

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

**REGULAR MEETING OF THE CITY COUNCIL  
VIA ZOOM**

**Wednesday, January 5, 2022**

**6:30 p.m.**

*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.*

Residents may email comments regarding the public hearing to:

**publichearingcomments@ryeny.gov**. All comments must be received by 4:15 pm on the day of the meeting. The subject of the email should reference the hearing topic. Please include your name and address.

***TO PARTICIPATE IN THE PUBLIC HEARING, PLEASE ATTEND THE ZOOM MEETING VIA THIS LINK:***

***<https://zoom.us/j/94004987690?pwd=WTE4NTVKbTNBUC9UYnBZMXd5RDI3UT09>***

Or Telephone:

US: (646) 558-8656 or (312) 626-6799 or (301) 715-8592 or (253) 215-8782

Press \*9 to raise your hand to speak during the public hearing

Webinar ID: 940 0498 7690

Password: 680154

*[The Council will convene via ZOOM CONFERENCE at 6:00 p.m. and it is expected they will adjourn into a teleconference Executive Session at 6:01 p.m. to discuss pending litigation, personnel matters and pending contracts.]*

1. Roll Call.
2. Draft unapproved minutes of the Regular Meeting of the City Council held December 15, 2021.
3. Post Ida Storm Update.
4. Continue the public hearing to create a new local law, Chapter 122, "Landscapers and Leaf Blower Regulations" requiring all landscapers to obtain an annual permit in order to operate as a landscaper and restrict the use of leaf blowers.

5. Open the public hearing to adopt a new local law, Chapter 166 “Steep Slope Protection” regulating development on steep slopes.
6. Open the public hearing to adopt a new local law amending Chapter 197 “Zoning” of the Code of the City of Rye setting new restrictions on lot width and configurations of properties in new subdivision.
7. Open the public hearing to adopt a new local law amending Chapter 53 “Architectural Review” of the Code of the City of Rye to amend authority and scope considered by the Architectural Review Board in reviewing applications.
8. Residents may be heard on matters for Council consideration that do not appear on the agenda.
9. Set a public hearing for January 19, 2022 to amend Chapter 177 “Taxation” Article X “Cold War Veterans Exemption” of the Rye City Code to increase the Real Property Tax Exemption for Veterans of the Cold War.
10. Resolution to adopt provisions of Governor Hochul’s Executive Order 11.1 suspending the requirements of renewal applications as a condition to granting exemptions under sections 459-C and 467 of the Real Property Tax Law.
11. Appointment of the 2022 Deputy Mayor by the Mayor.
12. Designation of the City Council’s Audit Committee by the Mayor.
13. Designation of the City Council Liaisons by the Mayor.
14. Designation of official City newspaper.
15. Retroactive request by the Rye Free Reading Room to use the Village Green Monday – Friday from 9:30 am – 11:00 am for outdoor children’s activities from December 26, 2021 – January 21, 2022.
16. Resolution to authorize the City Manager to approve COVID-19 related requests to use the Village Green or other City property for programming events in an effort to reduce viral spread.
17. Appointments to Boards and Commissions by the Mayor with Council approval.
18. Old Business/New Business.
19. Adjournment

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The next regular meeting of the City Council will be held on Wednesday, January 19, 2022 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”.

***DRAFT UNAPPROVED MINUTES*** of the Regular Meeting of the City Council via Zoom Conference on December 15, 2021, at 6:30 P.M.

**PRESENT:**

JOSH COHN, Mayor  
SARA GODDARD  
CAROLINA JOHNSON  
JOSHUA NATHAN  
JULIE SOUZA  
BENJAMIN STACKS  
Councilmembers

**ABSENT:**

RICHARD MECCA, Councilmember

The Council convened at 6:00 P.M. by videoconference pursuant to the NYS Legislature waiving requirements of the Open Meetings Law. Councilwoman Souza made a motion, seconded by Councilman Stacks, 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.

1. Roll Call.

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

Mayor Cohn thanked Councilwoman Goddard for her four years of service on the Council and to the community. He recognized her for keeping important environmental issues at the forefront.

Councilwoman Goddard reflected on her time as a councilmember and thanked the community, which she said is populated by deep engagement and knowledge on a myriad of issues. She said that she had learned so much from the constituents of Rye, having been touched by the actions of so many through her time serving the community. She thanked her colleagues on the Council and City staff for their hard work. She took a moment to thank Councilman Mecca, who had been a positive role model. She assured the community that she would not be going away, but would be there to advocate on the other side of the dais.

The remainder of the Councilmembers thanked Councilwoman Goddard for her service and hard work.

2. Draft unapproved minutes of the Regular Meeting of the City Council held December 1, 2021 and of the Budget Workshops held on November 16 and 29, 2021.

City Clerk D'Andrea made one non-substantive, ministerial change to the December 1, 2021 minutes. She reflected that Councilman Nathan abstained from voting on the November 17, 2021 minutes, as he was not on the Council on November 17, 2021.

Councilwoman Souza made a motion, seconded by Councilwoman Goddard and unanimously carried, to adopt the minutes of December 1, 2021, and of the Budget Workshops held on November 16 and 29, 2021.

3. Post Ida Storm Update.

Mayor Cohn gave an update on the Post Ida storm efforts. He reported that there was a conference with the Assistant County Executive, Head of Operations, Head of Planning and County Legislator, Catherine Parker, among others. Many topics were covered, including storm water and drainage repair on Midland Avenue. The County also confirmed they will assess a problem drain from Midland Ave and Grace Church Street that runs to Port Chester and repair as needed in the spring. He added that the County believes they have located a problem pipe by Peck Ave which will also be addressed in spring.

Mayor Cohn added that as it relates to flooding in general, federal funding of flood mitigation projects have in the past gone to financially disadvantaged communities. Since Rye is in better shape financially, there is the prospect that the County has raised of funds that are not so restricted and they will work with the City on that.

Additionally, the City has submitted a letter of intent or interest to an agency called the Natural Resources Conservation Service, with respect to a floodplain program that may include buyout opportunities for those whose properties have been repeatedly damaged, with more information to come in January.

Mayor Cohn then stated the NYSDEC reported a stream resiliency study should start in February, earlier than previously anticipated, reviewing the Rye watershed. The NYSDEC has also reported that they are pressing the Army Corps of Engineers on a study that could take the City from \$10-\$15 million program to a much larger federal funding effort, which will need Congressional support.

As it relates to NY Rising issues, the City is still waiting on information from the Governor's Office of Storm Recovery. For the past few months, the City has explored a range of consultants that can provide the best chance of passing funding and that can help us at the congressional level.

Lastly, Mayor Cohn stated that News 12 delivered a newscast that provided misinformation related to the Bowman Dam. City Manager Usry clarified that there is no remote access to the dam to the sluice or any of the controls, and therefore the report of some sort of potential risk of cyber hacking is not factually accurate. They also reported that there were missing documents from the NY Rising Grant program but the City has since clarified and resolved those issues.

4. Continue the hearing on the 2022 budget.

The public hearing continued with Suki van Dijk, Rye resident. Ms. van Dijk inquired about legal fees and asked for an explanation about the current and past budget. City Comptroller Fazzino, City Manager Usry and Corporation Counsel Wilson explained the charges and fees as identified in the former and current budget, and proposed expenses for 2022. Corporation Counsel Wilson said that the proposed numbers are based on concrete past numbers, and that they would be fair. She reminded the community that it is difficult to fully have knowledge of the costs that the City will face, as the department is fully reactionary.

There being no one from the public left to speak, Councilwoman Johnson made a motion, seconded by Councilwoman Goddard, to close the public hearing on the 2022 budget.

5. Consideration to open the public hearing to adopt a Local Law to override the State enacted tax levy limitation, if necessary.

This item was not discussed, as the budget does not need to override the state-enacted tax levy limitation.

6. Resolution to adopt the 2022 Budget and establish the 2022 tax levy and the 2022 tax rate. Roll Call.

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

**WHEREAS**, on November 3, 2021 the 2022 Tentative Budget was presented to the City Council, and;

**WHEREAS**, on November 3, 2021 Councilwoman Souza made a motion, seconded by Councilwoman Tarlow, to adopt the following changes to the proposed 2022 budget; now therefore be it

**RESOLVED:** the City of Rye proposed 2022 be amended to include the following:

- Increase mooring fees by \$20,000 in the Boat Basin Enterprise Fund.

**RESOLVED**, that the City Council does hereby certify to the City Comptroller the 2022 City of Rye tax rate of \$190.85 per \$1,000 taxable assessed valuation and the 2022 City of Rye tax levy of \$27,192,174 and be it further;

**RESOLVED**, that the City Council does hereby direct the City Comptroller to apportion and extend against each taxable property listed upon the assessment roll at the tax rate certified in this resolution to produce the tax levy certified in this resolution, and to render tax notices for, and receive and collect, the several sums so computed and determined, with interest as provided by law, and any special assessments heretofore authorized and approved.

ROLL CALL

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

7. Resolution authorizing the City Comptroller to make the necessary year-end closing transfers. Roll Call.

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

**RESOLVED**, that the City Comptroller is hereby authorized to make the necessary 2020 fiscal year-end budget transfers in City accounts, provided a list of such transfers over \$10,000 is furnished to the City Council after completion of such transfers.

**ROLL CALL**

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

8. Resolution authorizing the Mayor to enter into an agreement with the Rye Free Reading Room to furnish library services for 2022. Roll Call.

City Manager Usry explained that this item was regarding the proposed agreement between the City and the Rye Free Reading Room to furnish library services to the City. The funding that the City provides per the agreement is already accounted for in the 2022 Budget.

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

**RESOLVED**, that the Mayor be and hereby is authorized to execute an agreement with the Rye Free Reading Room to furnish library services for 2022.

**ROLL CALL**

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

9. Continue the public hearing to create a new local law, Chapter 122, “Landscapers and Leaf Blower Regulations” requiring all landscapers to obtain an annual permit in order to operate as a landscaper and restrict the use of leaf blowers.

Mayor Cohn stated that four councilmembers attended several demonstrations by the City DPW showing its strongest electric blower versus its standard gas backpack blower in use against the heap of wet leaves, which resulted in a clear difference in both sound, pitch, and intensity, between the electric blower and the gas backpack blower, but also saw a clear difference in effectiveness. The outperformance of the gas powered leaf blower backpack is consistent with the feedback received at previous Council meetings.

Mayor Cohn also reported that Commissioner Kopy has increased police presence and enforcement resulting in the Police Department responded to or observed 70 possible violations, and 36 summons being issued.

