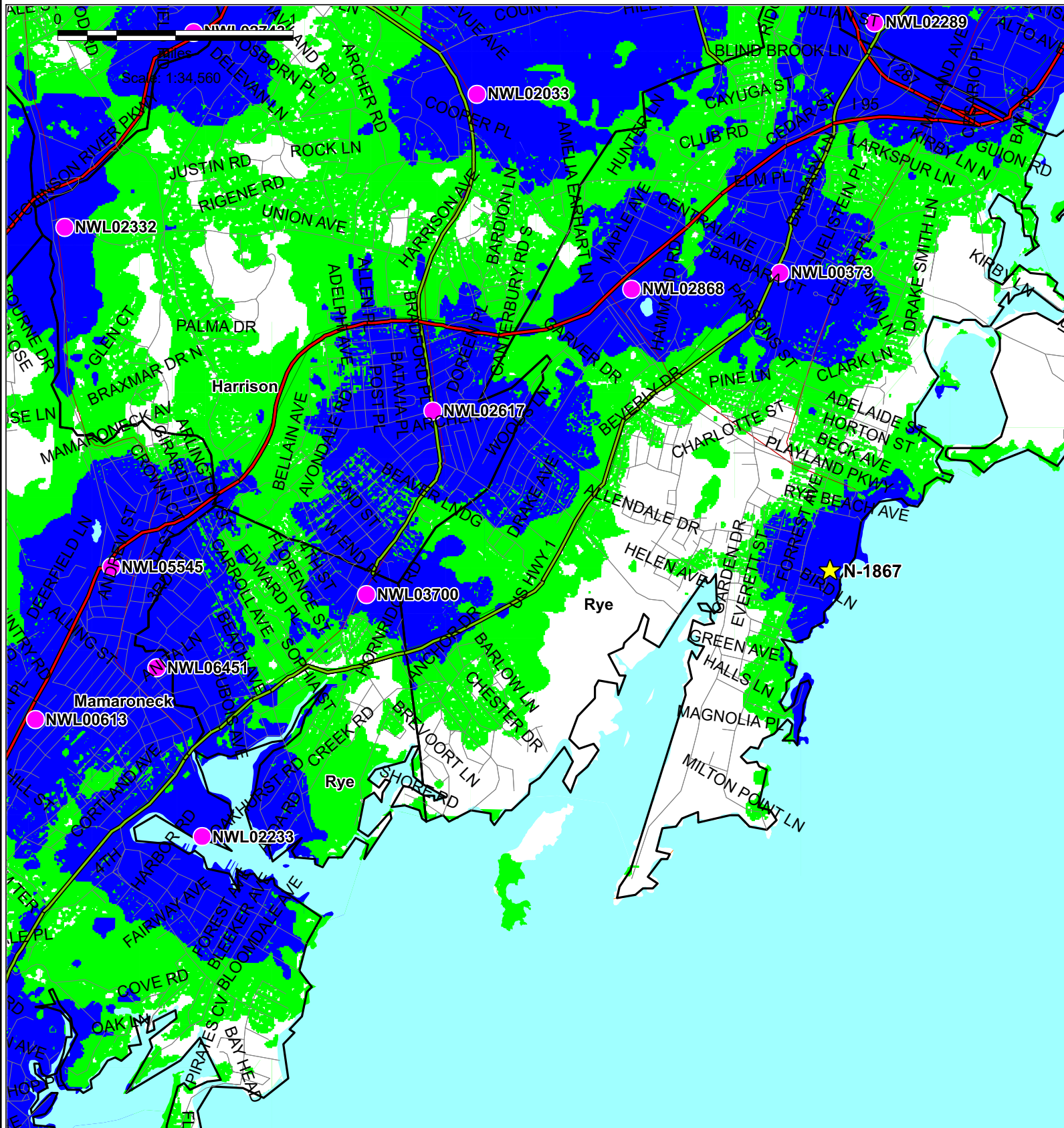
This license did not have tribal land bidding credits.

**Demographics**

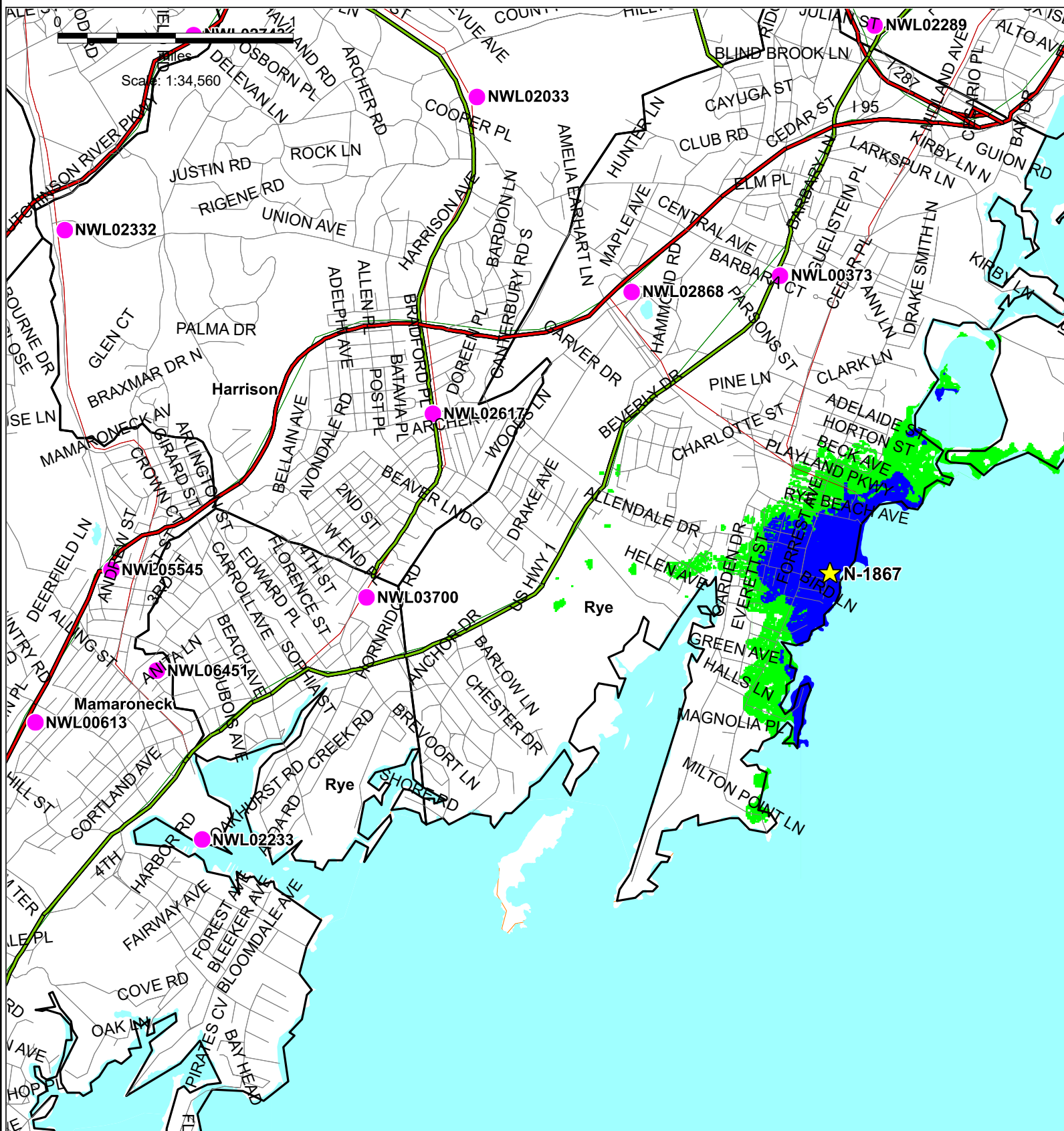
Race			
Ethnicity		Gender	











Site List for N-1867 Rye							
Site ID	Longitude	Latitude	Address	City	Structure Type	Status	Height
N-1867	-73.680572	40.960059	95 DEARBORN AVENUE	RYE	STEALTH FACILITY	Proposed	32ft. - 10in.
NWL00373	-73.68466667	40.97819444	66 MILTON ROAD	RYE	ROOFTOP	On-Air	88ft.
NWL00613	-73.745444	40.95075	FENIMORE ROAD AT I-95	MAMARONECK	MONOPOLE	On-Air	78ft.
NWL00618	-73.76515741	40.93113426	I-95 NORTHEAST MILEPOST 7.3 EXIT 17	LARCHMONT	SELF SUPPORT	On-Air	120ft.
NWL02033	-73.70937963	40.9892037	240 NORTH STREET	HARRISON	ROOFTOP	On-Air	73ft.
NWL02096	-73.7576713	40.93351389	1880 PALMER AVENUE	LARCHMONT	ROOFTOP	On-Air	80ft.
NWL02233	-73.73165	40.94362	HARBOR ISLAND PARK	MAMARONECK	BUILDING	On-Air	107ft.
NWL02289	-73.676968	40.993588	999 HIGH STREET	PORT CHESTER	BUILDING	On-Air	112ft.
NWL02332	-73.74297685	40.981	600 MAMARONECK AVENUE	HARRISON	ROOFTOP	On-Air	67ft.
NWL02617	-73.713028	40.969694	3 CLAVERT STREET	CROTON ON HUDSON	ROOFTOP	On-Air	75ft.
NWL02739	-73.755611	40.976667	EXIT 22 HUTCHINSON RIVER PKWY SOUTH	SCARSDALE	MONOPOLE	On-Air	110ft.
NWL02743	-73.73250463	40.993	HUTCHINSON RIVER PKWY MEDIUM EXIT 25	HARRISON	ROOFTOP	On-Air	110ft.
NWL02868	-73.6967963	40.97723148	350 THEODORE FREMD	RYE	ROOFTOP	On-Air	47ft.
NWL03459	-73.75161	40.92708	120 LARCHMONT AVENUE	LARCHMONT	ROOFTOP	On-Air	74ft.
NWL03700	-73.71844907	40.95836111	1600 HARRISON AVENUE	MAMARONECK	BUILDING	On-Air	45ft.
NWL05143	-73.659565	40.991741	FOX ISLAND ROAD	PORT CHESTER	SILLO	On-Air	107ft.
NWL05522	-73.698616	40.99793	99 BILTMORE AVENUE DUP 1	RYE	STEALTH POLE	On-Air	144ft.
NWL05545	-73.73918519	40.96014815	95 NORTH RAMP RIGHT OF WAY	MAMARONECK	MONOPOLE	On-Air	136ft.
NWL06451	-73.7355	40.95387037	233 HALSTEAD AVENUE	MAMARONECK	ROOFTOP	On-Air	106ft.

# PLANS



PROJECT TEAM

CLIENT REPRESENTATIVE

COMPANY: BLACK & VEATCH  
ADDRESS: 433 HACKENSACK AVENUE, SUITE 901  
CITY, STATE, ZIP: HACKENSACK, NJ 07601  
CONTACT: PATRICK CONNELL  
PHONE: (201) 977-4213  
E-MAIL: CONNELLP@BV.COM

SITE ACQUISITION

COMPANY: BLACK & VEATCH  
ADDRESS: 433 HACKENSACK AVENUE, SUITE 901  
CITY, STATE, ZIP: HACKENSACK, NJ 07601  
CONTACT: BRIAN POWERS  
PHONE: (201) 977-1534  
E-MAIL: POWERSBE@BV.COM

ENGINEER

COMPANY: AZIMUTH ENGINEERING GROUP, LLC  
ADDRESS: 695 ROUTE 46 WEST, SUITE 300  
CITY, STATE, ZIP: FAIRFIELD, NJ 07004  
CONTACT: JEREMY MCKEON  
PHONE: 973-970-0068  
E-MAIL: JMCKEON@AZIMUTHEG.COM

