

## **CITY OF RYE**

### **NOTICE**

There will be a regular meeting of the City Council of the City of Rye on Wednesday, June 9, 2010, at 8:00 p.m. in the Council Room of City Hall. *The Council will convene at 7:30 p.m. and it is expected they will adjourn into Executive Session at 7:31 p.m. to discuss labor relations.*

### **AMENDED AGENDA**

1. Pledge of Allegiance.
2. Roll Call.
3. Resolution appointing a City Manager effective July 1, 2010, establishing the terms and conditions of employment, and authorizing the Mayor to sign an employment agreement.  
Roll Call.
4. General Announcements.
5. Recognition of Safe Routes to School Award Winners.
6. Draft unapproved minutes of the City Council Workshop and the regular meeting of the City Council held May 19, 2010.
7. Residents may be heard who have matters to discuss that do not appear on the agenda.
8. Mayor's Management Report
  - Litigation Update
9. Discussion of request by the Recreation Commission to name a baseball field at Disbrow Park, "Founders Field", in honor of the Rye Little League founders.
10. Continuation of Public Hearing to change the City of Rye Zoning Code to include "child-care facilities" as a use in the B-1 District.
11. Discussion of 151 Purchase Street Associates, LLC and tenancy lease terms.
12. One appointment to the Governmental Policy and Research Committee for a one-year term by the Mayor with Council approval.
13. Designation of the Chair of the Governmental Policy and Research Committee by the Mayor.
- 13A. Consideration of FOIL appeal filed by Mr. Chittenden on May 27, 2010.
14. Miscellaneous communications and reports.

15. Old Business.
16. New Business.
17. Adjournment.

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The next regular meeting of the City Council will be held on Wednesday, July 14, 2010. The City Council will hold special meetings on the 2011 Budget on Monday, June 14, 2010 at 7:30 p.m. and Monday, June 28, 2010 at 7:30 p.m. and an off-week meeting on Monday, July 26, 2010.



# CITY COUNCIL AGENDA

NO. 3

DEPT.: City Council

DATE: June 9, 2010

CONTACT: Mayor Douglas French

**AGENDA ITEM:** Resolution appointing a City Manager effective July 1, 2010, establishing the terms and conditions of employment, and authorizing the Mayor to sign an employment agreement.

**FOR THE MEETING OF:**

June 9, 2010

**RECOMMENDATION:** That the Council consider the following resolution:

RESOLVED, that the City Council of the City of Rye hereby authorizes the Mayor to sign an employment agreement for City Manager effective July 1, 2010.

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

**BACKGROUND:**



# CITY COUNCIL AGENDA

NO. 5

DEPT.: City Council

DATE: June 9, 2010

CONTACT: Mayor Douglas French

**AGENDA ITEM:** Recognition of Safe Routes to School Award Winners.

**FOR THE MEETING OF:**

June 9, 2010

**RECOMMENDATION:** That the Council commend the winners of the Safe Routes to School Video contest.

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

**BACKGROUND:** The Second Annual Safe Routes To School Video Contest was held at the Rye Middle and Rye High School. Organized by parents Georgetta Morque and Kate Emanuel, students were encouraged to submit 90 second videos that feature safe walking and biking tips. The videos will be shown at elementary school traffic safety assemblies and aired on Rye City TV, the Rye YMCA's website and the Rye City website.

The Middle School First Place Winner is Alexander Reifsnyder.

The High School First Place Winner is Christopher Reifsnyder.



# CITY COUNCIL AGENDA

NO. 6

DEPT.: City Clerk

DATE: June 9, 2010

CONTACT: Dawn F. Nodarse

**AGENDA ITEM:** Draft of the unapproved minutes of the City Council Work Session held on May 19, 2010 and the regular Meeting of the City Council held on May 19, 2010, as attached.

**FOR THE MEETING OF:**

June 9, 2010

**RYE CITY CODE,  
CHAPTER  
SECTION**

**RECOMMENDATION:** That the Council approve the draft minutes.

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

**BACKGROUND:**

Approve the Unapproved Minutes of the City Council Work Session held on May 19, 2010 and the regular Meeting of the City Council held on May 19, 2010.

***DRAFT UNAPPROVED MINUTES*** of the  
Workshop of the City Council of the City of Rye on  
1037 Boston Post Road, held in City Hall on May 19,  
2010, at 8:00 P.M.

PRESENT:

DOUGLAS FRENCH Mayor  
PAULA J. GAMACHE  
PETER JOVANOVIH  
SUZANNA KEITH (Arrived at 7:07 p.m.)  
CATHERINE F. PARKER  
JOSEPH A. SACK (Arrived at 7:15 p.m.)  
Councilmembers

ABSENT: RICHARD FILIPPI

Mayor French called the workshop to order at 7:05 p.m. and said that the purpose of the workshop was a general discussion of possible uses for the property at 1037 Boston Post Road.

City Planner Christian Miller said that use of land is a very important decision. He added that assigning a use for a property is also an indication of how it cannot be used. He said that four possible uses for the 1037 property have been identified and offered a brief overview of each.

Municipal Use: The first reasonable known use for the property is for a court facility. A joint Police Department/Court Facility would probably not work. The Court would not be a 24/7 use and could provide an opportunity for shared parking. There could be security issues due to prisoner transport. The Council should study the ramifications of a Court on the property before making a decision. The square footage of the current structure could possibly work for the Court and the building might be retrofitted. Moving the court to this location would free up 12,000 square feet of space at the Police Department that could be renovated to fit their needs. The Council would need to evaluate the cost effectiveness of renovating both buildings.

Parking: City Hall shares parking with the Library, which is very challenging. In the past the 1037 lot has been used for overflow. Three parking options could be considered: leave the building vacant and utilize the 42 parking spaces; demolish the building to create a parking lot with 75 spaces; or, build a parking structure that could provide about 125 spaces.

Community Use: There are no known not-for-profit, educational or community uses for the property. It is zoned B-1 and is better for business use such as professional offices or retail use.

Private Use: The City should not continue in the role of landlord without a legitimate public purpose for the site. The property is located in the B-1 Neighborhood Business District. The Council could change the Zoning Code to expand the uses permitted in B-1 Districts or extend the B-2 Central Business Zone to include the property, which would allow for multi-family housing. This could increase the development value and housing would be a more

compatible use to City Hall, the Library and the Central Business District. The Council could issue an RFP for potential uses.

Next Steps:

- The Finance Committee should be asked to draft “what if” questions regarding the various options.
- Find out what a residential use would yield.
- Get costs for the various options.
- Find out what the City will be required to do relative to a court facility.

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At the conclusion of the workshop, Councilman Sack noted that the workshop was not being televised although he believed it should have been according to Council Resolution.

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Adjournment

The workshop was adjourned at 7:59 p.m.

Respectfully submitted,

Dawn F. Nodarse  
City Clerk

***DRAFT UNAPPROVED MINUTES*** of the  
Regular Meeting of the City Council of the City of  
Rye held in City Hall on May 19, 2010, 2010 at 8:00  
P.M.

PRESENT:

DOUGLAS FRENCH Mayor  
PAULA J. GAMACHE  
PETER JOVANOVIH  
SUZANNA KEITH  
CATHERINE F. PARKER  
JOSEPH A. SACK  
Councilmembers

ABSENT: RICHARD FILIPPI

1. Pledge of Allegiance

Mayor French called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call

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

3. General Announcements

- The City Council has conducted interviews with the top six candidates out of the 60 applications received for the City Manager position. Interviews will continue into June.
- The City Clerk's Office will be offering 15 permits for summer commuter parking. Details are available on the City website.
- The Mayor can be contacted at the following email address: [mayor@ryeny.gov](mailto:mayor@ryeny.gov).
- A meeting was held with representatives of the Director and Operations Manager of Playland regarding plans for this season. Additional meetings will be held in July and October.