Suggestions to consider in 2022 include changing the hours of blower operation from 8:30am to 5:30pm, landscaper permitting at some point in 2022 (giving them time to apply), and all properties, including clubs and municipal property, be subject to the all-electric requirement for 2023.

Councilwoman Goddard added that many residents were unaware of the existing leaf blower law which went hand in hand with the police enforcement statistics. Additionally, she stated a future discussion may be necessary as it relates to eliminating the summer ban of leaf blowers if the City moves to all-electric.

Corporation Counsel Wilson clarified that Section 122-5F, which has the exempt entities listed, is vaguely written and will be clarified as the Council moves forward.

Robert van der Wateren, 683 Boston Post Road, highlighted the issue between trying to landscape a small lot in Rye versus a larger lot, which may be much more difficult. He asked that the Council reconsider to allow properties over one acre in size to simultaneously use more pieces of equipment.

Kate Briggs, 1 Walnut Street, stressed the importance of educational outreach for landscaping companies. She added landscapers register with the County so rather than registering at a local level, the law should be distributed to the County, for the County to provide to all registered landscapers.

Curtis Spacavento addressed the Council and spoke against the proposed legislation. He argued it would disadvantage landscapers' businesses. He asked if the Council had reviewed the petition that was submitted against the legislation.

Mayor Cohn responded that the Council had seen what was submitted. While it was difficult to see more than an initial display of recent comments, Mayor Cohn did clarify that this legislation did not apply to tree care companies, but did apply to landscapers.

Councilwoman Souza said that the difficult part about the petition that was submitted was that there was no way to tell if the signers were Rye residents. It would be helpful to know where the signers were from.

Curtis Spacavento felt that it was discriminatory to allow residents to use gas powered blowers, while not allowing landscapers to do the same.

Councilman Nathan asked if staff could sort through the comments and summarize recommendations for the Council. Councilwoman Souza said that it is also incumbent upon Councilmembers to share in that responsibility and discuss any issues or thoughts that come up.

Councilwoman Souza made a motion, seconded by Councilwoman Johnson and unanimously carried, to continue the public hearing to the February 5, 2022 meeting.

10. Update on Rye Golf Club.

Terry McCartney, Rye Golf Commission Chair, addressed the Council. Mr. McCartney, accompanied by General Manager Buonaiuto, gave an in-depth presentation discussing potential planning, programming, and capital projects regarding Rye Golf Club.

To view the entire presentation and discussion, please see:

<https://ryeny.new.swagit.com/videos/150505> at 1:07.

11. Residents may be heard on items that do not appear on the agenda.

Kari B. Nakatani, 62 Allendale Drive, asked the Council and Golf Commission to keep an open process for resident communication and comment throughout any proposed Golf Club planning.

12. 2021 Participation in the Tree City Program.

Mayor Cohn reminded the Council that the City had applied for the Tree City USA program for the last four years, which requires a resolution from the Council.

Councilwoman Goddard made a motion, seconded by Councilwoman Souza and unanimously carried, to authorize the City to execute the application for participation in the 2021 Tree City program.

13. Old Business/ New Business.

Catherine Parker, County Legislator, addressed the Council to thank Councilwoman Goddard for her contribution to the community over the last four years. She expressed her thanks for Councilwoman Goddard's keeping of environmental and sustainability issues a priority within Rye.

14. Adjournment.

There being no further business to discuss, Councilwoman Goddard made a motion, seconded by Councilwoman Souza, to adjourn the meeting at 8:50 PM.

Respectfully submitted,

Carolyn D'Andrea  
City Clerk





# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: January 5, 2022

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Continue the public hearing to create a new local law, Chapter 122, "Landscapers and Leaf Blower Regulations" requiring all landscapers to obtain an annual permit in order to operate as a landscaper and restrict the use of leaf blowers.

**FOR THE MEETING OF:**  
January 5, 2022

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

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

**BACKGROUND:** See attached law and proposed changes.

## Summary of Differences: Leaf Blowers/Landscapers

	Previous Law	Proposed Changes
<b>Permit</b>	Landscaping permit not required	Landscapers must register ANNUALLY to operate within the City limits. <ul style="list-style-type: none"> <li>• Proof of a valid and current Westchester County Home Improvement License and insurance information required</li> <li>• Stated and signed agreement that leaf blower laws are understood and will be followed</li> <li>• Landscaper Registration Tag issued and must be visible in vehicle</li> </ul>
<b>Permissible Dates to Operate Leaf Blowers and Other Lawn Equipment</b>	October 1 and April 30 Weekdays 8 am – 8 pm Weekends 10 am – 6 pm	October 1 and April 30 Weekdays 8 am – 6 pm Weekends 10 am – 4 pm
<b>Storm Exemption</b>	Rye Department of Public Works may permit the use of leaf blowers from May 1 to September 30 for a period of time <b>not to exceed seven days</b> after significant storm events or during other emergency situations circumstances.	Rye Department of Public Works may permit the use of leaf blowers from May 1 to September 30 for a period of time <b>not to exceed fourteen days</b> after significant storm events or during other emergency situations circumstances.
<b>Leaf Blower Noise</b>	Gas and Electric leaf blower 85 db(A)	Gas and Electric leaf blowers 85 db(A)  Effective January 2023, electric leaf blowers ONLY with maximum permitted intensity of 65 db(A)
<b>Penalties</b>	Owner of the property <b>OR</b> the person performing such violation shall be notified to suspend all work and be subject to a fine of not more than \$250 or imprisonment for a term of not more than 15 days, or both.	The party operating the leaf blower <b>AND</b> the party who employed the person to operate the leaf blower at the time of violation <b>AND</b> the party who owns the property where the violation occurs will be subject to a fine of \$250 for the first offense, a fine not to exceed the sum of \$350 for the second offense and revocation of the Landscaper's permit for the next 6 (six) months upon the third offense. Any Landscaper found operating without a permit or after the permit has been revoked, or a property owner on the third offense, shall be punished by a fine of up to \$1,500.

**CITY OF RYE**

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

**A local law to add a new Chapter 122 “Landscapers and Leaf Blower Regulations” of the Code of the City of Rye to set forth permit requirements for Landscaping Companies and to regulate the use of gas and electric powered leaf blowers as follows:**

**Section 1: Chapter 122, Landscapers and Leaf Blower Regulations**

**§ 122-1 Purpose.**

The City Council finds that landscaping activities generate noise, disseminate dust particles and other airborne pollutants into the air and onto other nearby properties and that the use of leaf blowers specifically can increase environmental pollution. In addition, there are numerous landscaping companies providing services to properties in the City and the City Council finds that it is in the City’s interest to ensure that such companies are properly licensed and are aware of the applicable regulations in the City. It is the intent and purpose of this Chapter to preserve and improve air quality, decrease the high and low-frequency noise pollution and decrease carbon and non-carbon emissions and dust particulate. It is the policy of the City to regulate the use of all leaf blowers and minimize and mitigate the harmful impacts of their use.

**§ 122-2 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**LANDSCAPER** – Any person, corporation, partnership or business entity of any form who tends, plants, installs, maintains, or repairs lawns, or performs general yard maintenance work or leaf collection of any kind on real property which such person or business entity does not own or at which s/he does not reside. A Landscaper shall not include landscape designers or landscape architects.

**LEAF BLOWER** – a portable, handheld or backpack-style device powered by fuel or electricity and used for the purpose of blowing, moving, removing, dispersing, vacuuming or redistributing leaves, dust, dirt, grass clippings, cuttings, and trimmings from trees and shrubs or any other type of litter or debris.

**§ 122-3 Registration required; requirements; fee; exemption**

- A. No Landscaper shall operate or provide services within the City of Rye unless the Landscaper is registered annually pursuant to this Chapter.
- B. Registration requirements.
  - 1. All Landscapers shall submit a completed registration form provided by the City Clerk and pay a nonrefundable fee in an amount to be determined by the City Council.
  - 2. The registration form, at a minimum, shall state that the landscaper has read, understands and agrees to comply with the City’s leaf blower regulations and other relevant City laws and policies.

3. In addition, the Landscaper shall submit proof of a valid and current Westchester County Home Improvement License and such other insurance information that the City deems relevant.
- C. When the City Clerk determines that all requirements have been met, s/he shall issue a Landscaper Registration Tag, which must be placed on the rear view mirror of each vehicle the landscaper uses in the City. The Tag is not transferable.
- D. The Landscaper Registration Tag shall be valid from January 1 through December 31 each year, unless revoked.

**§ 122-4 Use of Gas Powered Leaf Blowers Prohibited.**

Effective January 2023, during the time that leaf blower use is permitted, only electric blowers shall be permitted. Gas powered leaf blowers are prohibited at all times.

**§ 122-5 Maximum Sound Pressure [db(A)] and hours of operation of leaf blowers**

- A. Effective January 2023, leaf blowers (electric only) shall have a maximum permitted intensity of 65 db(A). Effective immediately, all other lawn equipment, including, but not limited to, outdoor vacuum cleaners shall have a maximum permitted intensity of 85 db(A).
- B. Use of lawn equipment, including, but not limited to, leaf blowers and outdoor vacuum cleaners is permitted only between 8:00 a.m. and 6:00 p.m. weekdays and 10:00 a.m. and 4:00 p.m. on weekends and holiday. The permitted intensity and hours described in this subsection will apply to leaf blowers during months when the use of leaf blowers is permitted.
- C. The use of leaf blowers shall be prohibited between May 1 and September 30 every year.
- D. The head of the Rye Department of Public Works may permit the use of leaf blowers from May 1 to September 30 for a period of time not to exceed fourteen (14) days after significant storm events or during other emergency situations.
- E. Additional rules for any person operating a leaf blower between the dates of October 1 and April 30 are as follows:
  1. No leaf blower shall be operated simultaneously on the same lot with any other type of machine-powered lawn equipment.
  2. Two or more leaf blowers shall not be operated simultaneously except in R-1 Residence Districts as indicated on the City of Rye Zoning Map.

- F. This section shall not apply to the following entities and activities: municipal, schools, religious institutions, membership clubs, golf courses, hospital and retirement communities, cemeteries, and driveway/road paving and sealing activities, except that any leaf blower use shall be minimized to the maximum extent practicable in proximity to residences.
- G. Moving leaves or yard debris to City streets, public property, storm drains or abutting lots is prohibited at all times.

#### **§ 122-6 Enforcement.**

The provisions of this chapter shall be enforced by the City of Rye Police Department or the City of Rye Building Department.