APPLICANT/LESSEE

COMPANY: NEW CINGULAR WIRELESS PCS, LLC (AT&T)  
ADDRESS: ONE AT&T WAY  
CITY, STATE, ZIP: BEDMINSTER, NJ 07921

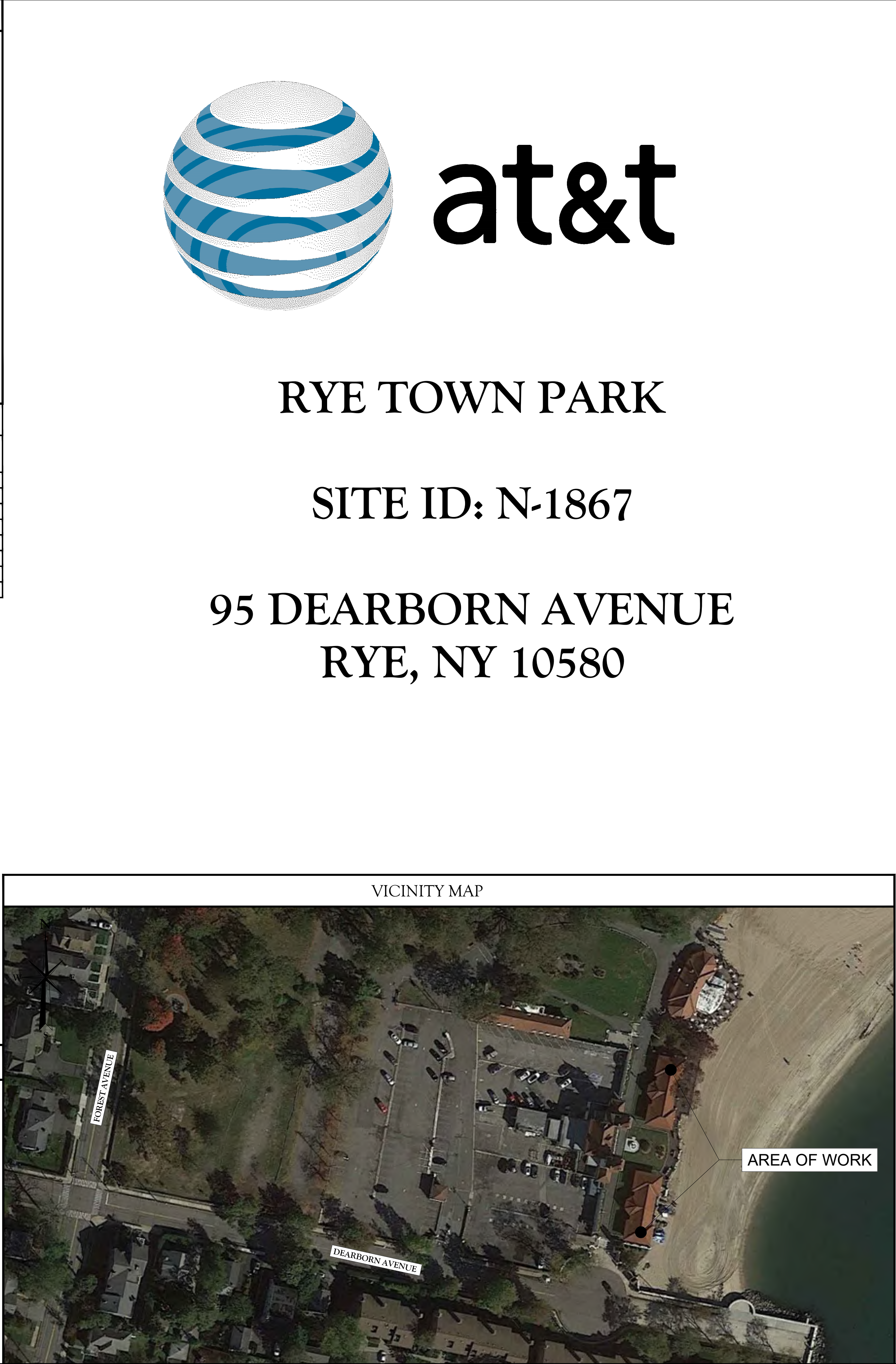
SHEET INDEX

SHEET	DESCRIPTION
Z-1	TITLE SHEET
Z-2	SITE LOCATION PLAN
Z-3	ELEVATIONS
Z-4	CABLE ROUTING & EQUIPMENT PLANS
Z-5	ANTENNA & EQUIPMENT LAYOUTS
Z-6	BASEMENT PLANS
Z-7	EQUIPMENT DETAILS
Z-8	ANTENNA SPECIFICATIONS

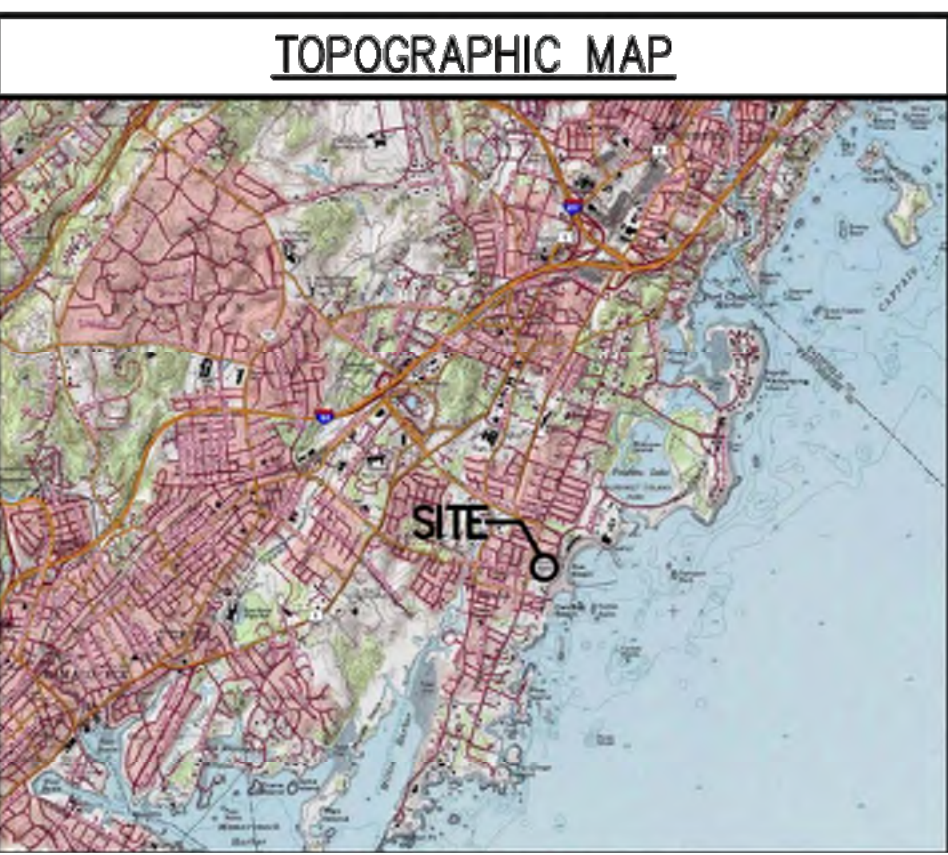
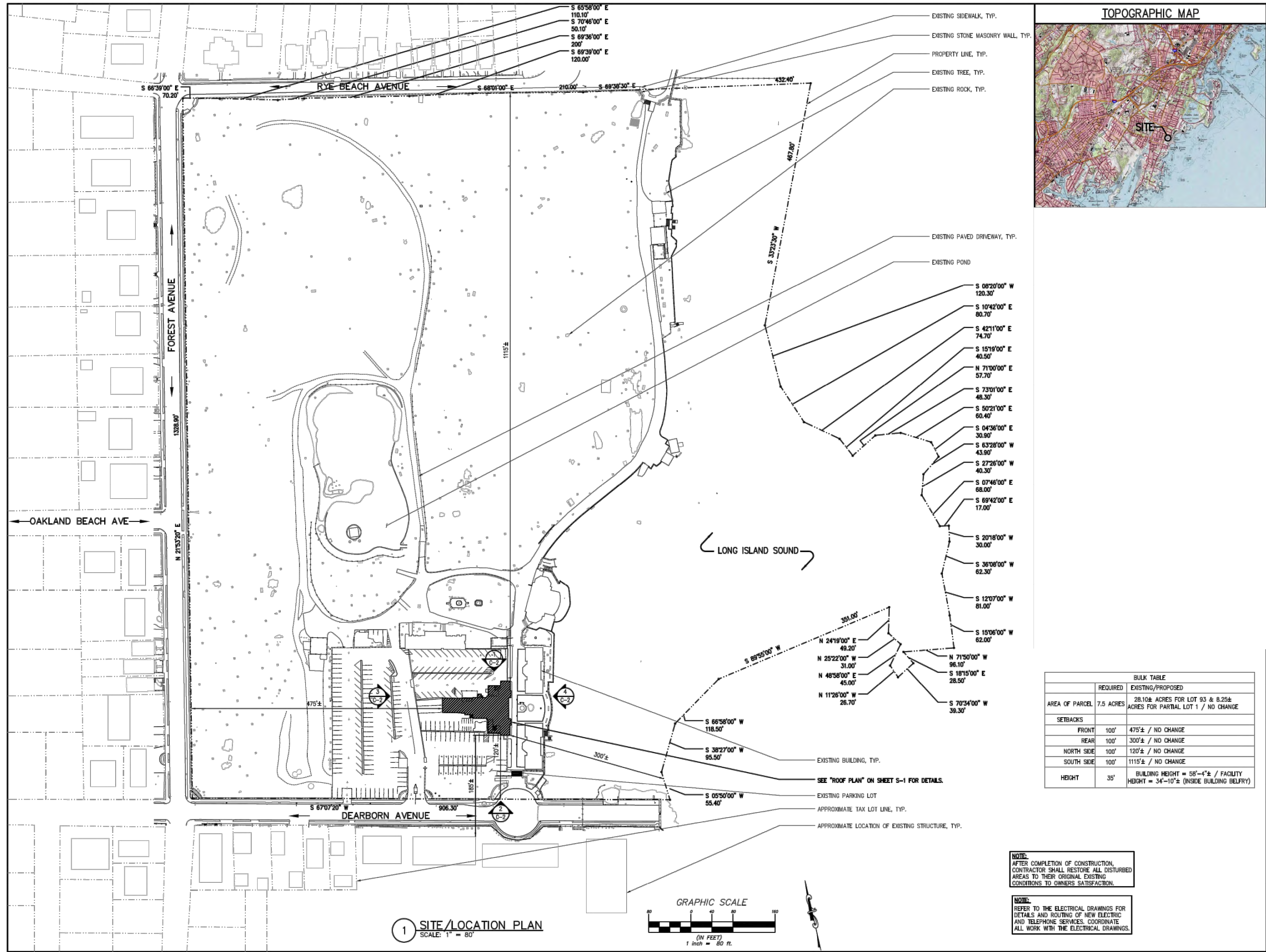
SITE INFORMATION

PROPERTY/TOWER OWNER

NAME: TOWN OF RYE  
ADDRESS: 95 DEARBORN AVENUE  
CITY, STATE, ZIP: RYE, NY 10580  
PARCEL SBL: 15300700030930000000  
PRINT KEY/TAX ID: 153-7-3-93  
LATITUDE: 40.960016  
LONGITUDE: -73.680705  
LAT/LONG TYPE: NAD 83  
AREA OF CONSTRUCTION: PROPOSED INTERIOR TOWER  
ZONING/JURISDICTION: WR  
CURRENT USE/PROPOSED USE: UNMANNED TELECOMMUNICATION FACILITY  
HANDICAP REQUIREMENTS: FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. HANDICAPPED ACCESS NOT REQUIRED.  
PROPERTY CLASSIFICATION: WATERFRONT RECREATION  
OCCUPANCY CLASSIFICATION: PUBLIC / MUNICIPAL







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**JEREMY K. McKEON**  
NEW YORK LICENSED PROFESSIONAL  
ENGINEER - LICENSE NUMBER: 095374-1