In addition, announcements were made regarding various events, programs and ceremonies that were held or are being held by local organizations.



4. Draft unapproved minutes of the regular meeting of the City Council held May 5, 2010

Councilwoman Keith made a motion, seconded by Councilwoman Parker and unanimously carried, to approve the minutes of the regular meeting of the City Council held on May 5, 2010, as amended.

5. Residents may be heard who have matters to discuss that do not appear on the agenda

*Bill Lawyer, 15 Hillside Place*, said that an event would be held at Rye Town Park on Sunday, May 23rd featuring paintings of local artists. There will also be a dedication ceremony of a new mural at the park.

*Jim Amico, 350 Midland Avenue*, asked what response time to expect for emails sent to the Mayor's email address. Mayor French said that response time would be dictated by the matter because it would be routed to the proper office for staff response. Mr. Amico said he has sent emails to the City requesting information on when sidewalk work would be done on Midland Avenue and had not received a response. City Manager Culross said that the contractor has begun working on the sidewalks. City Engineer George Mottarella said that the current list should be completed in about two months.

6. Mayor's Management Report

- Presentation of the City of Rye Stormwater Management Program 2009 Annual Report

City Engineer George Mottarella and Mike Ritchie from the firm of Dolf Rotfeld Engineering presented the City's Annual Stormwater Report which is required to be submitted to the Department of Environmental Conservation by June 1. In order to maintain its permit, the City must report each year on certain measures and what it has done to implement its Stormwater Plan during the year in each of the following categories:

- Public Education and Participation – Westchester County obtained a grant to assist 34 communities in the public education requirements that cover such things as public service announcements about water quality, pet waste disposal bags, banners, videos and numerous handouts. Information is also available on the City website.
- Illicit Discharges – The City has an obligation to conduct inspections of all 68 of the outfalls from the City system that discharge water into waters of the United States. There were no indications of problems observed during the inspections.
- Construction Site Management – For any area under construction in the City of one acre of land disturbance or greater, the applicant or developer must submit a Stormwater Pollution Prevention Plan for the site that covers sediment runoff and discharge from the site while the land is disturbed and unable to handle the stormwater naturally. There was nothing to be reported this year.
- Post-Construction Stormwater Management – A new requirement for a two-year permit. It is the responsibility of the Building Department and City Engineer to compile a list of Best Management Practices (BMP's). The City may have to add legislation that would add inspection and self-certification requirements to previously existing BMP's in order

to report to the State that measures previously taken are functioning the way they were designed to function.

- Stormwater Management for Municipal Operations (Good Housekeeping) – The City is required to report on street sweeping and catch basin cleaning. The expectation is that there is a strategic plan to deal with run-off from parking lots and streets. The City is required to maintain a training program for staff regarding detection of illicit discharges and how to deal with them. There will be additional requirements for the City to consider “green legislation” in connection with subdivision or residential and commercial development.

Council comments and questions included:

- Does the City have requirements that are stricter than the one acre and above requirement? (Chapter 173 of the City Code has stricter requirements)
- What is an illicit discharge? (Such things as paint, oil or pet waste improperly disposed of in a stormwater system or a septic system leaking into a water body.)
- Is the City in the process of applying for a new permit? (The City is covered by a permit that runs for the next five years as long as it continues to implement the Stormwater Program and report annually.)
- What are the trends in Rye regarding compliance with the minimum measures? (City staff does a good job with the resources they have available.)
- How much does it cost the City to comply with State-imposed mandates? (The time spent by staff on inspections, training sessions, working on community outreach. The cost of maintenance or repair to infrastructure that may be required to eliminate illicit discharges. The mandates are a result of the Federal Clean Water Act legislation of 1972 that is enforced by the State.)
- How often are inspections performed? (Annually in dry weather, unless there is a complaint.)
- Litigation Update by Corporation Counsel

Interim Corporation Counsel Kristen Wilson reported on two matters:

- Beaver Swamp Brook Administrative Process: The Town of Harrison will be responding to questions from the DEC staff based on their most recent permit application. The responses are due on or before May 28<sup>th</sup>.
- RB Conway vs. City of Rye: Depositions in the matter were completed this week. There is a schedule for submitting pre-trial motions in the next two months.

7. Continuation of Public Hearing to change the City of Rye Zoning Code to include “child-care facilities” as a use in the B-1 District

Mayor French said that the public hearing remained open from the last meeting. Linda Whitehead, Esq., the attorney who represents the petitioner that requested the proposed zoning amendment, summarized a letter she provided the Counsel that provided additional operation

information for child-care facilities and addressed questions raised by the Council at the prior meeting. She said the primary goal in operating a child-care facility is the safety of the children. Children are never unattended; they are never outside of the facility except when a parent or responsible adult brings them in or out; play areas are fenced by State regulation and the proposal calls for the area to be screened with access directly from the building. The idea would be to protect the children and keep them separate from any adjoining uses. She said she also provided information regarding parking and traffic, which she said would differ from a nursery school where all the children were dropped off and picked up at the about the same time. Although day-care facilities have been permitted in B-4 and B-5 districts since 1989, there is only one facility in operation and the zoning change resulted from a petition. She maintains that the B-1 or Neighborhood Business District is an appropriate zone for child-care uses. If the Council adopts the zoning change to allow for the use in B-1 districts, the Planning Commission will review each application on a site-by-site basis.

Councilman Jovanovich, who serves as the Council representative on the Planning Commission, reported on the deliberations of the Planning Commission on the issue and why they recommend that the City Council amend the Zoning Code to allow for child-care centers in B-1 districts in order to meet a community need. He said the view of the Planning Commission is that the Code for B-1 districts is anachronistic because it was developed at a time when there were no child-care facilities and that B-1 districts are ideal for these facilities because they are adjacent to residential areas. The Commission discussed the petitioner and the site in question and urges the Council not to conflate the policy issue of allowing child-care facilities in B-1 district with the suitability of locating a facility at 180 Theodore Fremd Avenue. The Planning Commission would take steps to certify that a site would be environmentally safe prior to voting on an application. Traffic issues would also be taken into consideration prior to approval.

Public comment:

Members of the public commenting included *Greg Faughnam* and *Jim Amico*. Their comments included:

- The request is reasonable and would serve the public. Businesses should be encouraged.
- When considering the application the lack of sidewalks in the area should not be overlooked. All safety issues should be considered
- The facility would be a great addition to the neighborhood.
- If facilities were allowed to be larger than 10,000 square feet they could accommodate more children.

Council comment included:

- What are the reasons behind the limits on size, parking and number of children included in the proposed law? Are they the correct numbers?
- There is a need for child-care in Rye. The Council must look at concept and determine the best way to apply it.
- The concept of allowing day-care facilities in B-1 districts makes sense.

- The City Planner could be asked to speak on the rational of the suggested limits at the next Council meeting.

The public hearing was kept open until the next meeting.

8. Public hearing for the establishment of the Kirby Lane Extension Sanitary Sewer Special Assessment District

Councilwoman Keith made a motion seconded by Councilwoman Gamache and unanimously carried, to open the public hearing.