#### **§ 122-7 Penalties for offenses.**

- A. The following parties shall have committed a violation of this laws if it is not complied with:
  - (1) The party operating the leaf blower; and
  - (2) The party who employed the person to operate the leaf blower at the time of violation; and
  - (3) The party who owns the property where the violation occurs.
- B. Any party violating any of the provisions of this chapter shall be guilty of a violation and, upon conviction thereof, shall be punished by a fine not to exceed the sum of \$250 for the first offense. A second offense shall be punishable by a fine not to exceed the sum of \$350 and a third offense shall result in the revocation of the Landscaper's permit for the next 6 (six) months, or, if you are the property owner, a fine not to exceed the sum of \$1,500. Any Landscaper found operating without a permit or after the permit has been revoked shall be punished by a fine of up to \$1,500.

#### **Section 2. 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 3: Effective Date.**

This local law will take effect on January 1, 2022.



## **POLICE DEPARTMENT**

City of Rye, New York  
21 McCullough Place  
Rye, N. Y. 10580  
Phone: (914) 967-1234  
FAX: (914) 967-8341



Michael A. Kopy  
*Public Safety*

*Commissioner*

December 8, 2021

To: Greg Usry, City Manager  
From: Michael A. Kopy, Public Safety Commissioner  
Subject: Leaf Blower Violations

During the month of November 2021, the Police Department responded to or observed 70 possible violations of Section 133-7 of the city code. These responses resulted in 36 summons being issued. No summons were issued for the remaining calls due to a variety of factors including:

- 1) the violators may have been gone prior to the arrival of the patrol, or
- 2) that a violation of the code ceased prior to the arrival of the patrol.

During the month of November 2020, there were 14 calls for potential violations of Section 133-7 with one summons issued.

I expect that enforcement levels will drop significantly during the month of December as the fall leaf clean up season ends.



# CITY COUNCIL AGENDA

DEPT.: City Manager's Office

DATE: January 5, 2022

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Open the public hearing to adopt a new local law, Chapter 166 "Steep Slope Protection" regulating development on steep slopes.

**FOR THE MEETING OF:**  
January 5, 2022

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

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

**BACKGROUND:** See attached proposed law.

**LOCAL LAW**  
**CITY OF RYE NO. \_\_\_\_ -2021**  
**A local law to add a new Chapter 166 “Steep Slope Protection”**  
**to the Code of the City of Rye, New York**

**Section 1. The following new Chapter 166, titled “Steep Slope Protection” is hereby added to the Rye City Code:**

**Chapter 166**  
**STEEP SLOPE PROTECTION**

**ARTICLE I**  
**General Provisions**

**§ 166-1. Title; findings and policy.**

- A. Title. This chapter shall be known as the "Steep Slope Protection Law of the City of Rye." It is a chapter regulating the disturbance of steep slopes in the City of Rye.
- B. Findings and policy. The City Council of the City of Rye finds and declares it to be the public policy of the City to regulate, preserve, protect and conserve its steep slopes so as to maintain and protect the natural terrain and its vegetative features, preserve wetlands, water bodies and watercourses, prevent flooding, protect important scenic views and vistas, preserve areas of wildlife habitat, provide safe building sites and protect the subject property and the adjoining property by preventing erosion, creep and sudden slope failure. In this connection the City Council finds as follows:
- (1) Protection of steep slopes is a matter of concern to the entire City. Once a steep slope is disturbed, that disturbance is, for all practical purposes, irreversible. The establishment of regulatory and conservation practices to prevent disturbance of steep slopes is needed to protect the public health, safety and general welfare.
  - (2) The disturbance of steep slopes can aggravate erosion and sedimentation beyond rates experienced in natural geomorphologic processes. Erosion and sedimentation often include the loss of topsoil, the disturbance of habitats, degradation of the quality of surface water and wetlands, alteration of drainage patterns, the gulying of land, the obstruction of drainage structures, the intensification of flooding both on and off the subject site, the failure of slopes and the mass movement of earth and danger to the natural environment, man-made structures and the safety of persons.
  - (3) Steep slopes, including vegetation and rock outcroppings located thereon, are important environmental features that contribute significantly to the visual impression one forms while traveling through the City. Overdevelopment of or improperly managed disturbance to these steep slopes is detrimental to the visual character of the City.



- (4) Regulation can allow the reasonable use of private property by encouraging flexible development design to avoid disturbance of steep slopes. Regulation can also permit environmentally sound disturbance of steep slopes conducted in accordance with acceptable site design practices.
- (5) To minimize the potential adverse impacts of development on steep slopes, the City should seek the preservation of such areas by the use of flexible site design, (including the application of § 37 "Subdivision review; approval of cluster development" of the General City Law), the establishment of conservation easements and other land preservation techniques.
- (6) These regulations are enacted with the intent of providing a reasonable balance between the rights of the individual property owners and the public interest in preserving the valuable functions of steep slopes.

## **§ 166-2. Definitions.**

- A. For the purpose of this chapter, certain words and terms used herein are defined as follows.
- B. All words used in the present tense include the future tense; all words in the plural number include the singular number; and all words in the singular number include the plural number, unless the natural construction of the wording indicated otherwise. The word "lot" includes the word "plat"; the word "building" includes the word "structure"; and the word "shall" is mandatory and not directory. The word "use" is deemed also to include "designed, intended, or arranged to be used." Unless otherwise specified, all distances shall be measured horizontally.

ANGLE OF REPOSE — The maximum angle at which the exposed face of various soil and rock materials can deviate from the horizontal without incurring the likelihood of a slope failure.

APPLICANT — Any individual, firm, partnership, association, corporation, company, organization or other legal entity of any kind, excluding the City of Rye and its governmental agencies, who requests the approval authority to approve disturbance to a steep slope, or to whom a steep slope approval or a steep slope work permit has been granted under the provisions of this chapter.

APPROVAL AUTHORITY — The Planning Commission of the City of Rye.

BUILDING INSPECTOR — The Building Inspector of the City of Rye.

CITY — The City of Rye.

CITY COUNCIL — The City of Rye City Council.

CITY ENGINEER — The Engineer for the City of Rye.

DISTURBANCE — The removal of vegetation, or the filling, excavation, regrading or removal of soil, rock or retaining structures in areas of steep slope, whether by manual labor, machine or explosive. The condition of disturbance will be deemed to continue until the area of disturbance is revegetated and/or permanently stabilized.

DISTURBED AREA — Any steep slope area for which a disturbance is proposed or is ongoing.

EXCAVATION — Any activity which removes or significantly disturbs rock, gravel, sand, soil, or other natural deposits.

FILL — Any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported, or moved by man to a new location and shall include the conditions resulting therefrom.

GRADING — Adjusting the degree of inclination of the natural contours of the land, including leveling, smoothing and other modification of the natural land surface.

MATERIAL — All liquid, solid or gaseous substances.

PERSON — Any person, firm, partnership, association, corporation, company, organization or other legal entity of any kind, including public agencies and municipal corporations.

PLANNING COMMISSION — The Planning Commission of the City of Rye.

PROJECT — Any proposed or ongoing action that may result in direct or indirect physical impact on a steep slope, including, but not limited to, any regulated activity.

STATE ENVIRONMENTAL QUALITY REVIEW ACT — The law, pursuant to Article 8 of the New York Environmental Conservation Law, providing for the environmental review of actions.

STEEP SLOPE — Any contiguous land area greater than 1,000 square feet having a topographical gradient of 25% or greater (ratio of vertical distance to horizontal distance) and a minimum horizontal distance of 25 feet measured along a horizontal plane.

STEEP SLOPE, EXTREME — Any contiguous land area greater than 1,000 square feet having a topographical gradient of 35% or greater (ratio of vertical distance to horizontal distance) and a minimum horizontal distance of 25 feet measured along a horizontal plane.

STEEP SLOPE WORK APPROVAL — The written form of authorization issued by the Planning Commission and required by this chapter prior to the issuance of a steep slope work

permit by the Building Inspector and commencement of work within a regulated steep slope area.

**STEEP SLOPE WORK PERMIT** — The written form of permission to commence work within a regulated steep slope area issued by the Building Inspector, which permit shall be issued only where such regulated activity has been approved and authorized by the Planning Commission.

**STRUCTURE** — Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

### **§ 166-3. Rules for establishing steep slope areas.**

The applicant shall be responsible for having the boundaries of the steep slope area determined by field investigation, flagging and subsequent survey by a licensed land surveyor. The Planning Commission may also consult, at the expense of the applicant, and/or may also require the applicant to consult with a landscape architect, architect, professional engineer, soil scientist or other experts and professionals as deemed necessary to make this determination.

### **§ 166-4. Applicability.**

The provisions of this chapter shall apply to all lands defined and/or designated as an area containing steep slopes as determined in accordance with §166-3.

## **ARTICLE II Regulated Activities and Review Standards**

### **§ 166-5. Allowable and regulated activities.**

- A. Allowable activities. The following activities within a steep slope area shall be allowed without a steep slope work permit:
- (1) Any activity where the total combined area of steep slope and extreme steep slope is less than ten percent (10%) of the total land area of the lot or property.
  - (2) Normal ground maintenance which does not require disturbance of existing terrain, including mowing, trimming of vegetation and removal of dead or diseased vegetation, provided that such activity does not involve regrading, and further provided that such activity conforms with all other applicable laws and regulations.
  - (3) Routine and minimally invasive landscaping activities including adding new plants or removing existing plants.

- (4) The disturbance to steep slopes under temporary emergency conditions, as determined by the City Engineer, where such disturbance is necessary to protect persons or property from present and imminent danger.
  - (5) Repair or replacement in-kind of existing walkways, walls and decks.
  - (6) Any new structure or addition to an existing structure involving not more than 100 square feet.
  - (7) Public health activities and emergency uses pursuant to orders of the Westchester County Department of Health and/or the New York State Department of Health.
  - (8) Alteration of the interior of a building.
  - (9) The demolition of a part or all of the exterior of an existing building unless all or a portion of the building is on a steep slope as defined herein.
- B. Regulated activities. It shall be unlawful to create a new steep slope area or to create any disturbance, other than an allowable activity as defined above, on any existing or proposed steep slope in the absence of a steep slope work permit.