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MRNYJ013212

95 DEARBORN AVENUE  
RYE, NY 10580  
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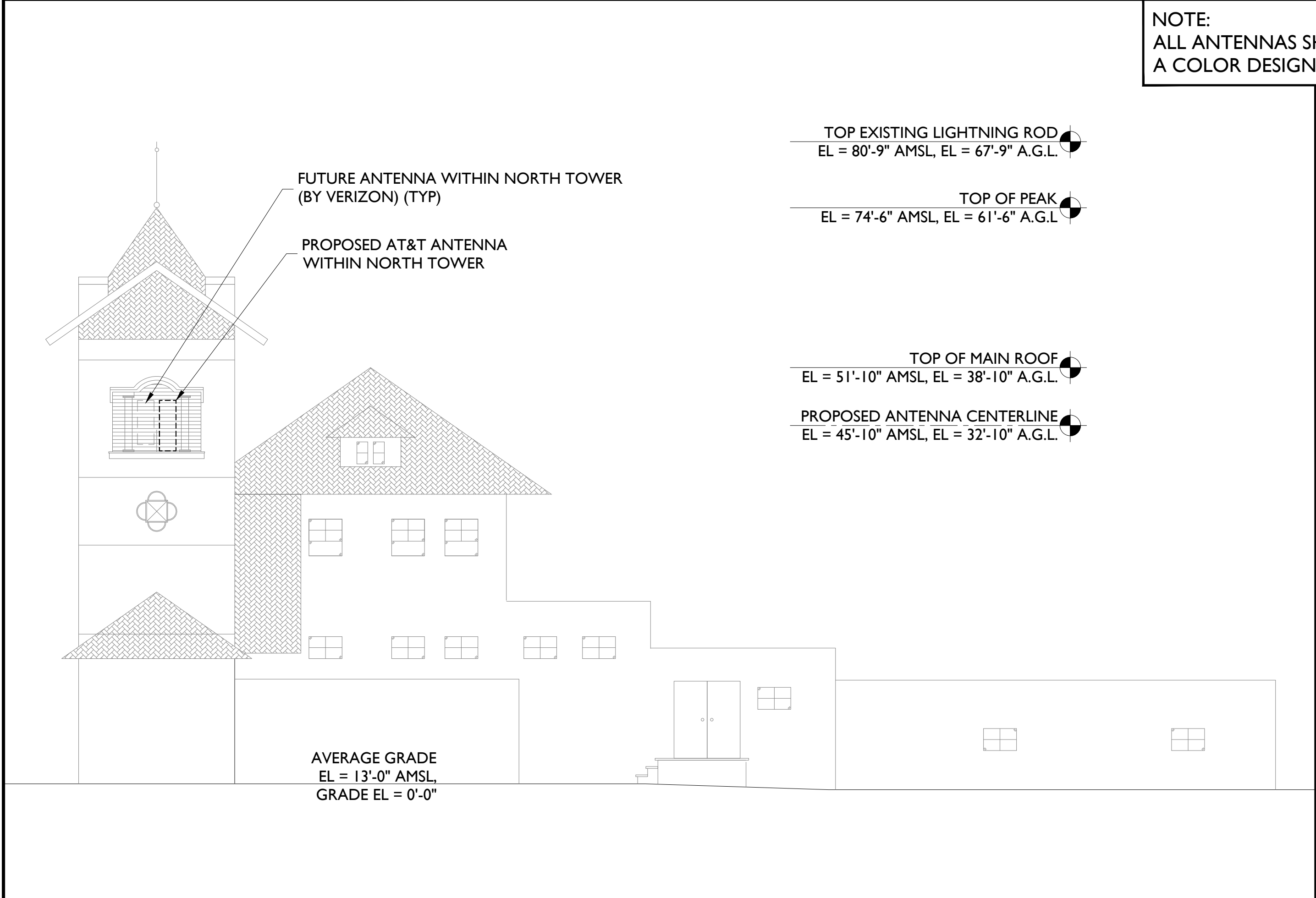
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SITE LOCATION PLAN

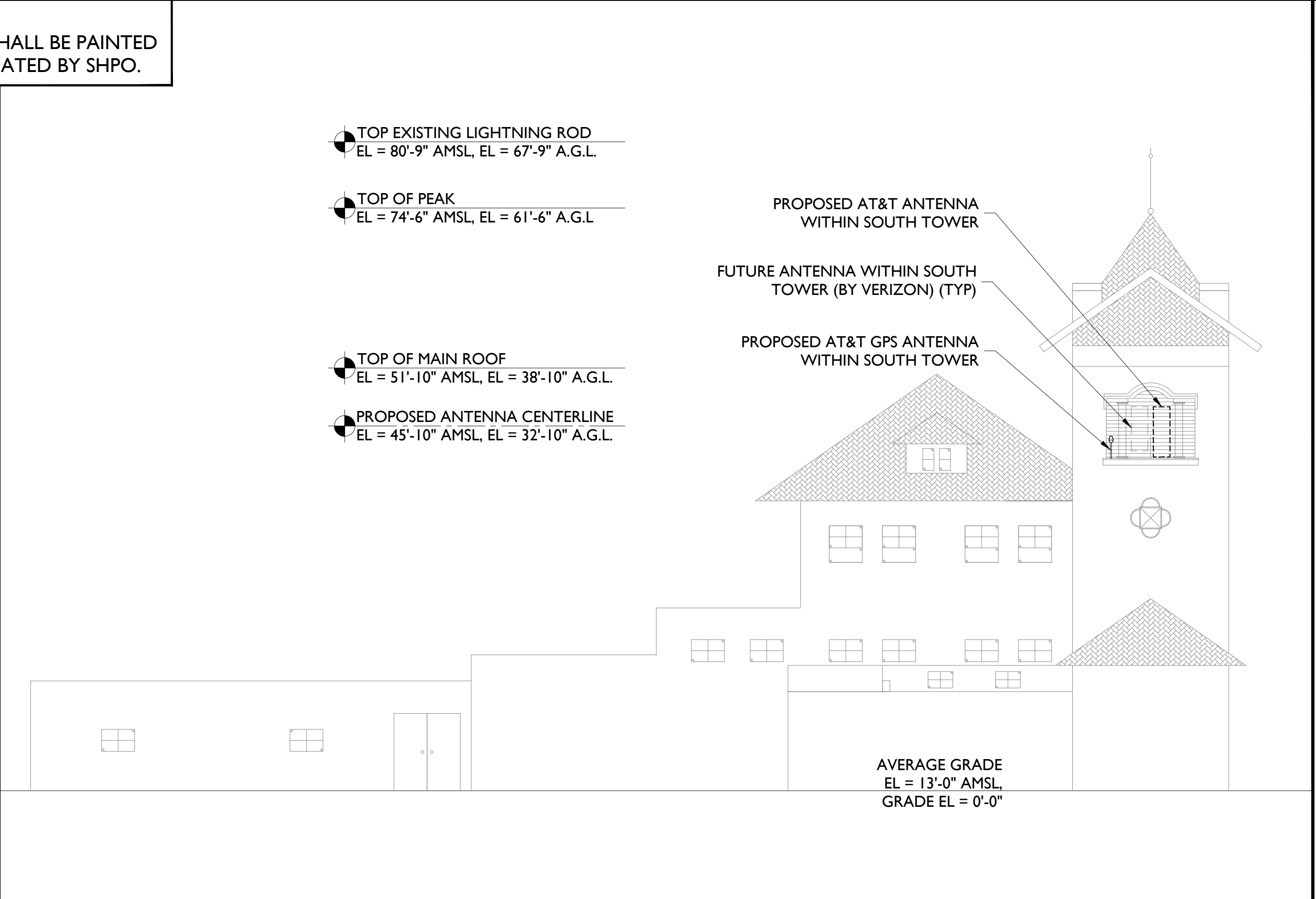
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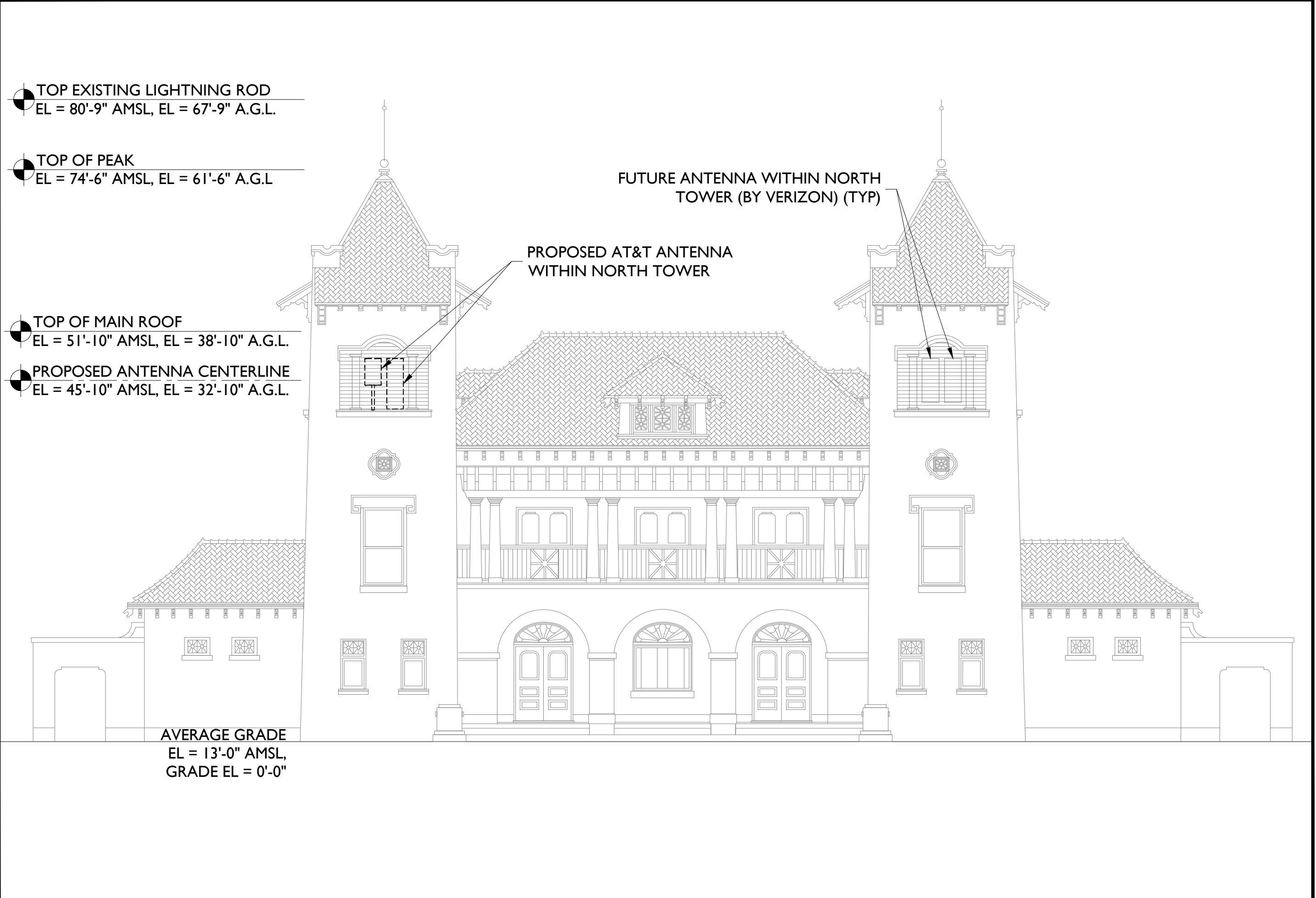
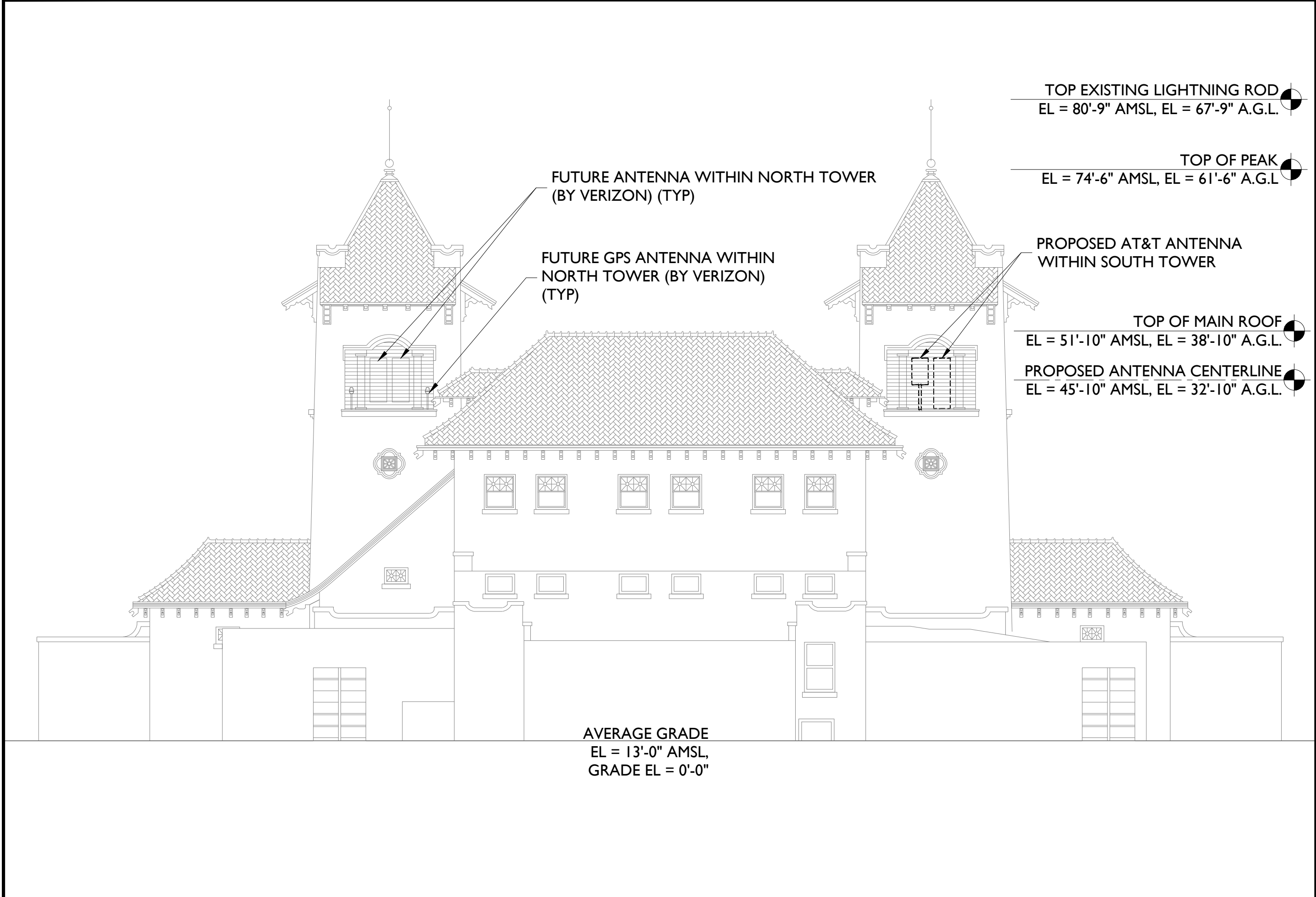


NOTE:  
ALL ANTENNAS SHALL BE PAINTED  
A COLOR DESIGNATED BY SHPO.