City Engineer George Mottarella offered an overview of the project. A petition was forwarded to the City requesting the construction of sewers on South Kirby Lane. The district would include the area from the Mill Pond up to Grace Church Street. Over two-thirds of the residents in the proposed district have signed the petition indicating they are in favor of the project as required by the City Code. The proposed project would use individual, low pressure sewer ejector pumps and a common force main. Under County law once two separately owned homes are tied into a single pipe, the pipe must be owned and maintained by the local municipality. A duplex pumping system would be required. The systems are designed with a minimum of a 1,000 gallon back up tank in case power is lost. A stationary back up generator could also be used if the power failed. The approximate cost, based on an assumption that at least 75% of the sewer trench area is rock, is at least \$600,000. This would break down to about \$26,000 per house but does not include the cost of the lateral to the home. The depth of the trench would only be about four feet and the size of the force main depends on the number of pumps connected to it. The District pays for the connection point to the common sewer in the roadway and the lateral up to the property line where a valve is placed, with the remainder of the cost to hook up to the home paid by the homeowner. If the project goes forward the City will engage a firm to survey the area and do test pits and rock borings. When the project is designed, it will be forwarded to the County Health Department for approval and then put out to bid for construction. Upon completion of the entire project, the City Comptroller will assign the final costs to the properties in the district.

Public Comment:

Residents in the proposed district who wished to comment included *Margot and Gregory Reesa, 80 Kirby Lane; Gene McGuire, 7 Kirby Lane; Michael Roth, 9 Kirby Lane; Diane Beveridge, 30 Kirby Lane; Gerry Seitz, 141 Kirby Lane; Julian Allen, 130 Kirby Lane and Joan Schwartz, 100 Kirby Lane.* Their comments and questions included:

- Septic systems can fail at any time and are very expensive to repair or replace.
- It is a good time to do this project because construction costs may be lower.
- It is critical to protect water quality. Properties on both sides of the street boarder on water that will drain into Long Island Sound.
- The last time the project was proposed, the residents of South Kirby Lane did not want it. Septic systems work.

- It is unlikely that the project can be completed for \$600,000 and imposing the cost on a few properties is totally unfair.
- Construction could have a negative affect on property values.
- Leaking septic systems could have an environmental impact, which could be a Clean Water Act violation.
- Sewers would benefit property values.
- It would be prudent to at least get a contractor's bid on the cost to determine if the project should go forward. (Once the City Council votes to establish the district, all costs will be assessed to the district.)
- Will more burden be placed on the pumps located at the homes located at the lowest point? (There will be more pressure on the lower end.)
- How long will it take to build the project? (More subsurface information is needed, but it could be approximately one year.)
- The petition represented that it was solely for information purposes not as a commitment for all costs associated with the project. Petitioners need more information before going forward. (Until the district is created, a design cannot be prepared. If the group decides to stop the project, the costs incurred up to that point would have to be born by the homes in the district.)
- The district should be formed, so the design and contract can proceed. If the price is too high the Council does not have to approve the contracts. It makes sense to go forward to investigate the costs.
- The petition was worded as a "feasibility study". Those who signed the petition should be asked if they are prepared to pay for the preliminary costs. (A meeting could be held for those living in the proposed district to answer their questions on the project prior to voting on the district.)
- Once the sewer is in place no one is required to hook up to it. Homeowners can continue to use their septic system.
- Is there a way for only those who want the sewer to pay for it and then if people subsequently decide they want it, they would be assessed for it then? (It is more costly when people do that because the financing runs from when the bonds are issued.)

Council questions and comments included:

- How does the cash flow on this type of project work? (All costs associated with the project are a cost of the district. The households in the district are not assessed until the entire project is completed. The City could fund it out of cash or issue short term bonding until the project is completed. Homeowners will then have the option to pay their share of the entire project or pay the City back over time for bonds issued.)
- How much experience is there with the type of system suggested in Rye or in other communities? (There are over 50 of these types of pumps in operation in Rye now, without problem.)
- How did the Upper Dogwood Sewer bid numbers come in relative to the original estimates? (The bids came in under the engineering estimate.)

The public hearing was held open in order that an information meeting could be held for potential members of the district as well as those who might want to be added to the district.

9. Resolution to transfer \$25,000 from Capital Projects Forest Avenue to the Boston Post Road project and discussion of Boston Post Road Diet recommendation

Assistant City Manager Pickup offered a brief overview. Issues relating to pedestrian safety in this area have been discussed at joint meetings with the School Board in February and April. As a result of those discussions, Collins Engineers was directed to incorporate solutions that were recommended into the design. The issue has been discussed twice by the Transportation and Pedestrian Safety Committee, who recommended the implementation of the Diet at Oakland Beach Avenue and Boston Post Road with additional enhancements at Sonn Drive. The Plans were also presented at an Osborn School PTO meeting. The basic plan design calls for incorporating the separation between the pedestrian walking areas on the Post Road and encouraging people who enter the Post Road from Sonn Drive to walk to the controlled intersection at Oakland Beach Avenue to cross the street. All of the recommended changes have been incorporated into the plans including: additional pavement markings in the school zone; movements to control backed up traffic going into the driveways in the afternoon into a somewhat protected area; an additional sidewalk and crossings at the Sonn Drive intersection; additionally, a landing area has been incorporated into the crosswalk area at Oakland Beach Avenue. There will be an eight foot separation from the travel zone to the sidewalk. There will also be modifications made to the traffic signal. If the Council approves the transfer of funds, the project will proceed to bid, but, if it is broken into three phases it might be able to be done with quotes rather than bids. The basic cost will include the \$44,000 carried forward from the prior year's budget as well as an additional \$25,000 of money that was originally budgeted for a study of the Forest Avenue corridor. Mr. Pickup added that one of the goals of the project is also to achieve speed reduction in the area.

Council comments and questions included:

- This project has been a good cooperative effort with the Board of Education.
- More work must be done on easement issues on Forest Avenue before the study that was budgeted can be done.
- Will a left turn into the school parking lot still be allowed? (Yes. The traffic studies indicate that the volume of cars making a left turn do not warrant a change.)
- Will the School District add a ramp at the corner of Osborn Road and Boston Post Road? (According to the Facilities Committee, it is not funded in the current school budget.)

Members of the public commenting included *Happy Mullooly* and *Laura Christopher*. Their comments included:

- The work done by everyone in connection with this issue is appreciated.
- The plan presented will address the safety issues and improve conditions for walking to the school.
- This project should be prioritized above others because it is near a school.

- Thanks to the Council for working with the concerned parents in the area.
- The Council should approve the project, but should restrict left turns into the parking lot.

Former City Councilman Mack Cunningham raised several points regarding aspects of the project as well as the transfer of funds to this project from funds previously allocated to a study on the Forest Avenue corridor. He said the Council should consider others who access the Osborn campus by including a crosswalk at Old Post Road and Boston Post Road and urging the County, through Legislator Judy Myers, to put and maintain a sidewalk at the overpass bridge at Playland Parkway. Mr. Cunningham also asked if the Midland P.T.O.'s had been consulted about transferring funds from the Forest Avenue project and suggested the project not be approved until they had a chance to comment. He further suggested that the funds could be taken from a non safe routes project.

Council comments and questions included:

- The Council relies on the recommendations of its professional staff and the recommendation from staff was to take the money needed to complete the Osborn School project from the Forest Avenue project
- The Council could allocate funds for the Forest Avenue study in the future.
- Issues related to schools have been publically vetted.
- Some of the concerns of Midland School will be addressed with the stimulus project at Midland and Palisade Road.
- Getting the approval of the Midland P.T.O. is a good idea.
- The City is trying to do what it can with a limited amount of money. After this project is done the Council can look to find more money in the budget for the Forest Avenue study.
- Are there other places where the money could be taken from to pay for this project? (City Manager Culross said there was no other project to take the money from because money for every other study in the 2010 budget had been frozen. Assistant City Manager Pickup said that further discussion of deferred projects can be held at the special meeting schedule for June.)