**§ 166-6. Review standards.**

- A. Considerations. During its review of the application, the Planning Commission shall evaluate, as necessary and appropriate, the extent to which the application accomplishes the following:
- (1) The alignment of roads and driveways shall follow the natural topography to the maximum extent practicable, shall minimize regrading and shall comply with design standards for maximum grades set forth in the City Code.
  - (2) All regrading shall blend in with the natural contours of the land.
  - (3) Cuts and fills shall be shaped to eliminate sharp angles at the top, bottom and sides of regraded slopes.
  - (4) The angle of cut and fill slopes shall not exceed the natural angle of repose of the soil or rock materials in the cut or fill, except where retaining walls or other structural stabilization is used; generally, for soils, cut and fill slopes shall be not steeper than two horizontal to one vertical.
  - (5) Natural slopes of two horizontal to one vertical, or steeper, shall not be altered by fill slopes. The toe of a fill slope shall not be located within 12 feet horizontally of the top of an existing or proposed cut slope.

- (6) Tops and bottoms of cut and fill slopes shall be set back from existing and proposed property lines a distance at least equal to the lesser of three feet plus  $\frac{1}{5}$  of the height of the cut or fill, or 10 feet.
  - (7) Tops and bottoms of cut and fill slopes shall be set back from structures a distance that will ensure the safety of the structure in the event of the collapse of the cut or fill slopes; generally, such distance will be considered to be six feet plus  $\frac{1}{5}$  the height of the cut or fill, but need not exceed 10 feet. Nevertheless, a structure may be built on a slope or at the toe of a slope if it is designed to retain the slope and to withstand the forces exerted on it by the retained slope.
- B. Decision. In granting, denying or conditioning any steep slope permit under this chapter, the Planning Commission shall consider all relevant facts and circumstances and determine the following:
- (1) That the proposed activity and the manner in which it is to be accomplished are in accordance with the findings and policy set forth in § 166-1 of this chapter.
  - (2) That the proposed activity and the manner in which it is to be accomplished can be completed without increasing the possibility of creep or sudden slope failure and will minimize the potential for erosion to the maximum extent practicable.
  - (3) That the proposed activity and the manner in which it is to be accomplished will not adversely affect the preservation and protection of existing wetlands, water bodies, watercourses and floodplains.
  - (4) That the proposed regulated activity is compatible with the public health and welfare.
  - (5) That the proposed regulated activity cannot practicably be relocated or modified so as to eliminate or reduce the disturbance of the steep slope area to the maximum extent practical.
  - (6) Disturbance to slopes in excess of 35% shall be avoided and shall only be authorized by the Planning Commission upon a finding that such disturbance is necessary and there are no other feasible alternatives.
- C. Burden of proof. The applicant shall have the burden of proof to demonstrate compliance with this chapter.

### **ARTICLE III**

#### **Application Procedure**

##### **§ 166-7. Approval authority.**

The approval authority for all applications for steep slope permits shall be the Planning Commission.

##### **§ 166-8. Procedures for application.**

A. Application contents. The application and an application review shall be submitted to the City Planner. The application shall contain the following information:

- (1) Name and address of owner and applicant.
- (2) Street address and Tax Map designation of property to which the application pertains.
- (3) Statement of consent from the owner for any agent making application.
- (4) A written narrative explaining the nature of the proposal, including the proposed work and purpose thereof, any future development proposals for the property and whether alternative locations exist for the proposed activity.
- (5) A site plan, which shall be drawn at a scale no less detailed than one inch equals 50 feet and prepared by a landscape architect, architect or professional engineer licensed in the State of New York and showing the following information for all areas on the subject site that contain steep slopes:
  - (a) The location of proposed structures, septic systems, wells and driveways.
  - (b) The location of the proposed area of disturbance and its relation to neighboring properties, together with structures, roads and affected wetlands as defined in Chapter 245, Freshwater Wetlands, of the City Code, if any, within 50 feet of the boundaries of the proposed disturbed area
  - (c) The existing topography in the proposed area of disturbance at a contour interval of not more than two feet. Contours shall be shown for a distance of 50 feet or greater beyond the limits of the proposed area of disturbance. If, however, the 50 foot radius is not on property controlled by the applicant and the applicant is unable to gain access to such property, the contours must be shown at least to the boundary of the property under applicant's control. The contour map shall be prepared, signed and sealed by a professional land surveyor licensed to practice in New York State. The elevations and contours on said map shall be in United States Geological Survey (USGS) datum, latest revision.

- (d) The location and size of areas of steep slope and extremely steep slope, under existing and proposed conditions, in the area of proposed disturbance and within a distance of 50 feet thereof. If, however, the 50 foot radius is not on property controlled by the applicant and the applicant is unable to gain access to such property, the location and size of such slopes must be shown at least to the boundary of the property under applicant's control.
  - (e) The proposed final contours at a maximum of two-foot contour intervals in the proposed disturbed area and to a distance of 50 feet beyond; elevations of the site and adjacent lands within 200 feet of the proposed work site at contour intervals of no greater than 10 feet; and proposed surface materials or treatment. If, however, the 50 or 200 foot radius is not on property controlled by the applicant and the applicant is unable to gain access to such property, the contours must be shown at least to the boundary of the property under applicant's control.
  - (f) An erosion and sediment control plan in accordance with Chapter 174, Stormwater Management, of the Rye City Code.
  - (g) The details of any surface or subsurface drainage system proposed to be installed, including special erosion control measures designed to provide for proper surface or subsurface drainage, both during the performance of the work and after its completion.
  - (h) A description of the existing and proposed vegetative cover of the regulated area.
  - (i) Location of the construction area and the area proposed to be disturbed and their relation to property lines, roads, buildings and watercourses within 250 feet thereof.
  - (j) The exact locations, specifications and amount of all proposed draining, filling, grading, dredging and vegetation removal or displacement and the procedures to be used to do the work.
  - (k) Location of all wells and depths thereof and all sewage disposal systems.
  - (l) A completed environmental assessment form in accordance with the New York State Environmental Quality Review Act.
- (6) A list of all applicable City, county, state and federal permits that are required for such work or improvement.
- (7) A list of names of owners of record of lands adjacent to the steep slope area in which the project is proposed to be undertaken.
- (8) Payment of all applicable fees.

B. Additional information. The following information and materials shall be supplied if requested by the City Planning Commission:

- (1) A site plan or site plans drawn at a scale of not less than one inch equals 50 feet, prepared by a landscape architect, architect, or professional engineer licensed in the State of New York showing:
  - (a) Cross sections of all disturbed steep slope areas.
  - (b) Existing soils within 50 feet of the proposed disturbed area, taken from field investigations by a soils scientist and classified into hydrologic soil groups. The depth to bedrock and depth to water table, K-factors, and soil and rock strata in all areas of proposed disturbance shall be identified.
  - (c) A cut/fill map delineating proposed areas of disturbance at affected depths in increments of zero to three feet, three to six feet, six to 10 feet, and 10 feet and over, and the estimated material quantities of cut/fill.
  - (d) A slope map showing existing and proposed slopes within the proposed disturbed area for each of the soil types described in Subsection B(1)(b) above.
  - (e) A stabilization and revegetation plan.
  - (f) Other information, including specific reports by qualified professionals regarding soils, geology and hydrology, as may be determined to be necessary by the Planning Commission.
- (2) A plan with the existing topography of the watershed tributary to the disturbed area presented at a scale of not more than one inch equals 100 feet. This map shall show existing and, if required by the Planning Commission, proposed controls and diversions of upland water.
- (3) Estimates for the proposed site improvements, which shall be certified by a professional engineer, architect, or landscape architect licensed in the State of New York.
- (4) Any additional information as needed. Such additional information may include, but is not limited to, the study of flood, erosion or other hazards at the site; the effect of any protective measures that might be taken to reduce such hazards; and any other information deemed necessary to evaluate the proposed use in terms of the goals and standards hereof.



### **§ 166-9. Fees**

- A. An application fee and inspection fee in amounts set forth in a fee schedule established from time to time by the City Council shall be submitted with the application.
- B. In addition to the fees required in Subsection A of this section, the Planning Commission shall require the applicant to place in escrow with the City a fee sufficient to reimburse the City for the cost of professional consultation fees and other expenditures attributable to the proposal. The Planning Commission may establish an escrow account funded by the applicant prior to the Commission authorizing the performance of consulting services regarding the proposal.

### **§ 166-10. Approval procedures; public hearing.**

- A. It is the intent of this chapter to incorporate the consideration of steep slope protection into the City's existing land use and development approval procedures in conjunction with the procedures of the New York State Environmental Quality Review Act. To the maximum extent possible, the review, hearings and decisions upon any application processed under this chapter will run concurrently with similar procedures that the Planning Commission may undertake in connection with other applications that are directly related.
- B. A public hearing shall be required on all steep slopes applications. Notice of such hearing shall be delivered by the applicant to all property owners within 300 feet of the subject property at least seven (7) days prior to the hearing. To facilitate notification of the public, a public notification list shall be prepared by the applicant, using the most current City of Rye Tax Maps and Tax Assessment Roll, showing the Tax Map sheet, block and lot number, the owner's name and owner's mailing address for each property. If a property within the notification area is a multifamily dwelling, apartment building, cooperative or similar-type residential structure, the applicant shall send the notice to the property owner of record. Such notices shall be mailed by first-class mail posted within Westchester County at a post office or official depository of the Postal Service. The applicant must obtain a certificate of mailing for every notice mailed. All notices mailed must be sent via certified mail (no return receipt). All certificates of mailing must be provided to the Planning Department at least five days prior to the public hearing.

### **§ 166-11. Approval.**

- A. In approving any application, the Planning Commission may impose such conditions or limitations as are determined necessary to ensure compliance with the intent, purposes, and standards of pursuant to § 166-6 of this chapter. A determination shall be made to approve, approve with modifications, or disapprove the issuance of such permit simultaneously with the determination by the Planning Commission of the other permit or approval for which the application was made.

## **ARTICLE IV**

### **Steep Slope Work Permits**

#### **§ 166-12. Conditions and expiration.**

- A. Steep slope work permits issued pursuant to this chapter shall contain conditions including the following:
- (1) The work permit shall expire on a specified date, no later than one year from the date of issuance.
  - (2) The permit holder shall notify the Building Inspector at least five days in advance of the date on which the work is to begin.
  - (3) The work permit shall be prominently displayed at the project site during the undertaking of the activities authorized by the permit.
- B. Conditions may include, but shall not be limited to, the following:
- (1) Limitation on the total portion of any lot or the portion of the steep slope on the lot that may be disturbed.
  - (2) Setbacks for structures, fill and other activities from the steep slope.
  - (3) The disturbance of existing vegetative ground cover shall not take place more than seven days prior to commencing grading and construction.
  - (4) Permanent vegetative cover shall be planted within three days after completion of final grading. Notwithstanding the sentence above, where final grading and permanent planting cannot be established within a short period of time, temporary seeding or mulching shall be applied. Upon good cause shown and based upon consideration of the time of year, slopes, soils and environmental sensitivity of the area involved, the City Engineer may modify these specified time periods.
  - (5) Measures for the control of erosion and sedimentation shall be undertaken in accordance with the Chapter 174, Stormwater Management, of the Rye City Code.
  - (6) Topsoil that will be stripped from all areas of disturbance shall be stockpiled in a manner so as to prevent erosion and sedimentation and shall be replaced on the site as a component of final grading.
  - (7) Fill material shall be composed only of nonorganic material, including rock with a diameter that will allow for appropriate compaction and cover by topsoil. No voids are to be created or left remaining in the fill material that will allow further settlement of the fill or habitat for rodents, vermin or other unwanted species.