1 NORTH BUILDING ELEVATION

2 SOUTH BUILDING ELEVATION



3 WEST BUILDING ELEVATION

4 EAST BUILDING ELEVATION

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		WAS	JKM

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SHEET TITLE:

ELEVATIONS

SHEET NUMBER:

Z-3





PROPOSED EQUIPMENT PLAN SOUTH  
TOWER CONFIGURATION (SEE DETAIL 2)

PROPOSED AT&T HYBRID CABLE ROUTED ALONG  
EXTERIOR WALL ABOVE EXISTING PERGOLA  
RAFTERS (TYP) CABLE SHALL BE PAINTED TO  
MATCH EXTERIOR OF EXISTING BUILDING

PROPOSED AT&T HYBRID CABLE ROUTED  
ALONG EXTERIOR WALL ABOVE EXISTING  
PERGOLA RAFTERS TO NORTH TOWER  
(TYP) CABLE SHALL BE PAINTED TO MATCH  
EXTERIOR OF EXISTING BUILDING

PROPOSED AT&T HYBRID CABLE  
PENETRATION SHALL BE FIRE STOPPED  
AS REQUIRED BY LOCAL JURISDICTION

EXISTING ACCESS TO  
3RD FLOOR (ABOVE)



EXISTING LADDER  
(TO BE REPLACED)

PROPOSED AT&T  
STEEL DUNNAGE

PROPOSED AT&T  
POWER PLANT ON  
STEEL DUNNAGE

PROPOSED AT&T  
PPC CABINET

PROPOSED AT&T  
TELCO CABINET

PROPOSED AT&T ELECTRIC, FIBER &  
GROUND CONDUIT ROUTED VERTICALLY  
THROUGH EACH FLOOR TO PROPOSED  
AT&T EQUIPMENT ON SECOND FLOOR

PROPOSED AT&T PURCELL  
CABINET (TYP OF 2 STACKED)  
ON STEEL DUNNAGE

# PROPOSED AT&T BATTERY CABINET ON STEEL DUNNAGE

PROPOSED AT&T HYBRID CABLE  
ROUTED VERTICALLY TO  
PROPOSED RRHS ON 3RD FLOOR



# BLACK & VEATCH



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SHEET TITLE:

## CABLE ROUTING & EQUIPMENT PLANS

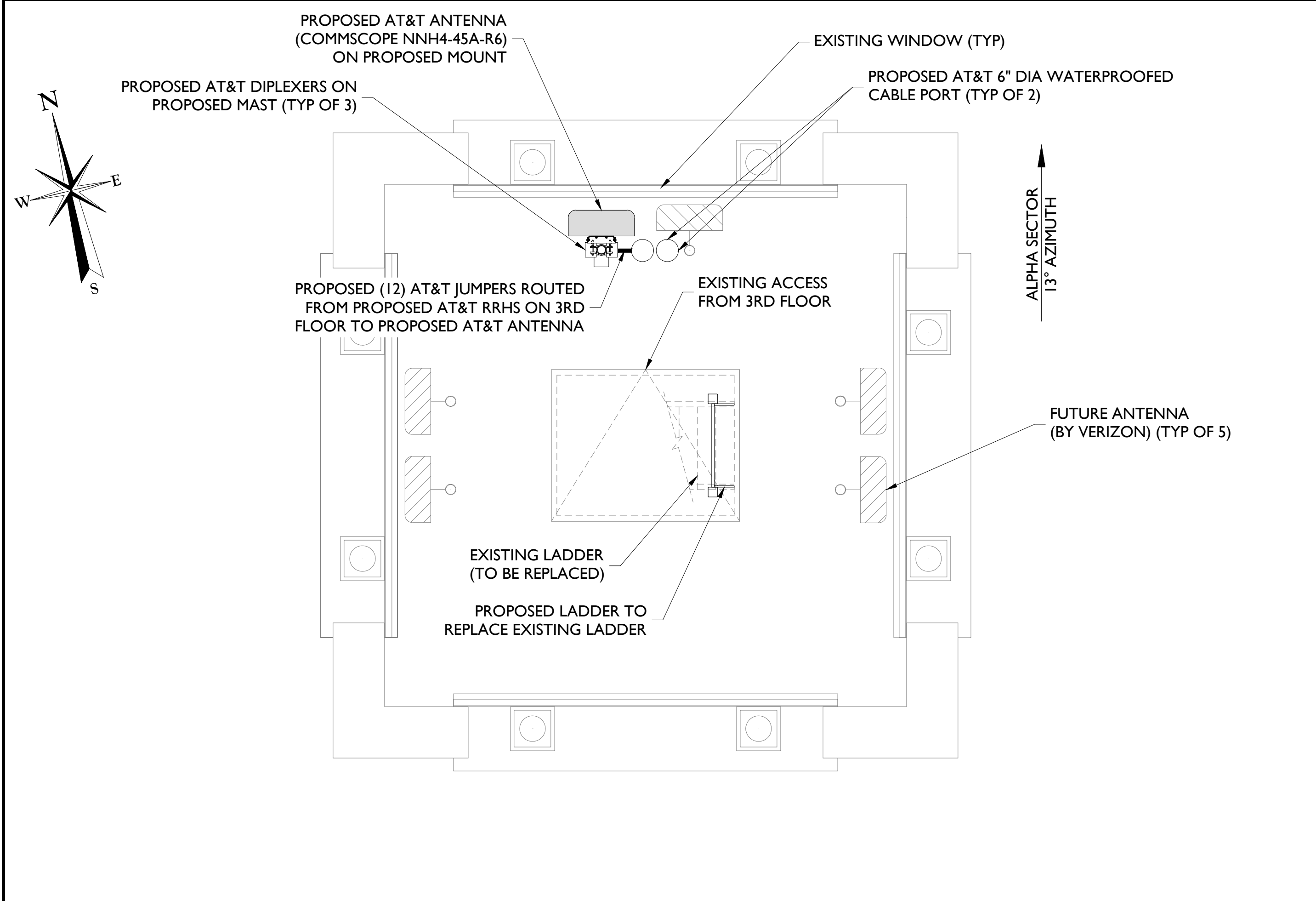
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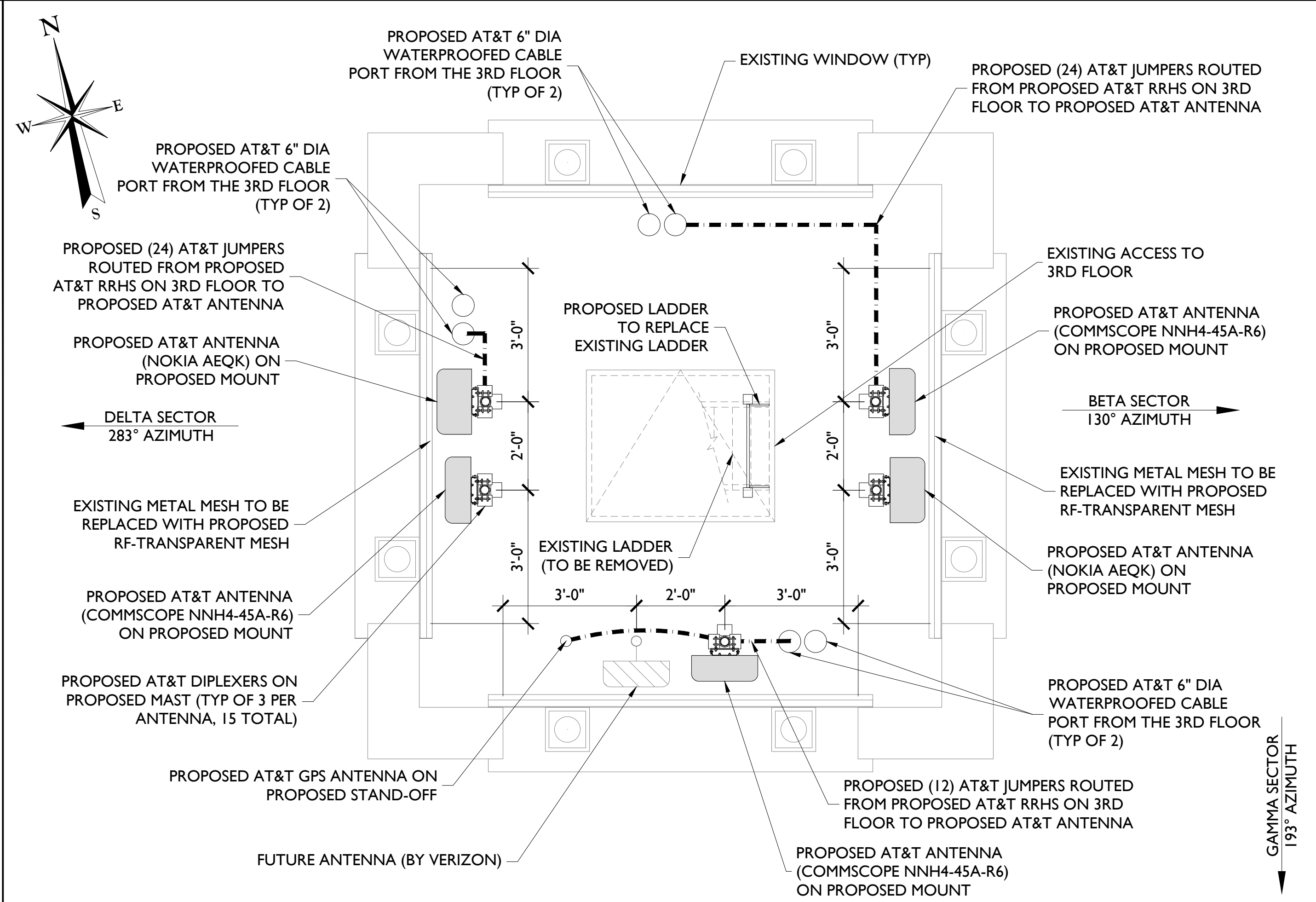
# 1 CABLE ROUTING PLAN