Councilman Jovanovich made a motion, seconded by Councilwoman Keith to adopt the following Resolution:

**WHEREAS**, the City Council has authorized the implementation of the Boston Post Road Diet changes at Sonn Drive, and

**WHEREAS**, the funds previously earmarked for the Forest Avenue Capital Project will be repurposed for this new project, now, therefore, be it

**RESOLVED**, that the City Comptroller is authorized to transfer \$25,000 from Capital Projects to the Engineering Department for the Boston Post Road Diet/ Sonn Drive project.

ROLL CALL:

AYES: Mayor French, Councilmembers Gamache, Jovanovich, Keith,  
Parker and Sack

NAYS: None  
ABSENT: Councilman Filippi

The Resolution was adopted by a 6-0 vote.

10. Discussion of 151 Purchase Street Associates, LLC and tenancy lease terms

This item was moved to the end of the agenda.

11. Discussion of Resolution to establish a Rye Town Park Advisory Committee

Mayor French said that the establishment of this Committee was raised with the Rye Town Park Commission and they would like to provide additional comments on the make up of the Commission prior to voting on it. He suggested that the agenda item be adjourned to the next meeting.

12. One appointment to the Conservation Commission/Advisory Council for a three-year term, and one appointment to fill out a term expiring on January 1, 2011, by the Mayor with Council approval

Councilwoman Keith made a motion, seconded by Councilman Jovanovich and unanimously carried, to make the following appointments to the Conservation Commission/Advisory Council: Mimi Bateman for a three-year term expiring on January 1, 2013 and Paul Berte to fill out a term expiring on January 1, 2011.

13. Three appointments to the Governmental Policy and Research Committee for three-year terms, two appointments for two-year terms, and two appointments for one-year terms, by the Mayor with Council approval

Councilwoman Keith made a motion, seconded by Councilwoman Parker and unanimously carried, to appoint Susan Jansen, Patrick McGunagle and Terence Stack to the Governmental Policy and Research Committee for three-year terms expiring on January 1, 2013.

Councilwoman Gamache made a motion, seconded by Councilwoman Parker and unanimously carried, to appoint Matthew Thomas and Andrew Walker to the Governmental Policy and Research Committee for two- terms expiring on January 1, 2012.

Councilwoman Keith made a motion, seconded by Councilwoman Gamache and unanimously carried, to appoint Robert Cypher to the Governmental Policy and Research Committee for a one-year term expiring on January 1, 2011.

14. Miscellaneous communications and reports

Councilwoman Keith reported the following:



- She represented the City at the YMCA's Activate America Coalition meeting for the current school year. They discussed the group's accomplishments and identified priorities for 2010-11, which include continuing with walking and biking initiatives and working with the County to undertake a "Safe Routes Part II Workshop", exploring teen wellness issues, nutrition programs in the schools and continuing to expand recreation opportunities.
- There will be Eye on Rye programs on: the current Stimulus Traffic Project; the work of the Joint Task Force; and Safe Routes to Schools.
- The Sustainability Committee is working on a draft outline of a plan, which has been reviewed by the CC/AC. It will be forwarded to the Council and City staff shortly for direction.
- The City will not proceed with a Climate Smart Resolution until a grant opportunity can be found.
- The Pedestrian Safety and Biking Master Plan team had a kick-off meeting and they hope to spend the next several months analyzing plans of other communities, past work in Rye and to set goals and objectives.

15. Old Business

There was no old business to report.

16. New Business

Councilwoman Parker reported that she, Mayor French and Councilman Sack had met with George Oros and Christine Sculty on issues pertinent to Rye. She said she inquired about the long-range plan for Playland. She wants to put together a group that will work with the County on this. Mayor French said that with Councilwoman Parker as liaison to the Playland Advisory Committee a three or four person Planning Committee will be set up to vet ideas. Councilman Jovanovich said he felt that the new County Administration would provide an opportunity to explore new ideas about the operation of Playland. The Mayor said that he believed a next step to the meeting with County officials was to speak with Legislator Myers about Rye's priorities.

Councilwoman Keith reported that the Traffic and Pedestrian Safety Committee (TPS) wants to bring the issue of beach parking to the Council. There have been concerns voiced by parents of High School students who have been ticketed for parking in the beach parking zone. Alternatives suggested to deal with the situation include: redrawing the map to exclude Midland Avenue and a part of Apawamis Avenue from the district or, changing the dates that the beach season goes into effect in that area. City Manager Culross said the issues could be looked into but nothing could be done to make the change for this year.

Agenda Item 10 was moved to this portion in the meeting.

10. Discussion of 151 Purchase Street Associates, LLC and tenancy lease terms

Mayor French said that since this item concerned litigation, the Council would adjourn into Executive Session to discuss it. A member of the audience who was a named defendant in the litigation was invited to participate in the session. Doug Carey of 131 Purchase Street, who said he represented the Highland Hall Tenants Organization, asked to participate in the discussion. Interim Corporation Counsel Wilson advised that since Mr. Carey was not a named defendant in the litigation it would not be appropriate for him to participate in the executive session.

Councilman Jovanovich made a motion, seconded by Councilwoman Parker and unanimously carried, to adjourn into Executive Session at 10:55 p.m. to discuss litigation relative to 151 Purchase Street Associates, LLC. Councilman Jovanovich made a motion seconded by Councilwoman Parker and unanimously carried to adjourn the Executive Session at 11:52. No action was taken on this agenda item.

17. Adjournment

There being no further business to discuss, Councilman Jovanovich made a motion, seconded by Councilwoman Parker and unanimously carried, to adjourn the meeting at 11:54 p.m.

Respectfully submitted,

Dawn F. Nodarse  
City Clerk



# CITY COUNCIL AGENDA

NO. 8

DEPT.: City Council

DATE: June 9, 2010

CONTACT: Mayor Douglas French

**AGENDA ITEM:** Mayor's Management Report

**FOR THE MEETING OF:**

June 9, 2010

**RYE CITY CODE,  
CHAPTER  
SECTION**

**RECOMMENDATION:** That the City Manager provide a report on requested topics.

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

**BACKGROUND:** The Mayor has requested an update from the City Manager on the following:

- Litigation Update



# CITY COUNCIL AGENDA

NO. 9

DEPT.: City Manager

DATE: June 9, 2010

CONTACT: Frank J. Culross, City Manager

**AGENDA ITEM:** Discussion of request by the Recreation Commission to name a baseball field at Disbrow Park, "Founders Field", in honor of the Rye Little League founders.

**FOR THE MEETING OF:**

June 9, 2010

**RYE CITY CODE,  
CHAPTER  
SECTION**

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

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

**BACKGROUND:**

A request has been made by the Recreation Commission and endorsed by the Rye Little League to name one of the fields at Disbrow Park, "Founders Field" in honor of the founders of the Rye Little League.

The Founders include: Harry Adams

Bob Albrect

Pat Amendola

Ned Eklund

Ed Grainger

John Gunn

Jim McCullough

Don Murphy

Ted Parmelee

City of Rye  
Rye Recreation Department  
281 Midland Avenue  
Rye, New York, 10580



### **Memorial Guidelines & Application**

Your Name: Mark CUDGETT Phone: 967-9272  
Address: 502 Forest Ave Rye  
Street zip code  
Name of person you wish to recognize: Not Applicable  
Please print  
Your relationship to this individual: Not Applicable

Please read all guidelines prior to submitting the application to make sure you have a clear understanding of the process involved in placing a memorial within a park site. If you have any questions, please call the Recreation Superintendent.