- (8) Compaction of fill materials in fill areas shall be such that it ensures support of proposed structures and stabilization for intended uses.

C. Expiration of steep slope work permit; extensions.

- (1) All steep slope work permits shall expire on completion of the acts specified therein and, unless otherwise indicated, shall be valid for a period of one year from the date of issue. Upon written request by the original permit holder or his/her successor, the Planning Commission may extend the time in which the acts specified in the permit must be completed for additional periods of up to one year each if the Planning Commission, in its discretion, finds that such extension is warranted by the particular circumstances involved, provided that in the case of a permit where no work on the steep slope(s) has been accomplished, extensions shall not exceed two additional periods of 90 days each, in which case, should a permittee fail to complete the acts specified in the permit prior to the expiration of the second ninety-day extension, at the discretion of the Planning Commission, the original permit may become null and void, and an application would then need to be made for a new permit. The request for a new permit shall follow the same form and procedure as the original application, except that the Planning Commission shall have the option of not holding a public hearing if the original intent of the permit is not altered or extended in any significant way.
- (2) In the case of a permit where the work on the steep slope(s) is partially completed, the number and length of extensions shall be at the sole discretion of the Planning Commission.
- (3) A request for an extension of an original permit shall be made in writing to the Planning Commission at least 30 days prior to the expiration date of the original permit and each extension. The time period for requesting an extension may be waived for good cause shown.

**§ 166-13. Period of validity; completion of work; revisions.**

- A. A steep slope work permit will be valid for a period of one year. Work Permits, including all of their conditions, shall be binding on successors and assignees of the applicant.
- B. Following completion of the work, the applicant shall submit certification by the designer of record that the completed work meets the requirements of the steep slope work approval. The Building Inspector will verify that the work has been completed in accordance with such approval. Submission of an as-built survey may be required by the Planning Commission.
- C. The Building Inspector shall not issue a certificate of completion until the Building Inspector has verified that all work has been completed in accordance with the steep slope work permit.

- D. Any proposed revision to work covered by a steep slope work permit shall be reviewed by the City Engineer. Where the City Engineer determines that a substantial revision is proposed, the submission of a new application shall be required.

## **ARTICLE V**

### **Enforcement**

#### **§ 166-15. Inspections, violations and fines.**

- A. Inspection. Any site for which an application has been submitted shall be subject to inspection at any reasonable time, including weekends and holidays, by the Planning Commission or its designated representatives.
- B. Administrative sanctions.
- (1) Damages. Any person who undertakes any activity regulated by this chapter without a permit issued hereunder, or who violates, disobeys or disregards any provision of this chapter, shall be liable to the City for civil damages caused by such a violation for every such violation. Each consecutive day of the violation will be considered a separate offense. Such civil damages may be recovered in an action brought by the City on behalf of the Planning Commission in any court of competent jurisdiction.
  - (2) Restitution. The Planning Commission shall have the authority to direct the violator to restore the steep slope area to its condition prior to the violation, insofar as that is possible, within a reasonable time. Further, the Planning Commission shall have the authority to require an adequate performance guaranty in a form and amount deemed necessary by the Planning Commission to insure the restoration of the affected steep slope area.
  - (3) Stop-work order; revocation of permit. In the event that any person holding a permit issued pursuant to this chapter violates the terms of the permit, fails to comply with any of the conditions or limitations set forth in the permit, exceeds the scope of the activity as set forth in the application or operates so as to be materially detrimental to the public welfare or injurious to a steep slope area, the Planning Commission may suspend or revoke the permit, as follows.
    - (a) Suspension of a permit shall be by a written stop-work order. The stop-work order shall remain in effect until the Building Inspector is satisfied that the permittee has complied with all terms of the subject permit or until a final determination is made by the Planning Commission as provided in Subsection B(3)(b) immediately below.
    - (b) No steep slope work permit shall be permanently suspended or revoked until a public hearing is held by the Planning Commission. Written notice of such hearing shall be served on the permittee, either personally or by registered mail, and shall state the grounds for complaint or reasons for suspension or revocation and the time and place of the hearing to be held. Such notice shall be served on the permittee at least one

week before the next regularly scheduled public meeting of the Planning Commission. At such hearing, the permittee shall be given an opportunity to be heard and may call witnesses and present evidence on his behalf. At the conclusion the hearing, the Planning Commission shall determine whether the permit shall be reinstated, suspended or revoked.

- C. Fines. Any person deemed to have violated or disobeyed any provision hereof, any order of the Building Inspector or any condition duly imposed by the Planning Commission in an approval or work permit granted pursuant to this chapter, shall be punishable by a fine of not less than \$500. Each consecutive day of the violation shall be considered a separate offense.

### **§ 166-16. Injunctive relief.**

The City is specifically empowered to seek injunctive relief restraining any violation or threatened violation of any provisions hereof and/or to compel the restoration of the affected steep slope area to its condition prior to the violation of the provisions of this chapter.

### **Section 2. 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 3. Effective Date**

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



# CITY COUNCIL AGENDA

DEPT.: City Manager's Office

DATE: January 5, 2022

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Open the public hearing to adopt a new local law amending Chapter 197 "Zoning" of the Code of the City of Rye setting new restrictions on width and configurations of properties in new subdivision.

**FOR THE MEETING OF:**  
January 5, 2022

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

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

**BACKGROUND:** See attached proposed law.

**LOCAL LAW NO. -2021**

**A LOCAL LAW TO AMEND CHAPTER 197 (ZONING) OF THE  
CODE OF THE CITY OF RYE, NEW YORK  
REGARDING THE LOT WIDTH AND CONFIGURATION  
OF PROPERTIES IN NEW SUBDIVISIONS**

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

**Section 1.**      ***Section 197-36, Zoning, Article V, Lot, Floor Area, Height, Yard and Court Regulations, of the Code of the City of Rye is hereby amended as follows:***

**§ 197-36 Lot width required.**

- A. Within any residence district no part of any dwelling, house or other structure housing a main use, and within any business district no part of any residence structure shall be erected on any part of the lot which has a width of less than the distances specified in the table incorporated as Article VIII, except as hereinafter provided. In addition, for any lot created after [INSERT MONTH, DAY, YEAR], no part of the lot that lies between the street line and the minimum required rear yard setback for the district in which the lot is located shall be narrower in width than sixty (60) feet.
- B. For any lot created after [INSERT MONTH, DAY, YEAR], that has frontage on a turn-around or cul-de-sac, the required lot width between the street line and the principal building shall not be narrower in width than thirty-five (35) feet and the lot width shall not be less than the distances specified in the table incorporated as Article VIII between the front of the principal building and the minimum required rear yard setback.

**Section 2.**      ***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 3.**      ***Effective Date.***

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

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

George Latimer  
County Executive

December 23, 2021

Christian K. Miller, City Planner  
City of Rye  
1051 Boston Post Road  
Rye, NY 10580

**County Planning Board Referral File RYC 21-004 – Lot Width and Configuration Requirements  
Zoning Text Amendment**

Dear Mr. Miller:

The Westchester County Planning Board has received a proposed local law to amend the text of the City of Rye Zoning Ordinance to modify the minimum lot with requirements for properties in new subdivisions. The intent of the law is to reduce the occurrence of irregularly shaped lots, such as “flag lots”.

We have reviewed this matter under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code and find it to be a matter for local determination in accordance with the City’s planning and zoning policies.

Please inform us of the City’s decision so that we can make it a part of the record.

Thank you for calling this matter to our attention.

Respectfully,  
WESTCHESTER COUNTY PLANNING BOARD

By:



Norma V. Drummond  
Commissioner

NVD/LH





# CITY COUNCIL AGENDA

DEPT.: City Manager's Office

DATE: January 5, 2022

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Open the public hearing to adopt a new local law amending Chapter 53 "Architectural Review" of the Code of the City of Rye to amend authority and scope considered by the Architectural Review Board in reviewing applications.

**FOR THE MEETING OF:**  
January 5, 2022

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

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

**BACKGROUND:** See proposed law attached.

**CITY OF RYE  
LOCAL LAW NO. \_\_ OF 2022**

**A Local Law amending Chapter 53 “Architectural Review” to change membership requirements, timing of decisions, elements to consider during decision making process and standard of review.**

**Section 1.**

**§ 53-1 Legislative findings; definitions.**

- A. The Council hereby finds that excessive uniformity, dissimilarity, inappropriateness or poor quality of design in the exterior appearance of structures erected, reconstructed or altered in any residential, business and other areas in the City of Rye adversely affects the desirability of the immediate area and neighboring areas within the community and by so doing impairs the benefits of occupancy or use of real property in such areas, impairs the stability and value of both improved and unimproved real property in such areas, prevents the most appropriate development of such areas, produces degeneration of the property in such areas, with attendant deterioration of conditions affecting the health, safety, morals and general welfare of the inhabitants of the community, and/or destroys a proper relationship between the taxable value of real property in the community and the cost of municipal services provided therefor. It is the purpose of this chapter to prevent these and other harmful effects and thus to promote and protect the health, safety, morals and general welfare of the community.
- B. As used in this chapter, the following terms shall have the meanings indicated: **[Amended 5-31-1995 by L.L. No. 6-1995]**

**ERECTED, RECONSTRUCTED or ALTERED**

As defined in Chapter **68**, Building Construction, of the Code of the City of Rye and in the approved regulations of the Building Inspector.

**ORDINARY MAINTENANCE AND REPAIR**

As defined in Chapter **68**, Building Construction, of the Code of the City of Rye and in the approved regulations of the Building Inspector.

**SMALL PROJECT**

Any addition to or alteration or modification of an existing single- or two-family residence structure:

**[Amended 10-24-2013 by L.L. No. 3-2013]**

- (1) For which a valid certificate of occupancy exists for all structures on the property;
- (2) Upon which property there are no open building permits and no building permit or certificate of occupancy was issued within the immediate past 12 months;
- (3) That does not change the appearance visible from the street of any front or side facade or roof.