2 EQUIPMENT PLAN SOUTH TOWER 2ND FLOOR

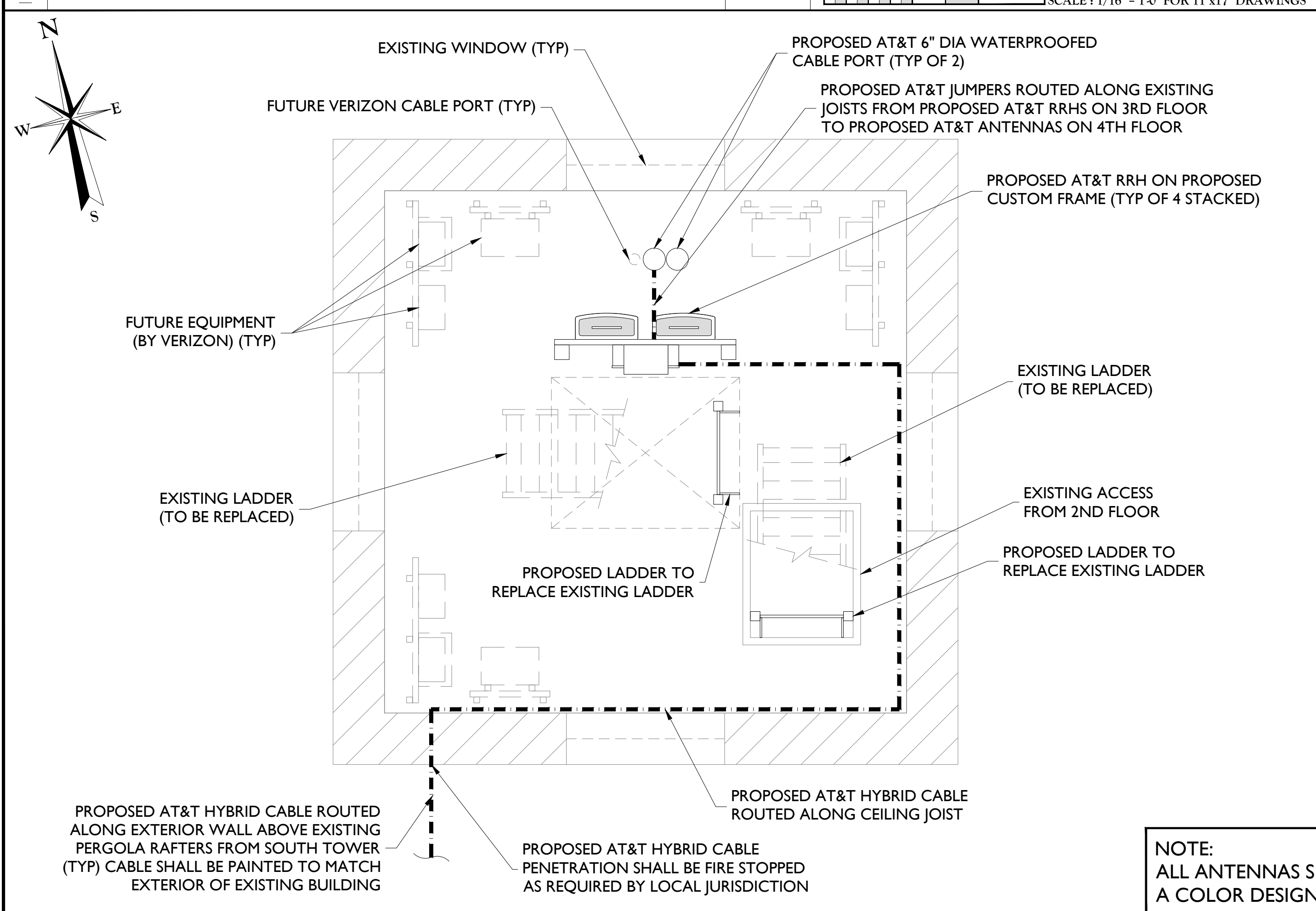




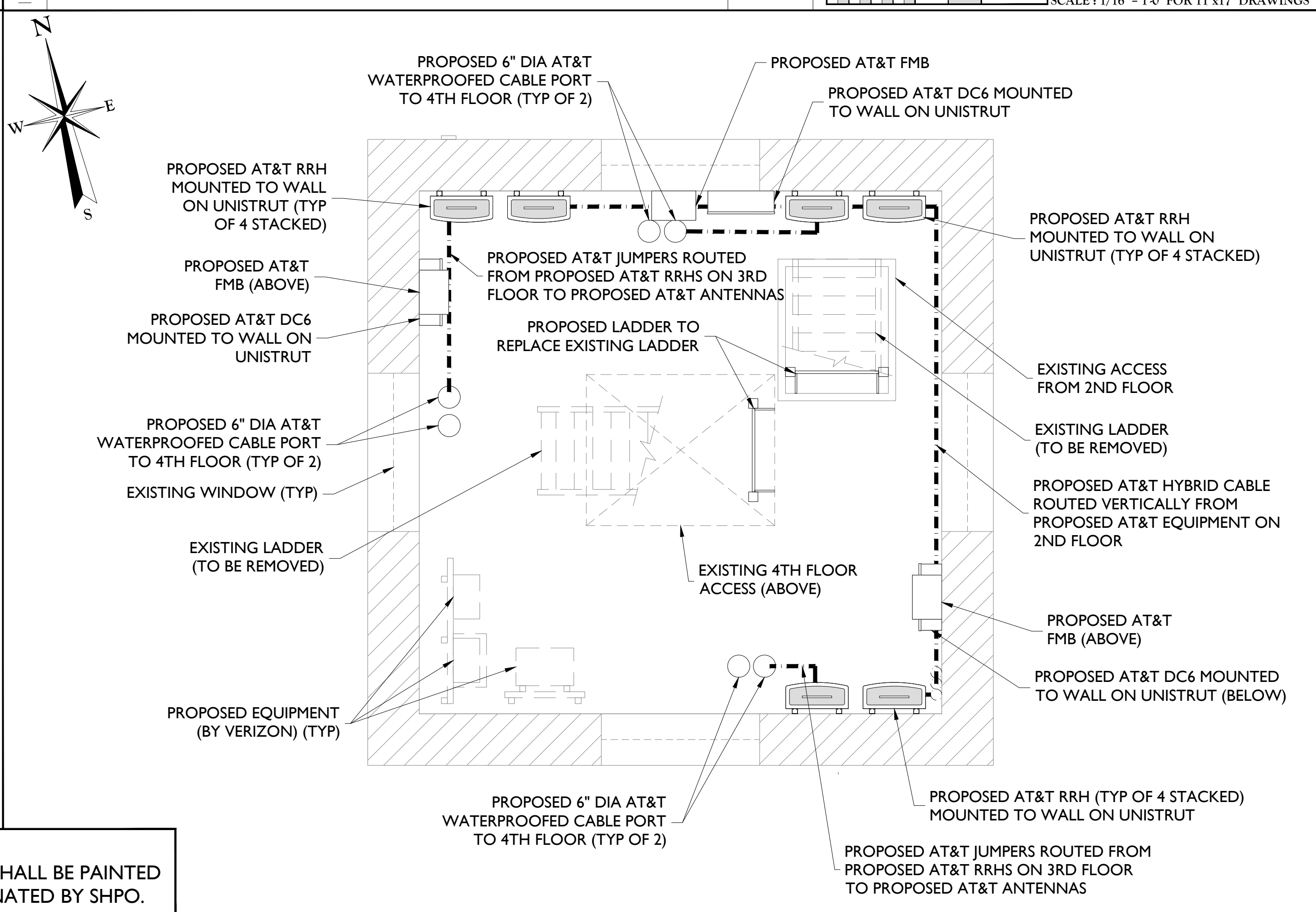
1 FOURTH FLOOR PLAN NORTH TOWER



2 FOURTH FLOOR PLAN SOUTH TOWER



3 THIRD FLOOR PLAN NORTH TOWER



4 THIRD FLOOR PLAN SOUTH TOWER

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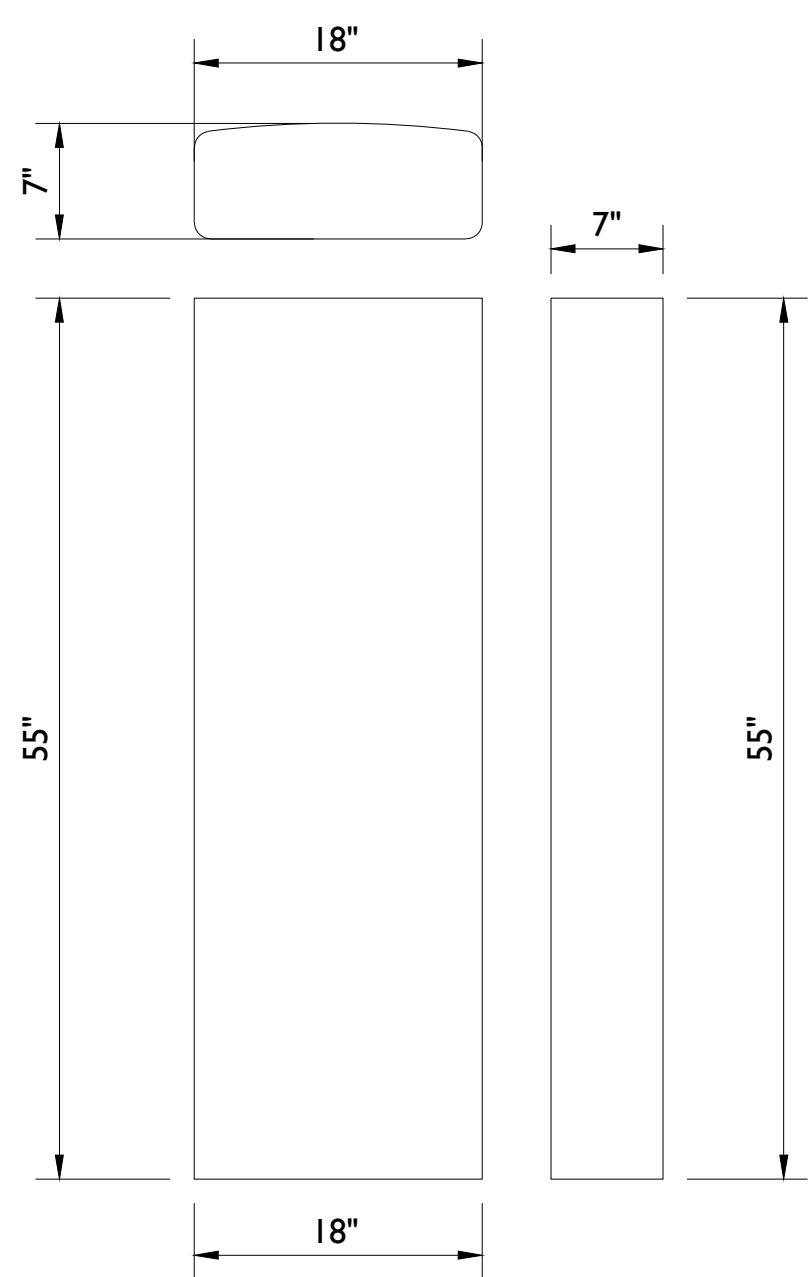
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SHEET TITLE:  
ANTENNA & EQUIPMENT LAYOUTS

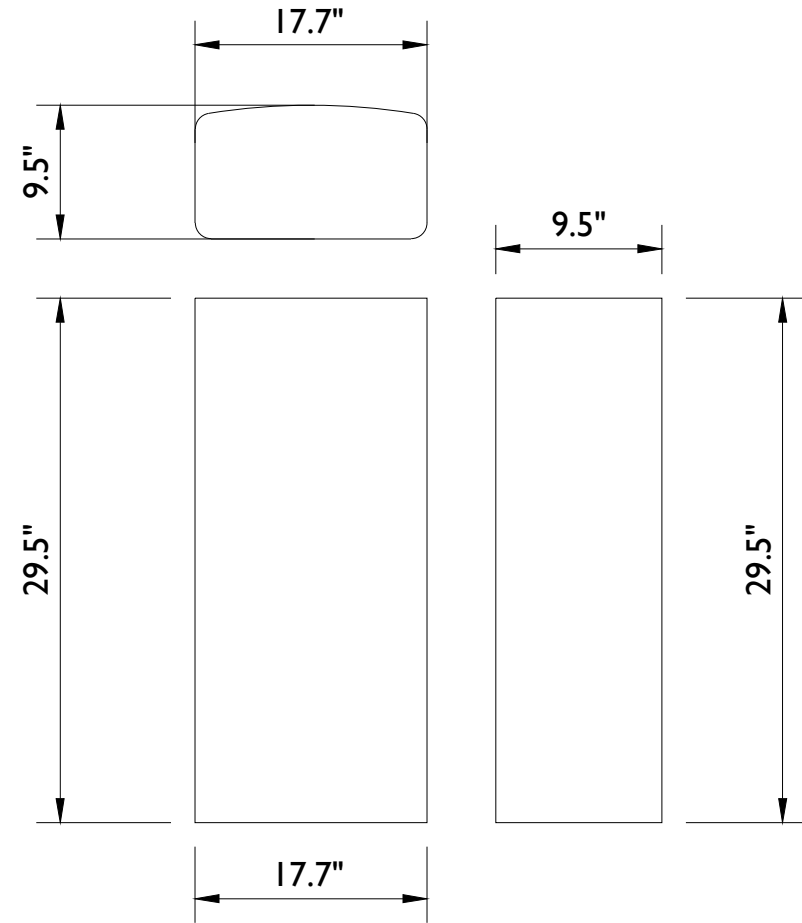
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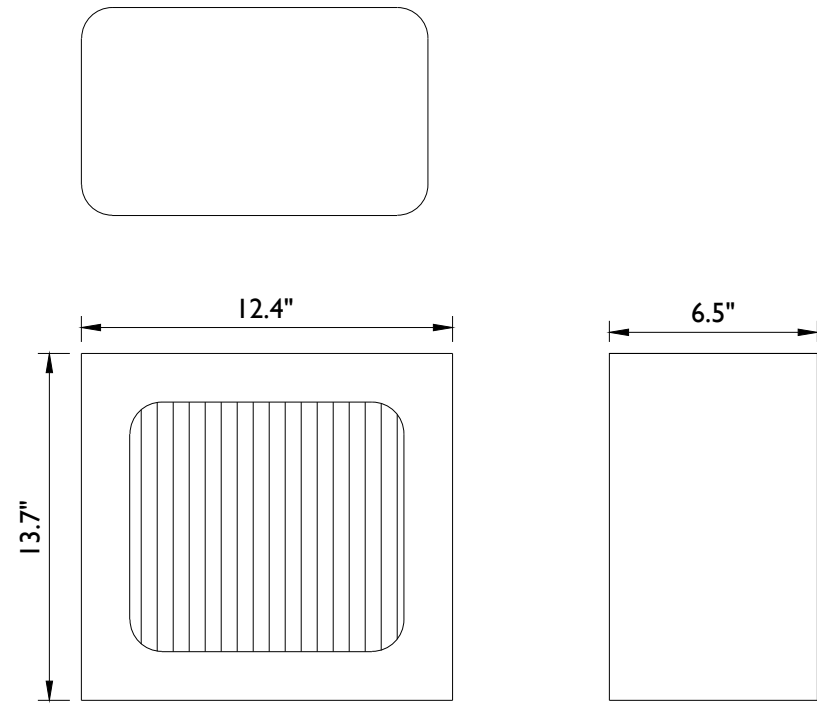