The Rye Recreation Commission will review all applications on a periodic basis and forward their recommendations to the City Manager for City Council review and or adoption. The Commission will review each application to determine if it has met the criteria set forth below.

- 1) Type of memorial, recognition or dedication:
  - a. Should be weighed with the person's contribution to the City of Rye.
  - b. Application process/approval is done within the time constraints of the Recreation Department as their schedule permits.
  - c. Should require little or no maintenance; or else provisions must be made for maintenance of the memorial i.e. if it is to be borne by the Recreation Department.
  - d. If the request is considered larger scale recognition, such as naming an entire park or field or facility, this may warrant nominations being accepted from the community.
- 2) Funding:
  - a. To create, install, and maintain the memorial should come from outside sources and not the Recreation Department budget.
  - b. Collection will be done so and held by outside sources.
- 3) Recognition or acknowledgement:
  - a. Need not be posthumous.
  - b. Must not be rushed. There will be a waiting period of one year after a person's death to let emotions settle down, so a rational decision is made.



April 3, 2010

Dear Rye Recreation Commission:

It is with great pleasure and enthusiasm that I am writing to endorse and recommend naming one of the new baseball fields at Disbrow Park, Founders Field, in honor of Rye Little League's founders.

By way of background, John Gunn, Harry Adams, Don Murphy, Jim McCullough, Ned Edlund, Bob Albrect, Pat Amendola, Ed Grainger and Ted Parmelee built the foundation of the current Rye Little League program. Their effort and hard work provided the youth of Rye an opportunity to play America's game, baseball.

Presently Rye Little League has over 450 children participating in the Spring, Summer and Fall baseball leagues; had it not been for the selfless acts of the founding Board Members Rye Little League would not be the thriving success it is today.

As the current President of Rye Little League, I am proud to recommend these men and their work. I hope the Committee will favorably on naming the field in honor of them.

Sincerely,

Myles P Lavelle

**To: Bart DiNardo, Chair - Rye Recreation Commission  
Myles Lavelle, President – Rye Little League**

**From: Mack Cunningham**

**Please consider this a request for consideration of naming the one of new baseball fields at Disbrow Park in honor of Rye Little League's founders. The founders applied for the League Charter in 1957-58. According to national Little League Rules in effect at that time each team contained 15 players and included 8,9,10,11,12 year old boys.**

**These Rye residents graded and applied sod on the site of original Little League site- Feeley Field many times in the twilight of spring evenings after work to prepare for the initial season. The Founders of Rye Little League were - John Gunn 1st President, Harry Adams (Bullets), Don Murphy (Chiefs), Jim McCullough (Rockets), Ned Eklund (Hawks), Bob Albrecht (Crew Cuts) and Pat Amendola (Riots).**

**Former Mayor Ed Grainger was Legal Counsel and Ted Parmelee was Chief of Umpires.**

**The Rye Little League has celebrated over 50 years of success for the youth in the community and it is appropriate to recognize the longevity by remembering those Rye residents who built the first Little League field, organize the league, knocked on doors seeking funds and allowed Rye's children the opportunity to play America's national game.**

**Please consider the name of "Founders Field" in honor of these gentlemen.**

**If you require further information do not hesitate to contact me.**

**Thank you.**

## Rogol, Sally

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From: patrick amendola [pva412@optonline.net]  
Sent: Monday, April 05, 2010 10:45 PM  
To: Rogol, Sally  
Subject: FOUNDERS FIELD PROPOSAL

Several years ago ,I had a conversation with Mack Cunningham about his idea to recognize the men and women of Rye who started the RYE LITTLE LEAGUE in the late 50's. I was very interested in seeing his idea come to fruition since my father was one of several who played a large part in getting Rye an actual sanctioned LITTLE LEAGUE franchise .

Prior to having an actual Little League in Rye the recreation department sponsored a youth baseball program . There were several teams organized by neighborhoods. We played at Rye Rec . and Gagliardo Park. I recall the boys were ages 8-12. We played an abbreviated schedule and had awards at the end of the season . I remember Herb Score ...a major league pitcher coming to the field and giving a pitching demonstration.

Jack Curran, still a Rye resident also held "clinics" for the players It was a great experience and playing against older and more talented players helped me become a better player in the long run. But, at the end of our season there was no post season baseball. Thus, the idea of affiliating with the Little League became attractive to some of the fathers who wanted more baseball for their kids and a better format for post season play.

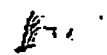
I can recall several fathers....Pat Amendola,Sr.....John Gunn....Ted Murphy....Len Butler...Harry Adams..Ned McCullogh and others ,whose names escape me ,went to work over the fall and winter to set the groundwork for the formulation of the RYE LITTLE LEAGUE. Low and behold they were granted a franchise for operation...but since they were a first year franchise Rye could not participate in any all star play toward the World Series in Williamsport .This did not deter them. Player evaluations were held, managers held a draft. equipment was issued, a schedule devised and play began on the first field at Rye High School ( near the field house....remember, the school grounds were nothing like you see today). I actually played in the first ever game . My team, the Riots (named by my mother ) won that first game 15-14 . I remember a big "hoop la "after the game with hot dogs and such. Imagine ,I was the winning pitcher....after giving up 14 runs ...even got an MVP baseball signed by Joe DiMaggio . I still have that ball.....and the memories of a wonderful one year Little league experience. The Riots did go on to win the first championship and all the players were feted at a picnic at the Blind Brook Polo Club....now PepsoCo in Purchase. My Mom still has that first "honorary" All -Star picture and to this day I wonder how we would have done in the actual Little League tournament. My brothers Joey and Rick also proudly wore a Riots uniform for several years , with my Dad still as their manager.

The work that went into formulating the Little League was not appreciated at the time . I know my DAD and the others spent many hours raising money....finding sponsorships and actually working on the field at Disbrow Park ( now called Grainger Field ) . Many great friendships were made by these founders and the kids who played ball in the new league.

I feel that it is now time for the " powers that be " to step up to the plate and recognize the founders of the RYE LITTLE LEAGUE with an appropriate designation on FOUNDERS FIELD . They were very proud of themselves at the time and for them to be commemorated now is quite fitting. I for one can see my Dad smiling down at the occasion.

Thank you for the opportunity to relive my past and to officially say "Thank You " to the founders of





the RYE LITTLE LEAGUE.