**STRUCTURE**

Includes all buildings, accessory buildings, decks, signs and satellite earth station dish antennas as defined by Chapter **108**, Housing Standards, and Chapter **197**, Zoning, of the Code of the City of Rye.

**§ 53-2 Membership of Architectural Review Board.**

**[Amended 2-1-2006 by L.L. No. 2-2006; 3-16-2011 by L.L. No. 1-2011]**

In accordance with Article 19 of the Rye City Charter, there is hereby created a Board of Architectural Review which shall consist of seven members who shall serve without compensation. All members of the Board shall be lawful residents of the City and shall be specially qualified by reason of training or experience in architecture, land development, community planning, real estate, landscape architecture, architectural history, engineering, law, building construction or other relevant business or profession, or by reason of civic interest and sound judgment to judge the effect of a proposed erection, reconstruction or alteration of a structure upon the desirability, property values and development or preservation of surrounding areas and to understand and carry out the legislative findings and policy statements of the Council set forth in § 53-1. There shall be no requirement that a member of the Board be a citizen of the United States. At least one member shall be a licensed architect in the State of New York. The Chair and other members of the Board shall be appointed by the Mayor, with the approval of the Council, for terms of three years, with staggered terms, such terms to be subject to renewals at the discretion of the Mayor, subject to the approval of the Council, except that one new appointment made in 2006 shall be for a two-year term, and one new appointment made in 2006 shall be for a one-year term so that term, and thereafter their successors, shall be appointed for terms of three years from and after the expiration of the term of their predecessors in office. In the same manner, vacancies shall be filled for the unexpired term of any member whose place has become vacant.

**§ 53-3 Meetings and procedures of Board.**  
**[Amended 2-1-2006 by L.L. No. 2-2006]**

- A. Meetings of the Board of Architectural Review shall be held at the call of the Chair and at such other times as the Board may determine but shall be held within 31 days of the date of referral to the Board of any application for building permit as required in § 53-4 of this chapter. The Chair or, in his/her absence, the Acting Chair may administer oaths and compel the attendance of witnesses. A majority of the appointed members of said Board shall constitute a quorum for the transaction of business. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions. The Building Inspector shall act as the Secretary of the Board and shall keep in the City Hall a comprehensive record of all meetings and transactions by the Board. The Board shall have power from time to time to adopt, amend and repeal rules and regulations, not inconsistent with law or the provisions of this chapter and subject to review of the Council, governing its procedure and the transaction of its business and for the purpose of carrying into effect the standards outlined in § 53-5 of this chapter.
- B. Every rule or regulation, every amendment or repeal thereof and every order, requirement, decision or determination of the Board shall immediately be filed with the Building Department and shall be a public record.
- C. Notice. An applicant for a building permit needing Board of Architectural Review approval for any project, except small projects as defined in Chapter 53, shall notify abutting property owners and property owners across the street of the application upon its filing and at least 14 days before the date of any Board of Architectural Review meeting. To facilitate notification of the public, a public notification list shall be prepared by the applicant, using the most current City of Rye Tax Maps and Tax Assessment Roll, showing the Tax Map sheet, block and lot number, the owner's name and owner's mailing address for each property as described by the rules and Schedule B of the Building Department. If a property within the notification area is a multifamily dwelling, apartment building, cooperative or similar-type residential structure, the applicant shall send the notice to the property owner of record.

Such notices shall be mailed by first-class mail and the notice shall substantially conform to the model notice in Schedule A. The applicant must obtain a certificate of mailing for every notice mailed. All notices mailed must be sent via certified mail (no return receipt required). All certificates of mailing must be provided to the Building Department at least five days prior to the public hearing. **[Added 3-10-2010 by L.L. No. 3-2010]**

**§ 53-4 Referrals of applications for building permits.**

- A. Every application for a building permit for the construction of any structure within the City of Rye or for the reconstruction or alteration of any structure, including any addition thereto, within the City of Rye that would affect the exterior appearance of such structure shall be referred by the Building Inspector to the Board of Architectural review within 31 days of the date of the application, provided that it conforms in all respects to all other applicable laws and ordinances. The term "structure" shall be construed in accordance with the legislative findings and definitions set forth in § **53-1** of this chapter. The requirements of this section do not apply to "small projects" as defined in § **53-1** of this chapter and § A201-1 of the Rules of the Building Inspector, except for small projects that require or have been granted a variance by the Zoning Board of Appeals; or that involve a recreational or accessory structure or facility; or when the Building Inspector refers the small project to the Board of Architectural Review upon finding that the small project may meet one or more of the guidelines for such referral as prepared by the Board of Architectural Review, thereby having a substantial aesthetic impact upon immediately neighboring properties. The requirements of this section do not apply to additions or alterations that meet the requirements of § 68-5F or 197-84C(5) of this Code. **[Amended 5-31-1995 by L.L. No. 6-1995]**
- B. Applications must be accompanied by plans showing all elevations of new structures and all affected elevations in the case of reconstructions or alterations. When required by the Building Inspector or by the Board of Architectural Review, a site plan shall be submitted showing both existing and proposed contours at two-foot intervals, all existing trees with a trunk diameter of four inches or more at a point three feet above the ground level and whether such trees shall remain or be removed and/or other topographical features.

**§ 53-5 Standards and considerations for approval.**

- A. Approval or disapproval of any building permit shall be by a vote of a majority of the members of the Board of Architectural Review. In considering an application for a permit, the Board shall take into account natural features of the site and surroundings, exterior design and appearances of existing structures in the area and the character of the area and its peculiar suitability for particular purposes, with a view to conserving the values of property, encouraging the most appropriate use of property and preventing the harmful effects referred to in § **53-1** of this chapter.
- B. Findings for approval; conditions.
  - (1) The Board shall, subject to the provisions of Subsection **B(2)** of § **53-5**, approve any application referred to it upon finding that the structure for which the permit was requested if erected, reconstructed or altered in accordance with the submitted plan would be in harmony with the purpose of this chapter, would not be visually offensive or inappropriate by reason of poor quality of exterior design, monotonous similarity or striking visual discord in relation to the site or surroundings, would not mar the appearance of the area, would not impair the user enjoyment and desirability or reduce the values of properties in the area, would not be detrimental to the character of the neighborhood, would not prevent

the most appropriate development or preservation and/or utilization of the site or of adjacent lands or would not adversely affect the economic stability, health, safety and general welfare of the community.

- (2) In approving any application, the Board may impose appropriate conditions and safeguards designed to prevent the harmful effects set forth in § **53-1** of this chapter. The Board may also suggest interior change(s) that would improve the exterior appearance.
- C. The Board may disapprove any application for a permit, provided that the Board has afforded the applicant an opportunity to confer upon suggestions for change of the plan, or provided that the Board finds and states that the structure for which the permit was requested would, if erected, reconstructed or altered as indicated, provoke one or more of the harmful effects set forth in § **53-1** of this chapter by reason of:
- (1) Excessive similarity to any other structure or structures existing or for which a permit has been issued or to any other structure included in the same permit application, within 1,000 feet of the proposed site, in respect to one or more of the following features of exterior design and appearance: apparently identical facade; substantially identical size and arrangement of either doors, windows, porticoes or other openings or breaks in the facade facing the street, including reverse arrangements; or other significant identical features, such as but not limited to material, roofline and height or other design elements, provided that a finding of excessive similarity shall state not only that such similarity exists, but further that it is of such a nature as to be expected to provoke more likely than not one or more of the harmful effects set forth in § **53-1** of this chapter.
  - (2) Excessive dissimilarity or inappropriateness in relation to any other structure or structures existing or for which a permit has been issued or to any other structure included in the same permit application, within 1,000 feet of the proposed site, in respect to one or more of the following features: cubical contents; gross floor area; height of building or height of roof; inappropriate relationship to the site, its contours, shape or natural characteristics; inappropriate relationship to immediately adjacent properties; dissimilarity related to the orientation of the front of the house in relationship to streets; inappropriate location of features incorporated into the structure, including but not limited to windows, doors, chimneys, stairs, porches, air conditioners or air-conditioning equipment, or of features ancillary to the structure, including but not limited to antennas, toolsheds, greenhouses, patios, decks, balconies, garages or refuse storage areas; or other significant design features, such as material or quality or architectural design, provided that a finding of excessive dissimilarity or inappropriateness exists, but further that it is of such nature as to be expected to provoke more likely than not one or more of the harmful effects set forth in § **53-1** of this chapter and that the finding is not based on personal preference as to taste or choice of architectural style.
- D. The Board of Architectural Review shall examine, review, approve or disapprove applications for permits for the following exterior facilities: swimming pools (inground and above ground), jacuzzis, hot tubs, tennis courts, paddle tennis courts and other permanent or seasonal courts or rinks (hereinafter collectively referred to as "recreational facility" or "recreational facilities") as to the necessary screening required by § **197-86** of the Code of the City of Rye, Table A, Column 3, Subsections (9)(a) and (9)(b). Approval or disapproval must be by majority vote of the total Board. A ten-foot wide landscape strip planted and maintained with at least a double row of alternately spaced evergreens, with an actual height of at least six feet above the natural grade when installed, is the preferred screening method for recreational facilities and must be approved by the Board. However, the Board may approve alternate

screening under the following conditions:

- (1) There is existing landscaping on the lot between the recreational facility and the property line equal in effectiveness, height and density to the required evergreen screening.
- (2) There is an existing six-foot-high opaque fence or wall on the lot between the recreational facility and the property line, which is totally owned and controlled by the lot owner and in conformity with the fence height regulations of this chapter, provided that the Board further finds that the increased height of matured evergreen screening is not necessary to screen the recreational facility from the view of the abutting property and that the fence was installed at least two years prior to the application for the waiver.
- (3) The existing topography of the lot where the recreational facility is to be located, relative to the topography of the abutting property, is such that the recreational facility will not be within the view of the abutting property, provided that the Board further finds that it is reasonable to expect that this topographic relationship will not be adversely altered in order to facilitate future development of either property.
- (4) The soil conditions where the landscaping strip would be required to be installed are such that the evergreens cannot be expected to survive or to properly mature, provided that the Board further finds the recreational facility cannot be reasonably placed in another location with suitable soil conditions, and further provided that a six-foot-high opaque fence or wall which conforms to the fence height regulations of this chapter will be installed between the property line and the recreational facility in place of the landscaping strip.
- (5) Conditions do exist which are not specifically covered in Subsection **C(1)** through (4) above, but which are of a similar nature, provided that the Board further finds that approval of the waiver will not be inconsistent with the spirit and intent of this section or less protective of the view from the abutting properties.
- (6) The approval of any alternate screening as described in Subsection **C(1)** through (5) above and the acceptance of it by the owner shall also be subject to the following limitations and conditions:
  - (a) A variance has not been granted by the Board of Appeals permitting a reduction of the minimum property line setbacks required by this chapter.
  - (b) The recreational facility was not constructed prior to the application for approval, except that this limitation shall not apply to recreational facilities constructed prior to the effective date of the screening requirements for which an owner wishes to seek compliance.
  - (c) After construction of the recreational facility, the owners of the lot shall thereafter be required to maintain, repair and replace such existing landscaping, fencing, walls or topographical features which served as the basis for approval as if they were required by this chapter in the first instance and enforced in the same manner.
  - (d) The approval shall become null and void one year after its approval by the Board of Architectural Review unless the recreational facility has been substantially completed.
  - (e) The approval shall become null and void if the recreational facility is removed. Temporary or seasonal

recreational facilities will require new approvals each occasion or season erected/installed.