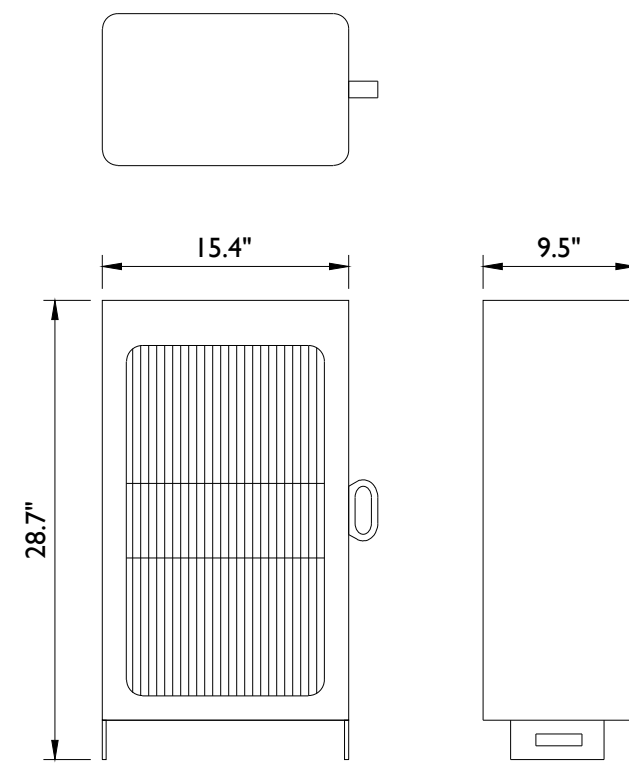
WEIGHT = 40 LBS  
ANTENNA FACE AREA = 6.88 SQ. FT.  
COMMSCOPE - NNH4-45A-R6  
**ANTENNA DETAIL**  
NOT TO SCALE



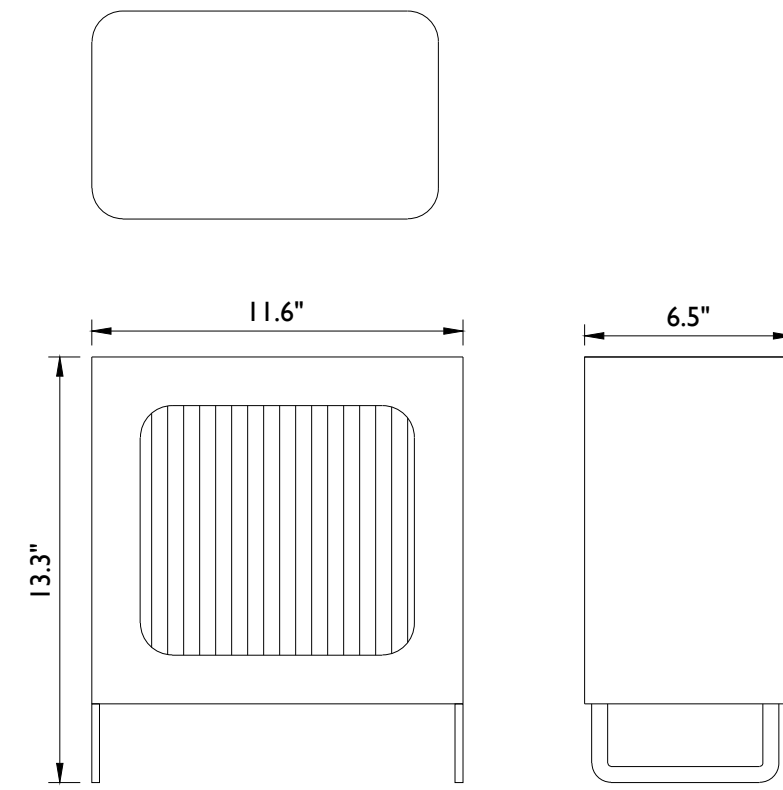
WEIGHT = 99.2 LBS  
ANTENNA FACE AREA = 3.63 SQ. FT.  
NOKIA - AEQK  
**ANTENNA DETAIL**  
NOT TO SCALE



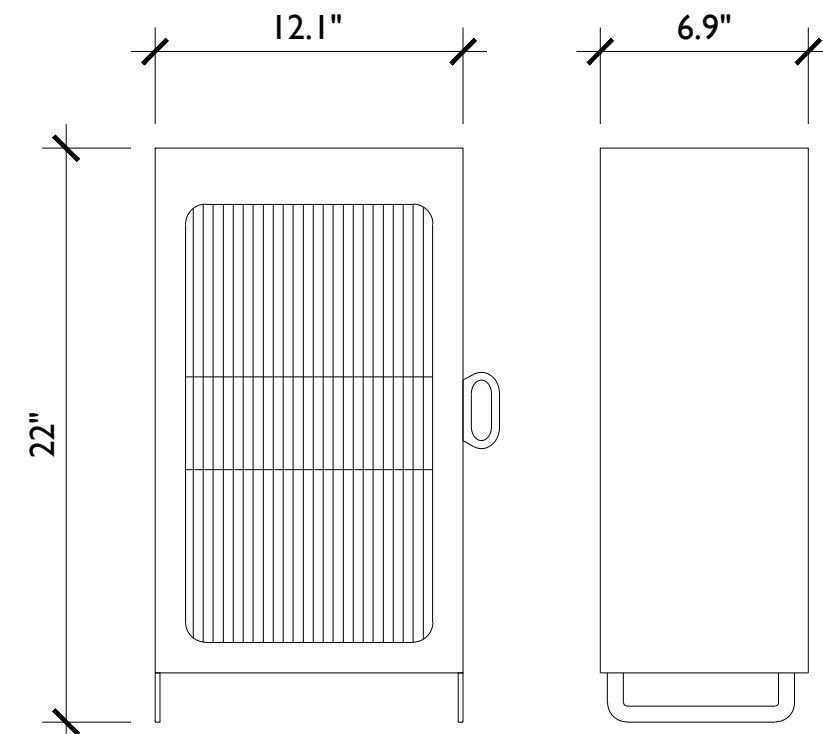
WEIGHT = 34.1 LB  
**WCS B30 RRH SPECS**  
NOT TO SCALE



WEIGHT = 88.2 LB  
**4T4R B25-B66 320W  
AIRSCALE DUAL RRH**  
NOT TO SCALE



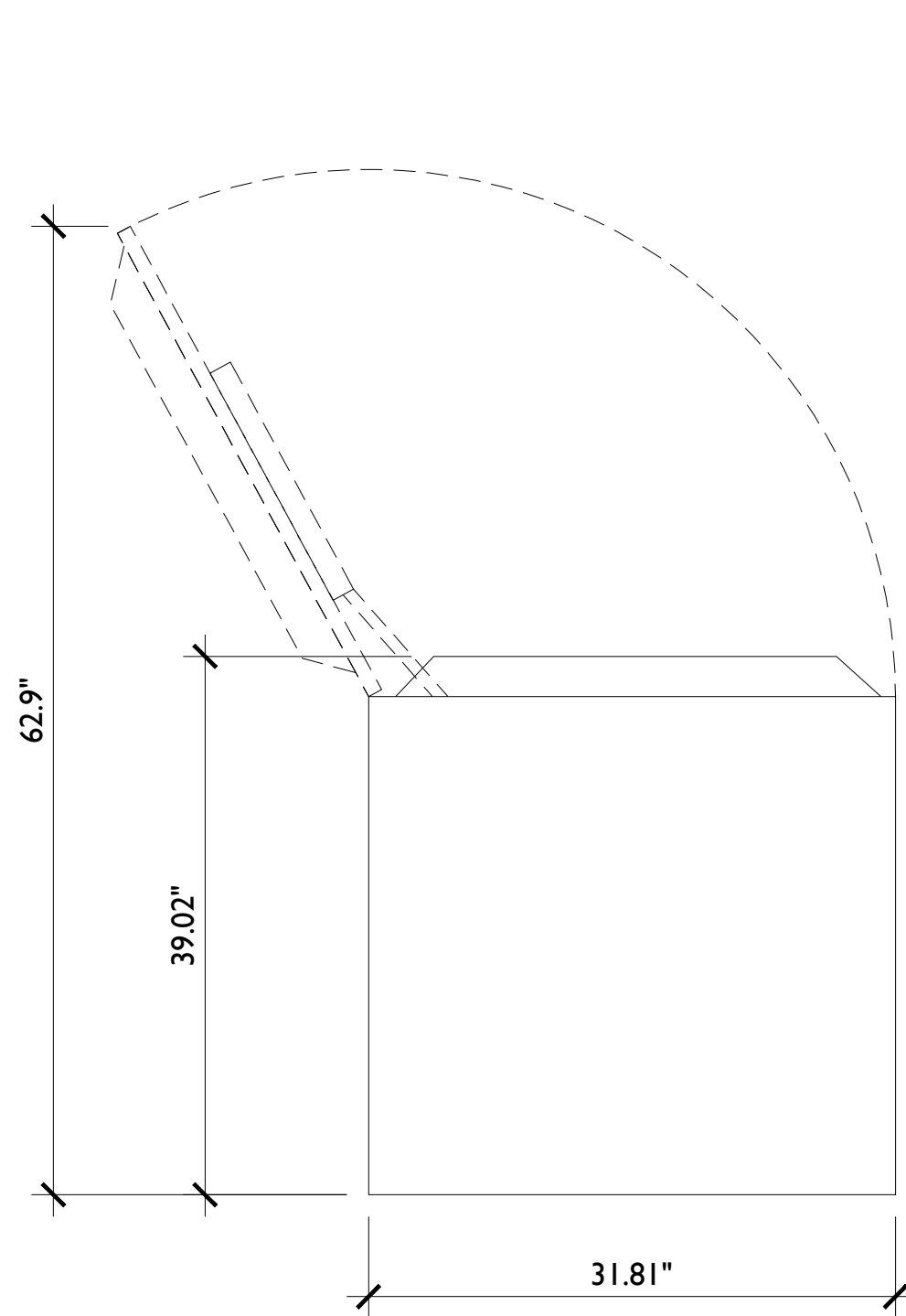
WEIGHT = 36.8 LB  
**4T4R B5 160W  
AIRSCALE DUAL 850 RRH**  
NOT TO SCALE