Regards,

Patrick R Amendola  
4/5/10

**Rogol, Sally**

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**From:** Richard Amendola [rdola51@yahoo.com]  
**Sent:** Monday, April 05, 2010 9:39 PM  
**To:** Rogol, Sally  
**Subject:** Baseball field

**April 5, 2010**  
**Rye Recreation Commission**  
**Attn: Sally Rogol, Recreation Sup**

**Dear Sally Rogol,**

***I am writing in regards to a current issue at hand, and that is the naming of the baseball field at Disbrow Park, located on Oakland Beach Avenue. Having grown up in Rye; graduated from Rye High School; resided there for many years as an adult; and perhaps more importantly, been a member of the first generation of Rye Little Leaguers in the 1950's, and son of one its founders, I believe I have something to say about this important event.***

***It seems most appropriate that the name of the field would bring attention and honor to those who brought organized baseball to the children and residents of Rye. These dedicated and caring men sacrificed much time, talent and finances as they systematically, not only organized the Rye Little League (originally the Rye Recreation League), but also helped create a suitable baseball field to accommodate the excited players, families and baseball fans.***

***My childhood memories include my dad, Pat Amendola, involved with many planning, organizational and fund raising meetings with the other dedicated founders; as well as coaching my original team, the "Riots". Additionally, going door to door through my neighborhood selling raffle tickets, the Little League Parade down Purchase Street, Opening Day Ceremonies, the actual games and many practice sessions, and the wonderful camaraderie among the ballplayers, coaches and the many families involved, has left a lasting positive impression upon me for which I am forever grateful.***

***I suggest that the park be named "Founders Field" in honor of those that began and perpetuated the love of baseball in the Rye community. Additionally, a suitable plaque inscribed with their names and a brief description of their collaborated work should be prominently displayed in the park. In this way, generations to come will have at least an overview of such a valuable and important history.***

**Sincerely,**

**Richard Amendola**  
**980 Main Street**  
**Haverhill, Ma 01830**  
**978-377-0487**

Copy

4/3/97

Dear Lorraine,

Regarding your Rye Little League article which appeared in the April 2, 1997 issue of the Daily Item:

Unfortunately some of Peter Kennedy's recollection of the League's beginning are incorrect and for the sake of history I want to correct his account.

Although the League Charter may have been applied for in 1957-58, the first official Rye Little League game was held in May, 1959 at Rye High School. The opponents were the Rockets and the Riots. The remaining four teams in the six team league were the Bullets, Hawks, Crew Cuts and Chiefs. According to National Little League rules in effect at that time, each team contained 15 players and included a certain number of 8, 9, 10, 11, & 12 year old boys per team. My recollection is positive because I had three sons, (ages 8, 11, 12) on the Riots team which won the first Rye Little League Championship. I was the coach of the Riots.

The names of the teams mentioned by Peter Kennedy were pre-Little League and were formed by the Rye rec. dept. The official Rye Little League replaced neighborhood teams and organized teams by try outs and a draft system conducted by original Players Agent, Lenny Butler.

The Founders of the Rye Little League were the late John Gunn, 1st. President, late Harry Adams (Bullets), late Don Murphy (Chiefs), late Jim McCullough (Rockets), Ned Eklund (Hawks), Bob Albrecht (Crew Cuts) and Pat Amendola (Riots). Former Mayor Ed. Grainger was Legal Counsel in 1959 and Ted Parmelee was Chief of Umpires.

Lorraine, I hope that some of the details stated above will clarify the facts of the founding of Little League in Rye. The RLL is celebrating its 38th anniversary, not it's 40th. I would be glad to give you any additional information you require.

Yours truly,

Pat Amendola

*Pat J. Amendola*

P.S.

For the sake of history:

The men affiliated with the League re-graded and applied sod on the infield which is now the home-site of Rye High School games at Disbrow Park. Grainger Field was built some years later.



# CITY COUNCIL AGENDA

NO. 10

DEPT.: Planning

DATE: June 9, 2010

CONTACT: Christian K. Miller, AICP, City Planner

**AGENDA ITEM:** Continuation of Public Hearing to change the City of Rye Zoning Code to include "child-care facilities" as a use in the B-1 District.

**FOR THE MEETING OF:**

June 9, 2010

**RYE CITY CODE,  
CHAPTER  
SECTION**

**RECOMMENDATION:** Consider Adoption of Proposed Local Law.

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

**BACKGROUND:** A request has been made to change the City of Rye Zoning Code to include "child-care facilities" as a use subject to additional standards and requirements in the B-1 District, a neighborhood business district, and to provide for off-street parking requirements for such use.

Christian K. Miller, AICP  
City Planner  
1051 Boston Post Road  
Rye, New York 10580



Tel: (914) 967-7167  
Fax: (914) 967-7185  
E-mail: [cmiller@ryeny.gov](mailto:cmiller@ryeny.gov)  
<http://www.ryeny.gov>

## **CITY OF RYE**

### **Department of Planning**

#### **Memorandum**

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To: Rye City Council

From: Christian K. Miller, AICP, City Planner

cc: Frank J. Culross, City Manager  
Scott Pickup, Assistant City Manager  
Kristen K. Wilson, Esq., Corporation Counsel

Date: June 4, 2010

Subject: **Petition to Amend the City Zoning Code to allow "Child Care" in B-1 Neighborhood Business Districts – Rationale for Standards**

This memorandum provides additional information requested by the City Council at its May 19, 2010 meeting regarding the above referenced matter. At that meeting the Council continued the public hearing regarding a petition from Ker-Bar Realty Corp. requesting that the City Zoning Code be amended to allow "child-care facilities" as a *Use Permitted Subject to Additional Standards and Requirements* in the City's B-1 Neighborhood Business District<sup>1</sup>.

At the hearing the Council requested that it be provided with the rationale and basis for the standards in the proposed zoning text amendment.

#### **Rationale for Standards**

The Planning Commission supports the proposed zoning text amendment and unanimously agreed that the proposed zoning standards for child care uses were appropriate. The 30-child maximum in the text amendment was deemed appropriate because it's the same limitation currently provided for in the City Zoning Code for Nursery Schools, which are permitted in the City's residence districts.

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<sup>1</sup> The proposed text amendment requires that child care uses not exceed 30 children, have a minimum lot size of 10,000 square feet, be adequately screened and have sufficient outdoor play area as required by state and/or county entities, which regulate such uses. The text amendment also sets forth minimum on-site parking requirements. A copy of the petition is attached hereto.

## **Petition to Amend the City Zoning Code to allow “Child Care”**

June 4, 2010

Page 2 of 4

The Planning Commission considered a 10,000 square foot minimum lot area as a reasonable size to accommodate a 30-child maximum child-care facility, parking and outdoor play area.

The City Council might also consider using New York State (“NYS”) Day Care Regulations as a guide for assessing suitable minimum site area for a child-care facility. For instance, Section 414.3 (d) of the regulations requires rooms to have a minimum of 35 square feet of floor area per child, exclusive of support areas.<sup>2</sup> Using that figure as a guide it’s reasonable to assume that a 30-child facility would need between 2,000 and 3,000 square feet of floor area. On a 10,000 square foot lot that would result in a 0.2 to 0.3 floor area ratio (“FAR”) under the existing B-1 District bulk and dimensional requirements. The B-1 District has a maximum FAR of 0.5, which would allow a building of up to 5,000 square feet on a 10,000 square foot lot.

NYS Day Care Regulations require suitable play area, but do not identify a minimum requirement. State regulations also do not specify a minimum parking requirement. For those standards the Planning Commission reviewed a 1987 Westchester County Planning Study, which summarized child care facility regulations for Westchester municipalities (attached hereto). Based on a review of those standards it was deemed that the requirements in the proposed text amendment were acceptable. These standards should be used as a guide since they vary depending on the unique needs of each municipality. In some cases the standards are more restrictive than those included in the proposed text amendment and in some cases they are less restrictive.

### **Zoning District Analysis and Child Care Use**

As previously discussed in the April 29, 2010 and May 14, 2010 memoranda to the City Council child care facilities are permitted only as an accessory use in the B-4 and B-5 Office Building Districts. There are seven privately-owned properties in the B-4 District and five in the B-5 District. All of these properties are large (i.e. multiple acres) and all have existing buildings. In most cases these buildings consist of large office buildings, including the Avon property, which operates the “Little Angles” day care. Attached hereto is a copy of the City’s Zoning Map for the Council’s reference.