**§ 53-6 Applications for sign; awning, marquee-type awning and canopy permits.**  
**[Amended 5-1-1991 by L.L. No. 6-1991; 1-20-1999 by L.L. No. 1-1999]**

The Board of Architectural Review shall have the power to examine, review and, by majority vote of the total Board, approve or disapprove applications for permits for signs, awnings, marquee-type awnings and canopies affixed to any structure or erected in connection with any structure, pursuant to § **165-2** of the Code of the City of Rye.

**§ 53-7 Applications for dish antennas.**  
**[Amended 9-18-1996 by L.L. No. 7-1996]**

The Board of Architectural Review shall have the power to examine, review and, by majority vote of the total Board, approve or disapprove applications for the installation of satellite earth station dish antennas, subject to the provisions of § 197-9D of the Code of the City of Rye. Satellite earth station dish antennas which measure one meter or less in diameter are permitted as of right in residential zones and are not subject to the provisions of this section or § 197-9D. Such antennas, which measure two meters or less in diameter, are permitted as of right in non-residentially zoned areas.

**§ 53-8 Advisory powers.**

The Board of Architectural Review shall advise with respect to public buildings and such other matters as the Council, the Planning Commission, the Landmarks Advisory Committee (NOTE: or Landmarks Preservation Commission, if so changed by City Council) and/or any other public agency, Board or Commission may refer to it.

**§ 53-9 Effect of disapproval or failure to act.**

The Building Inspector shall refuse any building permit application disapproved as provided in § **53-5** of this chapter. If the Board of Architectural Review shall fail to approve or disapprove any building permit application referred to it under § **53-4** of this chapter within 31 days of the date of referral of such application to it, the application shall be considered to have been approved, and the Building Inspector shall forthwith issue the permit unless the applicant shall have agreed to an extension of time.

**§ 53-10 Appeals.**

Any applicant aggrieved by the action of the Board of Architectural Review in disapproving a building permit application and of the Building Inspector in denying such permit because of such disapproval may request the Board to make formal findings of fact. In the event of such a request, the Board shall make findings of fact within 30 days after the request is filed in the office of the City Clerk, shall thereafter provide the applicant with an opportunity to answer the findings by the submission of formal proof and shall reconsider the application on the basis of such answer. If the application is disapproved after such reconsideration, the applicant may take an appeal therefrom to the duly constituted Board of Appeals of the City of Rye. The standard of review shall be whether the decision of the Board of Architectural Review was arbitrary, capricious and/or unsupported by substantial evidence of record. The Board of Appeals may reverse or affirm the action of the Board of Architectural Review and reverse or affirm any action taken by the Building Inspector pursuant to that action of the Board of Architectural Review.

**§ 53-11 Powers of Board under Chapter 117.**

Chapter **117**, Landmarks Preservation, of the Code of the City of Rye ascribes certain responsibilities and powers to the Board of Architectural Review, and these are hereby included in this Chapter **53**.

**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: January 5, 2022

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Set a public hearing for January 19, 2022 to amend Chapter 177 "Taxation" Article X "Cold War Veterans Exemption" of the Rye City Code to increase the Real Property Tax Exemption for Veterans of the Cold War.

**FOR THE MEETING OF:**  
January 5, 2022

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

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

**BACKGROUND:**

The new law will expand the Veterans' tax exemption by increasing the exemption cap to provide property tax relief for those who have served our country.

See attached.



## CITY OF RYE

To: Greg Usry  
Kristen Wilson, Esq.

From Patrick McEvily

December 29, 2021

RE: Veteran's Exemption Cap Increase

Please be advised that Westchester County recently adopted local law No. 311-2021 (attached) which increases the Cold War Veterans' real property tax exemption authorized by Section 485-b of the Real Property Tax Law. A Cold War veteran is defined by state statute as an individual who was honorably discharged following service in the armed forces between the dates of September 2, 1945 and December 29, 1991. The City and County originally adopted this exemption in 2008.

Presently, 25 City property owners (including co-op owners) receive this exemption which currently provides a maximum \$168/year in City tax savings. In addition, one homeowner also receives an additional exemption amounting to \$283/year in City tax savings due to a service connected disability. Combined, the total City tax savings for all Cold war veterans is currently \$4,283. Under the proposed legislation, the total City tax savings would increase by approximately \$1,378 to \$5,661 which represents an increase of approximately \$66 per recipient for a total of \$234/year.

Since the City has historically followed the County's lead in adopting local option exemptions which simplifies administration of exemptions by this office and because the fiscal impact is nominal, it is my recommendation that this legislation be adopted.

If you have any questions, please advise.

Patrick McEvily, MAI SRA  
Assessor  
City of Rye

## LOCAL LAW INTRO. NO. 311 -2021

A LOCAL LAW amending Chapter 473 of the Laws of Westchester County to Increase Veteran's Tax Exemptions

BE IT ENACTED by the County Board of the County of Westchester as follows:

**Section 1:** Section 473.211 of the Laws of Westchester County is hereby amended to reads as follows:

1. Qualifying residential real property, as defined in New York State Real Property Tax Law Section 458-a, shall be exempt from taxation to the extent of fifteen percent of the assessed value of such property; provided, however, that such exemption shall not exceed [fifty-four]seventy-five thousand dollars or the product of [fifty-four]seventy-five thousand dollars multiplied by the latest state equalization rate for the assessing unit.

2. In addition to the exemption provided by subdivision one of this Section, where the veteran served in a combat theatre or combat zone of operations, as documented by the award of a United States campaign ribbon or service medal, qualifying residential real property, as defined in New York State Real Property Tax Law Section 458-a, shall be exempt from taxation to the extent of ten percent of the assessed value of such property; provided, however, that such exemption shall not exceed [thirty-six]fifty thousand dollars or the product of [thirty-six]fifty thousand dollars multiplied by the latest state equalization rate for the assessing unit.

3. In addition to the exemptions provided by subdivisions one and two of this Section, where the veteran received a compensation rating from the United States veteran's administration or from the United States department of defense because of a service connected disability, qualifying residential real property, as defined in New York State Real Property Tax Law Section 458-a, shall be exempt from taxation to the extent of the product of the assessed value of such property multiplied by fifty percent of the veteran's disability

rating; provided, however, that such exemption shall not exceed ~~[one hundred eighty]~~two hundred fifty thousand dollars or the product of ~~[one hundred eighty]~~two hundred fifty thousand dollars multiplied by the latest state equalization rate for the assessing unit. For purposes of this subdivision, where a person who served in the active military, naval or air service during a period of war died in service of a service connected disability, such person shall be deemed to have been assigned a compensation rating of one hundred percent.

**Section 2:** Section 473.321 of the Laws of Westchester County is hereby amended to reads as follows:

1. Qualifying residential real property shall be exempt from taxation to the extent of fifteen percent (15%) of the assessed value of such property; provided however, that such exemption shall not exceed ~~[fifty-four]~~seventy-five thousand dollars [(\$54,000) ]or the product of ~~[fifty-four]~~seventy-five thousand dollars [(\$54,000) ]multiplied by the latest state equalization rate for the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.

2. In addition to the exemption provided by subdivision "1" of this Section, where the Cold War veteran received a compensation rating from the United States veterans affairs or from the United States department of defense because of a service related disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by fifty percent of the Cold war veteran disability rating; provided, however, that such exemption shall not exceed ~~[one hundred eighty]~~two hundred fifty thousand dollars [(\$180,000) ]or the product of ~~[one hundred eighty]~~two hundred fifty thousand dollars [(\$180,000) ]multiplied by the latest state equalization rate for

the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.

3. If a Cold War veteran receives either a veterans' exemption under Article I of this Chapter, authorized by Section 458 of the Real Property Tax Law, or an alternative veterans' exemption under Article II of this Chapter, authorized by Section 458-a of the Real Property Tax Law, the Cold War veteran shall not be eligible to receive an exemption under this Article.

**Section 3:** This Local Law shall take effect immediately.

STATE OF NEW YORK            )  
  ) ss.  
COUNTY OF WESTCHESTER )

I **HEREBY CERTIFY** that I have compared the foregoing Local Law, Local Law Intro No. 311 - 2021, with the original on file in my office, and that the same is a correct transcript therefrom, and of the whole, of the said original Local Law, which was duly adopted by the County Board of Legislators, of the County of Westchester on June 7, 2021, and approved by the County Executive on June 10, 2021.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 15<sup>th</sup> day of June, 2021.

*Malik Vanderberg*

Malika Vanderberg

The Clerk of the Westchester County  
Board of Legislators

County of Westchester, New York





# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: January 5, 2022

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Resolution to adopt provisions of Governor Hochul's Executive Order 11.1 suspending the requirements of renewal applications as a condition to granting exemptions under sections 459-C and 467 of the Real Property Tax Law.

**FOR THE MEETING OF:**

January 5, 2022

**RYE CITY CODE,**

CHAPTER  
SECTION

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

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

**BACKGROUND:** Due to the on-going pandemic, the governor issued Executive Order 11.1 which enables Assessors to grant exemptions on the 2022 assessment roll to all property owners who received that exemption on the 2021 assessment roll, thereby dispensing with the need for renewal applications from such persons, and further dispensing with the requirement for assessors to mail renewal applications to such persons, but with certain limitations. This would cover those seeking exemptions under the following:

Enhanced STAR Exemption (RP425E)

Partial Tax Exemption for Real Property of Senior Citizens (RP467)

Partial Tax Exemption for Persons with Disabilities and Limited Incomes (RP459-c)

The City would also like to allow the assessor to require a renewal application to be filed when the assessor has reason to believe that an owner who qualified for the exemption on the 2021 assessment roll may have since changed primary residence, added another owner to the deed, transferred the property to a new owner, or died. Therefore, the Board of Assessors may, in the case that there is a change of status that would no longer qualify the homeowner, request a renewal application from only such persons.