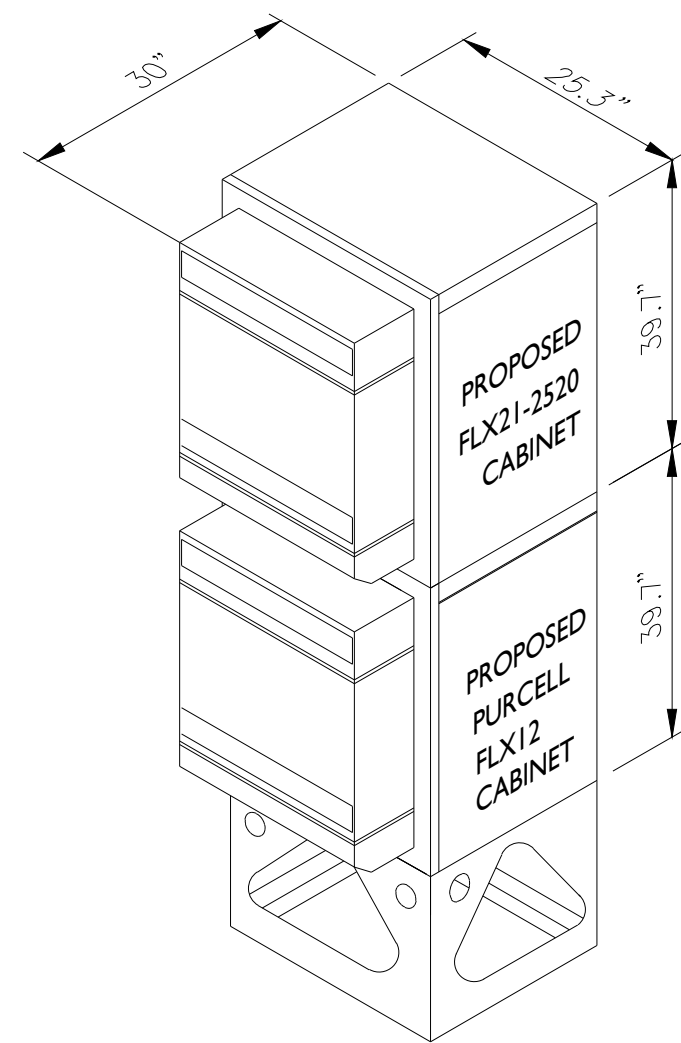
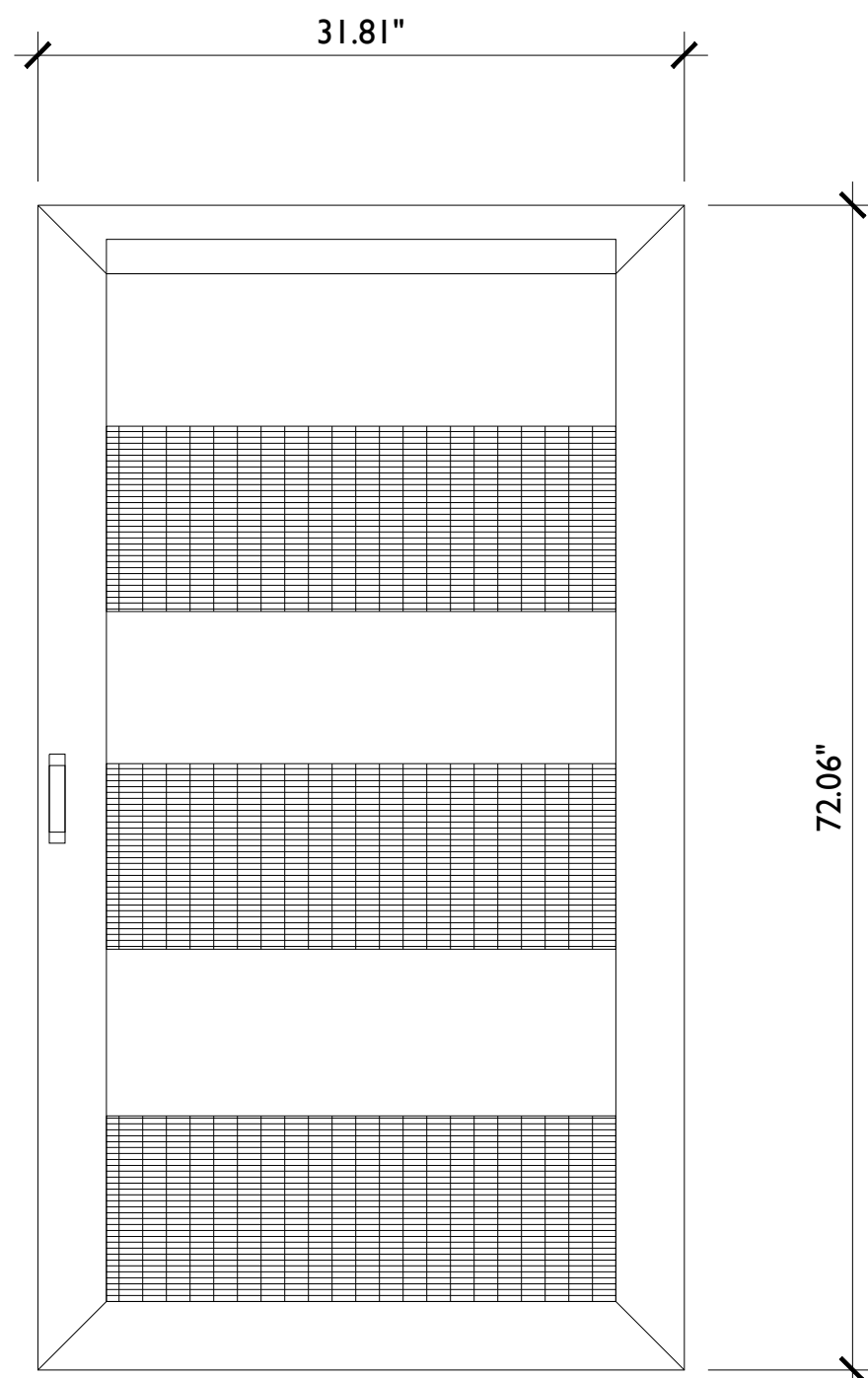
WEIGHT = 101.4 LB  
**B14/12/29 TRIBAND  
700 RRH**  
NOT TO SCALE

1 ANTENNA DETAILS

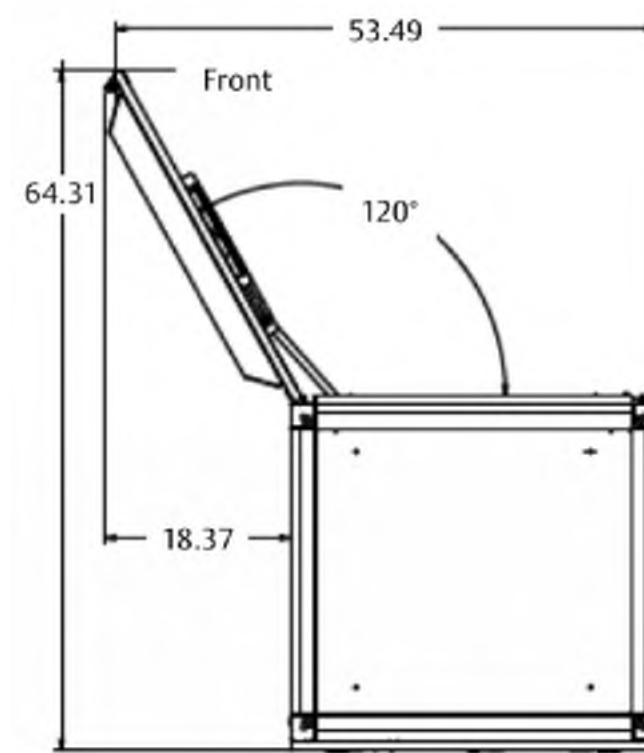
2 RADIO DETAILS



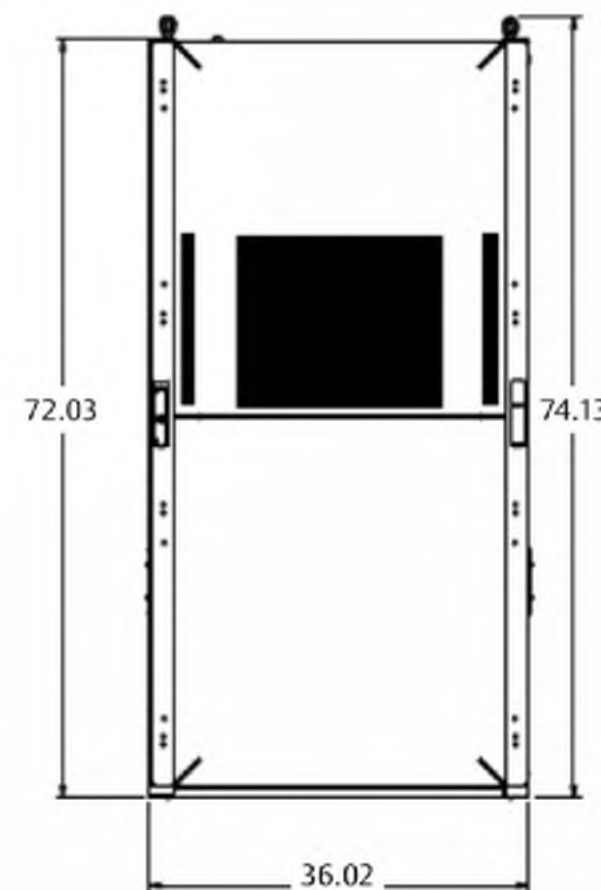
WEIGHT = 752 LB WITHOUT PLINTH  
**EMERSON NEXTEND FLEX BATTERY ENCLOSURE**  
NOT TO SCALE



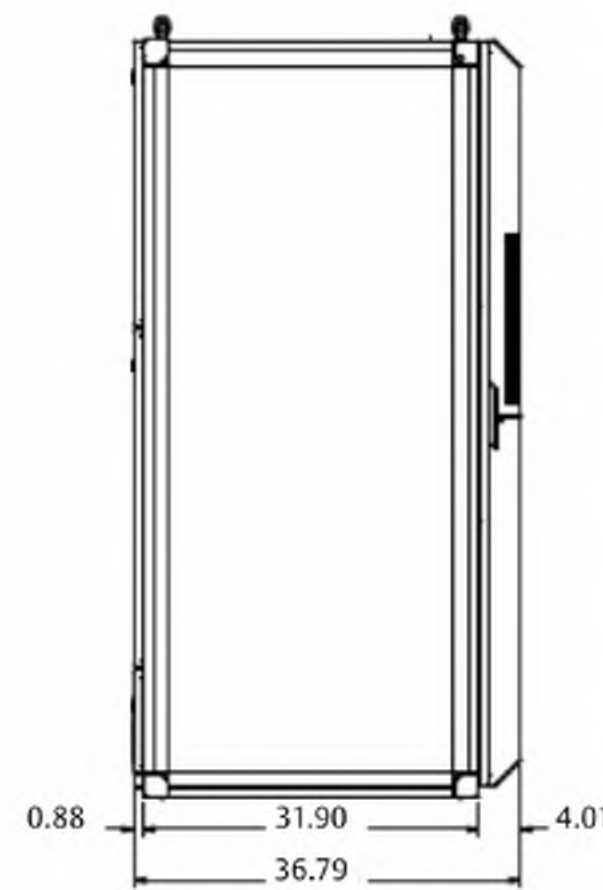
WEIGHT = 150 LB  
**PURCELL FLX21-2520 CABINET**  
NOT TO SCALE



Top View



Front View



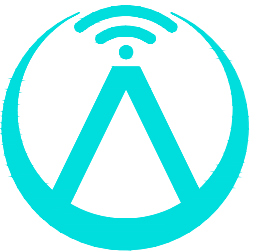
Side View

WEIGHT = 690 LB WITHOUT BATTERIES OR RECTIFIERS  
**EMERSON NETSURE OUTDOOR POWER PLANT**  
NOT TO SCALE

3 EQUIPMENT CABINET DETAILS



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NEW YORK LICENSED PROFESSIONAL  
ENGINEER - LICENSE NUMBER: 095374-1

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SHEET TITLE:

EQUIPMENT DETAILS

SHEET NUMBER:

Z-7



NNH4-45A-R6



12-port sector antenna, 4x 698–896 and 8x 1695–2360 MHz, 45° HPBW, 6x RET

- Array configuration provides capability for 4T4R (4x MIMO) on Low band and Dual 4T4R (4x MIMO) on High band
- Optimized SPR performance across all operating bands
- Excellent wind loading characteristics
- Features broadband Low Band (698-896 MHz) and High Band (1695-2360 MHz) arrays for 4T4R (4x MIMO) capability for Band 14, AWS, PCS and WCS applications.
- Independent tilt for all arrays.