The proposed zoning petition would allow child care facilities in the B-1 and B-2 Districts. It is estimated that 61 properties in the B-1 District and 8 privately-owned properties in the B-2 District would meet the minimum 10,000 square foot minimum lot area requirement for a child care facility under the proposed zoning petition.

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<sup>2</sup> 414.3(d) states “*Children must be accommodated in rooms having a minimum of 35 square feet for each child. Areas used for large motor activity, staff lounges, storage spaces, halls, bathrooms, kitchens and offices may not be used in calculating the 35 square feet per child requirement*”.

## **Petition to Amend the City Zoning Code to allow "Child Care"**

June 4, 2010

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The Planning Commission agreed that the proposed text amendment would advance a community need by providing more child-care opportunities in the City. The Planning Commission agreed that a 10,000 square foot minimum lot area requirement appeared acceptable for a child-care facility that would be limited to not more than 30 children. The Planning Commission has not rendered a specific opinion on the application for a child care facility at 180 Theodore Fremd Avenue. Specific site development and planning issues regarding development at this location will be considered by the Planning Commission if the appropriate zoning is adopted by the City Council.

Zoning is a tool to regulate the use and intensity of development on a property. Most would agree that not all uses are appropriate in all locations and responsible planning requires that there are reasonable controls on permitted uses. The challenge for the legislative body (which is responsible for adopting and amending zoning laws) is to create zoning legislation that creates opportunities for desired uses that is compatible with other uses permitted in the community. In drafting legislation appropriate development controls can be required for uses, but if such development controls are too restrictive then few properties will meet the minimum requirements thereby reducing opportunities for the desired use.

At the April 29, 2010 public hearing, the City Council heard concerns from an owner of a landscape business that abuts a property that would be eligible for a child-care facility under the proposed zoning petition. It is possible that there are other locations that area business or residential neighbors may find a 30-child care facility problematic. In order to minimize those potential concerns the Planning Commission agreed that allowing child care in the B-1 and B-2 Districts would be the appropriate. Child care was considered compatible with many of the uses permitted in the B-1 and B-2 Districts. Child care facilities were also considered compatible with many uses surrounding B-1 and B-2 Districts.

It was previously suggested that the City should allow child care in the City's B-4 and B-5 Districts. This suggestion is reasonable. It is noted, however, that these uses are already allowed as accessory uses and making them principal permitted uses would not significantly advance the need for providing additional long-term child care opportunities in the City. If the Council desires the proposed text amendment could be modified to accommodate these child care as a principal permitted use in these zoning districts.

Other business districts are considered less appropriate for child care facilities. The City's B-3 Beach Business District and B-7 Waterfront Business District are intended for water related uses. The B-6 General Business District allows more intense business operations such as contractor's businesses and limited manufacturing.

Residential zones could also be considered appropriate locations for child care facilities, with appropriate regulatory controls. There is precedent since nursery schools (which have similar operational and land use impacts as child care facilities) are currently

## **Petition to Amend the City Zoning Code to allow “Child Care”**

June 4, 2010

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permitted in all of the City's residence districts. In residence districts there would be less potential for a child care facility to generate compatibility concerns associated with a business use, but there would be a greater likelihood of compatibility concerns with area residential uses.

The proposed zoning petition requires a minimum lot area of 10,000 square feet. Increasing the minimum lot size would reduce potential compatibility concerns of a proposed facility with area uses. Eligible properties would still be limited to 30 children, but each site would be larger thereby enhancing opportunities for additional parking, improved traffic flow, larger play areas and other site planning considerations. A minimum lot size standard, however, needs to be reasonable if the Council wants to expand child care opportunities in the City. Land in Rye is expensive. Few child care providers can afford to pay high land costs for large properties that are limited to a 30-child maximum facility. In addition, as the minimum lot size is increased, the number of eligible properties is reduced.

The following table provides an estimate of the number of properties that would be eligible for child care facilities in the B-1 and B-2 Districts, if the minimum lot size were increased.

<b>Property Size (s.f.)</b>	<b>Number of Properties in B-1 District</b>	<b>Number of Properties in B-2 District</b>
10,000	61	8
12,000	49	4
14,000	39	3
16,000	33	2
18,000	25	2
20,000	23	2



# SUMMARY OF MUNICIPAL CHILD CARE FACILITY REGULATIONS WESTCHESTER COUNTY, NEW YORK

	MUNICIPALITY	TYPE OF FACILITY	PERMITTED ZONE	OUTDOOR PLAY AREAS	SETBACKS/ BUFFERING	NUMBER OF CHILDREN	AGE RESTRICTIONS	OPERATING HOURS	REVIEW BOARD AND REQUIRED APPROVALS	MISCELLANEOUS PROVISIONS
CITIES	City of Peekskill	Day-Care Center Day Nursery (Same regulations for both)	Special Permit Use Multi-family Res., Neighborhood Comm. Zones		Buildings at least 50' from any street or property line.	Seven or more children.		Less than 24 hours/day.	- Special Permit from Common Council. - Day-Care Center Licensed by New York State Department of Social Welfare. - Day Nursery Licensed by New York State Department of Education.	- Required off-street parking: 1 space per 6 children.
		Family Day-Care Home	Special Permit Use Residential Zones			Three to six children.		Less than 24 hours/day.	- Special Permit from Common Council. - Licensed by New York State Department of Social Welfare.	
	City of Rye	Nursery School	Special Permit Use Residential, Commercial Zones	1,000 sq. ft. for every 5 children		Not to exceed 30 children.			- Special Permit from Planning Commission. - "Duly Licensed".	- Play area must be screened from lot lines and nearby residential structures to alleviate noise.
	City of White Plains	Day-Care Center Nursery School (Same regulations for both)	Special Permit Use Residential Zones Permitted Use Commercial Zones Accessory Use to Churches, Clubs, Schools Residential, Commercial, Industrial Zones			Three or more children.	Less than 6 years of age.		- Special Permit from Board of Appeals. - Licensed by New York State Department of Social Services.	
	City of Yonkers	Day Nursery	Special Permit Use Residential Commercial Zones Permitted Use Business Zone			Three or more children.		Between 3 and 24 hours per day.	- Special Permit from Board of Appeals. - Approval by Commissioner of Health, Commissioner of Public Safety.	
VILLAGES	Village of Briarcliff Manor	Nursery School	Special Permit Use Residential, Commercial Zones	- Min. of 50 sq. ft. per pupil - At least 75' from side or rear line			Pre-school age children.		- Special Permit from Board of Appeals.	- Required off-street parking: 8 spaces, with 4 additional spaces for each classroom over 1.
	Village of Croton-on-Hudson	Day-Care Center	Accessory Use Residential, Commercial Zones	- At least 20' from any residential property line.		- Three or more children. - Maximum of fifteen children.		From 7 a.m. to 7 p.m.	- Requires Special Permit from Planning Commission. - Licensed by New York State Department of Social Services.	- Minimum lot size of 25,000 sq. ft. - Area of building to be used for day-care center shall not exceed 33.3% of the habitable floor area of the entire building. - Recreational structures/equipment limited to 10' in height. - Operator of the center shall be the owner and a full-time resident of the building. - No more than two non-residents employed at the center.
	Village of Hastings-on-Hudson	Day Nursery Nursery School (Same regulations for both)	Special Permit Use Residential, Commercial Zones			Two or more children.	Less than 6 years of age.	Operating on a regular or seasonal basis.	- Special Permit from the Zoning Board of Appeals.	- Must front on or have direct access to a major collector road. - Required off-street parking: 1 space/teacher, 1 space per staff member, 1 space for each 12 pupils.
	Village of Larchmont	Nursery/Play School	Special Permit Use Single Family Res. Permitted Use in Multi-family Res., Retail Business, Industrial Zones			Not to exceed 15 children.	Between three and six years of age.	From 9 a.m. to 5 p.m. Monday thru Friday.	- Operation in accordance with applicable statutes governing such uses. - Special Permit (where req'd) from the Zoning Board of Appeals.	- Only permitted on first floor of building, and must have two exits. - Special Permit good for two years. - Yearly renewable operating permit must be obtained from the Village Clerk.
	Village of Mt. Kisco	Day-Care Center Nursery School (Same regulations for both)	Permitted Use with Special Permit in Commercial, Office Zones	Site, design and location suitable for the number of children enrolled.					- Special Permit from Planning Board. - Bldg. Inspector Approval - Licensed by New York State.	- Facility to be located at a school, church, or other community facility deemed appropriate by the Planning Board. - Required off-street parking: 1.25 spaces per staff member.
	Village of North Tarrytown	Nursery School	None Specified			Two or more children.	Two to five years of age	Operating on a regular basis.		- Required off-street parking: 1 space for each 10 students.
	Village of Ossining	Nursery School	Special Permit Use Residential Zones		Buildings and parking at least 100' from any street line.				- Special Permit from Planning Board. - Licensed by New York State Department of Education.	
	Village of Port Chester	Day-Care Center Nursery School (Same regulations for both)	Permitted Use Design Office and Commercial Zone Special Permit Use Waterfront Zone Nursery Schools also Special Permit Use in Multi-family Res., Central Business Zones	- 1,000 sq. ft. for each 5 children - not less than 30' from property line - not less than 50' from residential structures	Play area fenced and suitably landscaped.	Two or more children not to exceed 15 unless bldg. is of fire-proof construction.	Two to five years of age.		- Special Permit from Planning Commission. - Licensed by New York State.	- Only permitted on first floor of buildings. - Not less than 35 sq. ft. per child.
	Village of Rye Brook	Nursery School	Special Permit Use Residential, Office, Commercial Zones	- 1,000 sq. ft. for each 5 children - not less than 30' from property line - not less than 50' from residential structures	Play area fenced and suitably landscaped.	Two or more children not to exceed 15 unless bldg. is of fire-proof construction.	Two to five years of age.		- Special Permit from Village Board.	- Only permitted on first floor of buildings. - Not less than 35 sq. ft. per child. - Minimum lot size 1/2 acre.