See attached.

**RESOLUTION TO ADOPT PROVISIONS OF EXECUTIVE ORDER 202.83  
SUSPENDING THE REQUIREMENTS OF RENEWAL APPLICATIONS AS A  
CONDITION TO GRANTING EXEMPTIONS UNDER SECTIONS 459-C AND 467 OF  
THE REAL PROPERTY TAX LAW**

**WHEREAS**, the Governor of the State of New York by Executive Order No. 202 dated March 7, 2020, declared a state disaster emergency for the entire State of New York; and

**WHEREAS**, both travel-related and community contact transmission of COVID-19 have been documented in New York State and are expected to continue; and

**WHEREAS**, the City is desirous to adopt such resolution while also allowing the assessor to require a renewal application to be filed when the assessor has reason to believe that an owner who qualified for the exemption on the 2021 assessment roll may have since changed primary residence, added another owner to the deed, transferred the property to a new owner, or died;

**NOW THEREFORE BE IT RESOLVED**, that pursuant to Executive Order 11.1 issued by New York State Governor Kathy Hochul on December 26, 2021, the City Council of the City of Rye hereby adopts, as a local option, the suspension of subdivisions 7, 7-a and 8 of section 459-c of the Real Property Tax Law and subdivisions 5, 5-a, 5-b, 5-c and 6 of section 467 of the Real Property Tax Law; and be it further

**RESOLVED**, that the Board of Assessment Review is hereby directed to grant exemptions pursuant to such sections on the 2021/2022 assessment roll to all property owners who received that exemption on the 2020/2021 assessment roll thereby dispensing with the need for renewal applications from such persons, and further dispensing with the requirement for the Board of Assessors to mail renewal applications to such persons; and, be it further

**RESOLVED**, that the Board of Assessment Review may, in the case that there is a change of status that would no longer qualify the homeowner, request renewal application from only such persons; and, be it further **RESOLVED**, that the City Clerk is hereby directed to forward a copy of this resolution to the Board of Assessors and the Office of the Corporation Council of the City of Rye; and be it further

**RESOLVED**, that all City Hall Departments may review and obtain a copy of this resolution from the electronic storage device and if needed, a certified copy of same may be obtained from the Office of the City Clerk. This Resolution shall take effect immediately





# CITY COUNCIL AGENDA

DEPT.: City Council

DATE: January 5, 2022

CONTACT: Mayor Josh Cohn

**AGENDA ITEM:** Appointment of the 2022 Deputy Mayor by the Mayor.

**FOR THE MEETING OF:**

January 5, 2022

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** that the following resolution be adopted:

RESOLVED, that \_\_\_\_\_ be appointed the Deputy Mayor for a one-year term commencing January 1, 2022, to serve as Acting Mayor in the Mayor's absence.

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

**BACKGROUND:** Section § C7-2, "Deputy Mayor" of the City Charter stipulates that "On or before the tenth day of January following his election, and within ten (10) days after any vacancy in the office of Deputy Mayor shall occur, the Mayor shall appoint a member of the Council as Deputy Mayor, to hold office as long as he/she remains such member and at the pleasure of the Mayor."



# CITY COUNCIL AGENDA

DEPT.: City Council

DATE: January 05, 2022

CONTACT: Mayor Josh Cohn

**AGENDA ITEM:** Designation of the City Council's Audit Committee by the Mayor.

**FOR THE MEETING OF:**

January 05, 2022

**RYE CITY CODE,  
CHAPTER  
SECTION**

**RECOMMENDATION:** that the following resolution be adopted:

RESOLVED, that two Council members be appointed to the City Council's Audit Committee for a one-year term commencing January 1, 2022.

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

**BACKGROUND:** The Audit Committee was established at the January 19, 1977 City Council Meeting to facilitate Council participation in the City audits. The resolution stipulated that the Audit Committee consist of the Mayor and two Council members, appointed by the Mayor, to meet at least once yearly after completion of the independent audit.



# CITY COUNCIL AGENDA

DEPT.: City Council

DATE: January 5, 2022

CONTACT: Mayor Josh Cohn

**AGENDA ITEM:** Designation of the City Council Liaisons by the Mayor.

**FOR THE MEETING OF:**

January 5, 2022

**RECOMMENDATION:** That the Council approve the appointments as presented by the Mayor.

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

**BACKGROUND:** Designation of the City Council Liaisons by the Mayor for the following Boards and Committees:

Board of Appeals  
Board of Architectural Review  
Boat Basin Commission  
Chamber of Commerce  
Conservation Commission/Advisory Council  
Emergency Medical Services  
Finance Committee  
Flood Advisory Committee  
Human Rights Commission  
Landmarks Advisory Committee  
Planning Commission

Police Advisory Committee  
Recreation Commission Rye  
Rye City School District  
Rye Free Reading Room  
Rye Golf Commission  
Rye Playland Advisory Committee  
Rye Senior Advocacy Committee  
Rye Sustainability Committee  
Rye Town Park Commission  
Traffic & Pedestrian Safety Committee



# CITY COUNCIL AGENDA

DEPT.: City Manager's Office

DATE: January 5, 2022

CONTACT: Greg Usry, City Manager

**ACTION:** Designation of the official City newspaper.

**FOR THE MEETING OF:**

January 5, 2022

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Mayor and City Council designate the Journal News as the official City newspaper for purposes of publishing legal notices.

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

**BACKGROUND:** The Rye City Charter requires that the Council designate a newspaper circulated regularly at least once a week in the city as the official newspaper of the city. A daily newspaper provides the City staff with the most flexibility in meeting notice deadlines. Each of the newspapers covering the City provides different types of coverage but working with a weekly paper is much more difficult in meeting notice deadlines and a monthly paper cannot meet the notice needs of the City.



# CITY COUNCIL AGENDA

DEPT.: City Council

DATE: January 5, 2022

CONTACT: Mayor Josh Cohn

**AGENDA ITEM:** Retroactive request by the Rye Free Reading Room to use the Village Green Monday – Friday from 9:30 am – 11:00 am for outdoor children’s activities from December 26, 2021 – January 21, 2022.

**FOR THE MEETING OF:**

January 5, 2022

**RYE CITY CODE,**

CHAPTER

SECTION

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

RESOLVED, that the Village Green may be used by the RFRR on Monday – Friday from 9:30 am – 11:00 am for outdoor children’s activities from December 26, 2021 – January 21, 2022.

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

**BACKGROUND:** This request is to limit indoor spread of COVID.



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December 27, 2021

Honorable Joshua Cohn, Mayor  
Rye City Council

Dear Mayor Cohn:

The Rye Free Reading Room respectfully requests the use of the Village Green to offer Bilingual Children's Music with Marilyn, Wiggle Giggle with Dawny Dew, and Robert the Guitar Guy, along with storytime programs. The library would like to move the programs outdoors Monday through Friday, from December 26<sup>th</sup>, 2021 to January 21, 2022 . The programs generally begin at 9:30 am and finish by 11:00 am. The program is available for free to participants.

The library will observe New York State public gathering restrictions and other health and safety guidelines from the federal, state, and local governments.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Chris Shoemaker', with a long horizontal flourish extending to the right.

Chris Shoemaker  
Library Director



# CITY COUNCIL AGENDA

DEPT.: City Council

DATE: January 5, 2022

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Resolution to authorize the City Manager to approve COVID-19 related requests to use the Village Green or other City property for programming events in an effort to reduce viral spread.

**FOR THE MEETING OF:**

January 5, 2022

**RYE CITY CODE,**

CHAPTER  
SECTION

**RECOMMENDATION:** that the following resolution be adopted:

RESOLVED, that the City Council authorizes the City Manager to approve COVID-19 related requests to use the Village Green or other City property for programming events in an effort to reduce viral spread.

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

**BACKGROUND:** Due to COVID-19 outbreaks, certain previously approved or standing events/programs may need to be held in alternate locations to minimize viral spread.

**RESOLUTION AUTHORIZING THE CITY MANAGER  
TO APPROVE COVID-19 RELATED REQUESTS TO USE THE VILLAGE GREEN OR  
OTHER CITY PROPERTY FOR EVENTS IN AN EFFORT TO REDUCE VIRAL  
SPREAD**

**WHEREAS**, the COVID-19 global pandemic has been declared a Public Health Emergency of International Concern by the World Health Organization since early 2020; and

**WHEREAS**, the United States Health and Human Services Secretary declared a public health emergency for the entire United States to aid the nation's healthcare community in responding to COVID-19 on January 31, 2020; and

**WHEREAS**, the U.S. Centers for Disease Control and Prevention ("CDC") reports that new variants of COVID-19, identified as "variants of concern" have emerged in the United States, and some of these new variants which currently account for the majority of COVID-19 cases, are more transmissible than earlier variants and may cause exponential spread; and

**WHEREAS**, current vaccinations do not appear to be as effective against these variants, while remaining stronger against severe disease; and

**WHEREAS**, New York is now experiencing COVID-19 transmission at rates the State has not seen since April 2021; and

**WHEREAS**, the City wants to help reduce viral spread during group activities which normally take place indoors or in areas that require people to be in close-proximity without access to fresh air;

**NOW, THEREFORE, BE IT RESOLVED**

The City Council authorizes the City Manager to permit the use of City property and buildings, including, but not limited to, the Village Green and Rye Recreation to organizations needing additional space due to COVID-19 concerns. This authorization does not include City streets or other public rights-of-way; and

**BE IT FURTHER RESOLVED**, that the City Manager, in consultation with City staff, shall have the flexibility to determine the appropriate times and schedules for specific uses so as to not cause interference with other scheduled programming or previously authorized uses; and

**BE IT FURTHER RESOLVED**, that the City Manager shall report back to the City Council at the following City Council meeting(s) any accommodations he has made for use of City buildings or property.

Where there is conflict between this Resolution and any other law, this Resolution shall control.

This Resolution shall take effect immediately and shall be in effect until December 31, 2022 or until rescinded, whichever occurs earlier.



On a motion by Councilperson \_\_\_\_\_, seconded by Councilperson \_\_\_\_\_, the foregoing Resolution was adopted on a vote of \_\_\_\_ ayes and \_\_\_\_ nays.