General Specifications

Antenna Type	Sector
Band	Multiband
Color	Light gray
Grounding Type	RF connector inner conductor and body grounded to reflector and mounting bracket
Performance Note	Outdoor usage
Radome Material	Fiberglass, UV resistant
Radiator Material	Low loss circuit board
Reflector Material	Aluminum
RF Connector Interface	4.3-10 Female
RF Connector Location	Bottom
RF Connector Quantity, high band	8
RF Connector Quantity, low band	4
RF Connector Quantity, total	12

Remote Electrical Tilt (RET) Information, General

RET Hardware	CommRET v2
RET Interface	8-pin DIN Female   8-pin DIN Male
RET Interface, quantity	1 female   1 male

Dimensions

Width	457 mm   17.992 in
Depth	178 mm   7.008 in
Length	1399 mm   55.079 in

Page 1 of 4

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COMMScope®

Total Input Power, maximum	900 W @ 50 °C
Remote Electrical Tilt (RET) Information, Electrical	
Protocol	3GPP/AISG 2.0
Power Consumption, active state, maximum	8 W
Power Consumption, idle state, maximum	1 W
Input Voltage	10–30 Vdc
Internal RET	High band (4)   Low band (2)

Electrical Specifications

Frequency Band, MHz	698–806	806–896	1695–1880	1850–1990	1920–2180	2300–2360
Gain, dBi	12.6	13.5	15.1	15.8	16.6	16.9
Beamwidth, Horizontal, degrees	49	44	45	42	40	36
Beamwidth, Vertical, degrees	36	30.4	15.2	13.7	12.9	11.5
Beam Tilt, degrees	2–18	2–18	2–12	2–12	2–12	2–12
USLS (First Lobe), dB	17	17	15	17	17	18
Front-to-Back Ratio at 180°, dB	31	35	32	33	34	33
Isolation, Cross Polarization, dB	25	25	25	25	25	25
Isolation, Inter-band, dB	25	25	25	25	25	25
VSWR   Return loss, dB	1.5 14.0	1.5 14.0	1.5 14.0	1.5 14.0	1.5 14.0	1.5 14.0
PIM, 3rd Order, 2 x 20 W, dBc	-150	-150	-150	-150	-150	-150
Input Power per Port at 50°C, maximum, watts	300	300	250	250	250	200

Electrical Specifications, BASTA

Frequency Band, MHz	698–806	806–896	1695–1880	1850–1990	1920–2180	2300–2360
Gain by all Beam Tilts, average, dBi	12.2	13.3	14.6	15.5	16.1	16.6
Gain by all Beam Tilts Tolerance, dB	±0.6	±0.6	±0.8	±0.5	±0.8	±0.7
Beamwidth, Horizontal Tolerance, degrees	±2.7	±2.8	±4.1	±3.4	±2.7	±1.7
Beamwidth, Vertical Tolerance, degrees	±2.7	±2.8	±1.4	±1	±1	±0.7
Front-to-Back Total Power at	23	24	25	27	28	27

Array Layout

Array ID	Frequency (MHz)	RF Connector	RET Ports	ASG RET UID
A1	698-896	1-2	1	CXXXXXXXXXXXXMM.1
A2	698-896	3-4	2	CXXXXXXXXXXXXMM.2
Y1	1695-2360	5-6	3	CXXXXXXXXXXXXMM.3
Y2	1695-2360	7-8	4	CXXXXXXXXXXXXMM.4
Y3	1695-2360	9-10	5	CXXXXXXXXXXXXMM.5
Y4	1695-2360	11-12	6	CXXXXXXXXXXXXMM.6

(Color of colored boxes are not true depictions of array colors)

Port Configuration



Electrical Specifications

Impedance	50 ohm
Operating Frequency Band	1695 – 2360 MHz   698 – 896 MHz
Polarization	±45°

180° ± 30°, dB						
CPR at 10 dB Horizontal Beamwidth, dB	9	9	6	8	9	12

Mechanical Specifications

Wind Loading at Velocity, frontal	177.1 lbf @ 150 km/h   788.0 N @ 150 km/h
Wind Loading at Velocity, lateral	157.0 N @ 150 km/h   35.3 lbf @ 150 km/h
Wind Loading at Velocity, maximum	177.1 lbf @ 150 km/h   788.0 N @ 150 km/h
Wind Loading at Velocity, rear	155.6 lbf @ 150 km/h   692.0 N @ 150 km/h
Wind Speed, maximum	241 km/h   149.75 mph

Packaging and Weights

Width, packed	608 mm   23.937 in
Depth, packed	346 mm   13.622 in
Length, packed	1542 mm   60.709 in
Net Weight, without mounting kit	27.2 kg   59.966 lb
Weight, gross	39 kg   85.98 lb

Regulatory Compliance/Certifications

Agency	Classification
ISO 9001:2015	Designed, manufactured and/or distributed under this quality management system



Included Products

BSAMNT-3	–	Wide Profile Antenna Downtilt Mounting Kit for 2.4–4.5 in (60–115 mm) OD round members. Kit contains one scissor top bracket set and one bottom bracket set.
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\* Footnotes

Performance Note	Severe environmental conditions may degrade optimum performance
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AEQK AirScale MAA 64T64R 192AE n77 200W

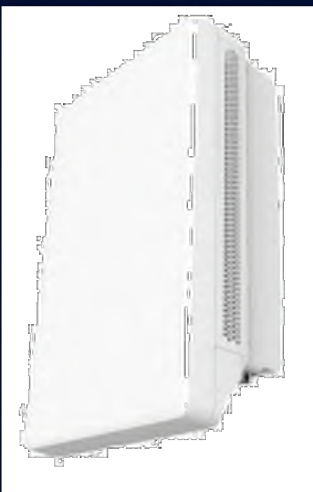
Technical datasheet

Product Specifications	
Standard	3GPP/FCC NR compliant, TDD
Band / Frequency range	3700~3980MHz
Supported RAT	5G
Max. supported modulation	256QAM
Number of TX/RX paths	64T / 64R
MIMO streams	16
Instantaneous bandwidth IBW	200MHz
Occupied bandwidth OBW	100MHz+100MHz for 32TRX + 32TRX split mode
Total average EIRP	77dBm
Max. output power per TRX	3.125 W / TRX (200 W total) - SW settable up to 13 dB down
Dimensions / Volume	750 x 450 x 240 mm (H x W x D)
Weight	45kg w/o bracket
Supply voltage / Connector type	DC -40.5 V... -57V / 2 pole connector
Power consumption	727 W (75% DL duty cycle, ETSI Average)
Optical ports	2xSFP28, 10/25GE eCPRI
Other interfaces / Connector type	LMI / HDMI, RF monitor port / SMA, Control AISG, External Alarms / MDR26, status LEDs
Operational temperature range	-40degC to +55C
Cooling	Natural convection cooling
Installation options / mechanical tilt	Pole, wall, with vertical adjustment of ±15° (thermally limited)
Ingress / Surge protection	IP65/Class II 20KA

2 Confidential © Nokia 2020

AirScale High Power MAA benefits

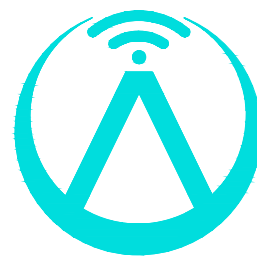
- 5G Adaptive Antenna System for optimized capacity and coverage
- Digital beamforming for multi-user MIMO
- Connectivity with AirScale BBU (via eCPRI)
- Beamforming capable 64T64R with total 200W output power
- 32TRX + 32TRX split mode support



AEQK 475589A NOKIA



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0	04/28/21	ISSUED FOR PERMIT	WAS	YMA	
A	04/23/21	ISSUED FOR REVIEW	WAS	JKM	
REV	DATE	DESCRIPTION	DRAWN BY	CHECKED BY	



JEREMY K McKEON  
NEW YORK LICENSED PROFESSIONAL  
ENGINEER - LICENSE NUMBER: 095374-1

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SITE INFORMATION:

RYE TOWN PARK  
MRNYJ013212

95 DEARBORN AVENUE  
RYE, NY 10580  
WESTCHESTER COUNTY

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SHEET TITLE:

ANTENNA SPECIFICATIONS

SHEET NUMBER:

Z-8





# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: April 28, 2021

CONTACT: Greg Usry, Interim City Manager

**AGENDA ITEM:**

Consideration to set a public hearing for May 19, 2021 to add Chapter 166 "No Smoking" to the City Code.

**FOR THE MEETING OF:**

May 5, 2021  
**RYE CITY CODE,**  
CHAPTER  
SECTION

**RECOMMENDATION:** That the Council set the public hearing.

**IMPACT:** ☒ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

**BACKGROUND:**

See attached law.



# CITY COUNCIL AGENDA

DEPT.: City Manager's Office

DATE: May 1, 2021

CONTACT: Kristen Wilson, Corporation Counsel

**ACTION:** Home Rule Resolution supporting A10516 /S8377 extension of the City of Rye Hotel Occupancy Tax.

**FOR THE MEETING OF:**

May 5, 2021

**RYE CITY CODE,**  
CHAPTER  
SECTION

**RECOMMENDATION:** That the City Council approve the resolution.

**IMPACT:** ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

**BACKGROUND:**

The Hotel Occupancy tax expires every three years and was last extended in May, 2018. The tax expires this year and must be renewed. The legislation has been introduced; a home rule resolution is needed before the bill can advance in Albany.

See attached Home Rule legislation.



**NEW YORK STATE ASSEMBLY**  
**MEMORANDUM IN SUPPORT OF LEGISLATION**  
**submitted in accordance with Assembly Rule III, Sec 1(f)**

**BILL NUMBER:** A5370

**SPONSOR:** Otis

**TITLE OF BILL:** An act to amend the tax law, in relation to making technical changes thereto; and to amend chapter 89 of the laws of 2009 amending the tax law relating to the imposition of an occupancy tax in the city of Rye, in relation to extending the effectiveness thereof

**PURPOSE OR GENERAL IDEA OF BILL:** To authorize the City of Rye to extend a room occupancy tax not to exceed 3%, for the three-year period, ending in 2024.

**SUMMARY OF PROVISIONS:** Section 1202 of the tax law is amended to extend the authority of the City of Rye to enact such a tax, for a three-year period, ending on September 1, 2024.

**DIFFERENCE BETWEEN ORIGINAL AND AMENDED VERSION (IF APPLICABLE):** This bill language is amended to make technical changes but does not change the intent of the legislation.

**JUSTIFICATION:** The City of Rye seeks to continue the authority granted since 2006 to impose a 3% daily room tax hotel, motel, or similar place of public non-property tax revenues to support City expenses including offset impacts of rising pension costs, healthcare costs and other expenses not fully discretionary.

**PRIOR LEGISLATIVE HISTORY:**

2006: A8015-B/S5387-A - Chapter 313 of the Laws of 2006

2009: A289/S1887 - Chapter 89 of the Laws of 2009

2012: A8556-C/ S5902-B - Chapter 125 of the Laws of 2012

2015: A7265/S5072 – Chapter 204 of the laws of 2015

2018: A10516/S8377 – Chapter 166 of the laws of 2018

**FISCAL IMPLICATIONS FOR STATE AND LOCAL GOVERNMENTS:** The City estimates revenues of \$160,000 per year minus implementation costs.

**EFFECTIVE DATE:** This act shall take effect immediately and shall expire and be deemed repealed on September 1, 2024.

A 5370-A Otis Same as S 4368 MAYER

Tax Law

TITLE....Extends the city of Rye's occupancy tax and makes technical changes to the tax law relating thereto

02/16/21 referred to ways and means

04/12/21 amend (t) and recommit to ways and means

04/12/21 print number 5370a

S4368 MAYER Same as A 5370-A Otis

ON FILE: 02/04/21 Tax Law

TITLE....Extends the city of Rye's occupancy tax and makes technical changes to the tax law relating thereto

02/03/21 REFERRED TO INVESTIGATIONS AND GOVERNMENT OPERATIONS

OTIS

Ren §1202-aa to be §1202-aaa, Tax L; amd §2, Chap 89 of 2009

Extends the city of Rye's occupancy tax to September 1, 2024; makes technical changes to the tax law relating thereto.

STATE OF NEW YORK

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5370--A

2021-2022 Regular Sessions

IN ASSEMBLY

February 16, 2021

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Introduced by M. of A. OTIS -- read once and referred to the Committee  
on Ways and Means -- committee discharged, bill amended, ordered  
reprinted as amended and recommitted to said committee

AN ACT to amend the tax law, in relation to making technical changes  
thereto; and to amend chapter 89 of the laws of 2009 amending the tax  
law relating to the imposition of an occupancy tax in the city of Rye,  
in relation to extending the effectiveness thereof

The\_\_People\_of\_the\_State\_of\_New\_York,\_represented\_in\_Senate\_and\_Assem-  
bly,\_do\_enact\_as\_follows:

1 Section 1. Section 1202-aa of the tax law, as added by chapter 89 of  
2 the laws of 2009, is renumbered section 1202-aaa.

3 § 2. Section 2 of chapter 89 of the laws of 2009 amending the tax law  
4 relating to the imposition of an occupancy tax in the city of Rye, as  
5 amended by chapter 166 of the laws of 2018, is amended to read as  
6 follows:

7 § 2. This act shall take effect immediately and shall expire and be  
8 deemed repealed September 1, [2021] 2024.

9 § 3. This act shall take effect immediately.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD02856-02-1