# SUMMARY OF MUNICIPAL CHILD CARE FACILITY REGULATIONS WESTCHESTER COUNTY, NEW YORK

MUNICIPALITY	TYPE OF FACILITY	PERMITTED ZONE	OUTDOOR PLAY AREAS	SETBACKS/ BUFFERING	NUMBER OF CHILDREN	AGE RESTRICTIONS	OPERATING HOURS	REVIEW BOARD AND REQUIRED APPROVALS	MISCELLANEOUS PROVISIONS
Town of Bedford	Nursery School	Special Permit Use Residential Zones		- Yards of not less than 75'. - 20' buffer area along residential property lines.	Three or more non-resident children.	Less than six years of age.	Operating on a regular basis.	- Special Permit from Board of Appeals. - Licensed by New York State Department of Education or Department of Social Services.	- Must have at least 250' of frontage on a through or collector road as designated on the Town Development Plan. - Building coverage not to exceed 10% of the area of the site. - Building and paving coverage not to exceed 20% of the area of the site.
Town of Eastchester	Nursery School	Special Permit Use Residential Zones	Enclosed area in front or side yard not less than 75' from property line.					- Special Permit from Zoning Board of Appeals.	- Minimum lot size of 2 acres.
Town of Greenburgh	Day-Care Center Nursery School (Same regulations for both)	Special Permit Use Residential Zones	- Enclosed outdoor play area is req'd. - Must be at least 75' from street or property line.		Two or more children.	Less than six years of age.	Daytime accommodation & instruction.	- Special Permit from Planning Board. - Day-Care Centers licensed by New York State Department of Social Services. - Nursery Schools licensed by New York State Department of Education.	- Minimum lot size of 2 acres. - Required off-street parking: 1 space per staff member and 1 space per classroom.
Town of Lewisboro	Day Nursery Nursery School (Same regulations for both)	Special Permit Use Residential Zones		- Min. 50' setback from adjoining residences. - Landscaped buffer area along lot lines.	Two or more children.	Less than six years of age.		- Special Permit from Zoning Board of Appeals.	- Lot must have frontage on or direct access to a major or collector road as shown on the Town Development Map, if located in res. zone. - For lots in residential zones, maximum building coverage: 20% of lot area. Maximum coverage for buildings, parking and driveways: 50% of lot area. - Required off-street parking: 1 space per employee and 1 space per classroom.
Town of Mamaroneck	Nursery School	Special Permit Use Residential Zones			Five or more children.	Less than six years of age.	Daytime care & instruction.	- Special Permit from Town Board. - Licensed by New York State Department of Education.	
Town of Mt. Pleasant	Nursery School	Special Permit Use Residential Office Commercial Zones	- Min. of 200 sq.ft. per child with min. of 1,000 sq. ft. in side or rear yards. - Not less than 50' from any lot line. - Not less than 60' from adjacent residential bldgs.	Play area fenced and suitably landscaped.	Five or more children. If more than 50 children must comply with standards for private school rather than nursery school.	Two to five years of age.	Daytime care & instruction.	- Special Permit from Planning Board.	- Only permitted on first floor of buildings. - Not less than 35 sq. ft. per child. - Minimum lot size of 1 acre, with min. of 1,500 sq.ft. of lot area per child. - Not more than 15 pupils in any building not of fireproof or semi-fireproof construction. - 1 toilet and 1 washbasin per 15 children. - Required off-street parking: 1 space per teacher, and one space for every 5 pupils. Parking areas at least 15' from side and rear lot lines and 10' from street line.
Town of New Castle	Day Nursery Play School (Same regulations for both)	Special Permit Use Residential, Business Zones		- Min. 50' setback from adjoining residences. - Landscaped buffer area along lot lines.	Two or more nonresident children.	Less than six years of age.	Operated on a regular basis during daylight hours.	- Special Permit from Zoning Board of Appeals.	- Lot must have frontage on or direct access to a major or collector road as shown on the Town Development Map, if located in res. zone. - For lots in residential zones, maximum building coverage: 20% of lot area. Maximum coverage for buildings, parking and driveways: 50% of lot area. - Required off-street parking: 1 space per employee and 1 space per classroom.
Town of North Castle	Day Nursery Nursery School (Same regulations for both)	Not Specified			Two or more children.	Less than six years of age.	Operating on a regular basis.		
Town of North Salem	Day-Care Center Nursery School (Same regulations for both)	Special Permit Use Residential, Planned Development, Zones Accessory Use to Churches, Schools in Residential, Professional Office, Planned Development Zones			Two or more children.	Two to six years of age.	Operating at least 5 days a week, at least 7 months a year.	- Special Permit from Town Board. - Licensed by New York State Department of Education.	- Required off-street parking: 1 space per 12 students and 1 space for each 2 administrative personnel.
Town of Ossining	Nursery School	Special Permit Use Residential Zones		No building within 100' of street or property line.				- Special Permit from Zoning Board of Appeals. - Licensed by New York State Department of Education.	- Minimum lot size of 5 acres, plus 1 acre per 100 pupils. - Grounds suitably landscaped and properly maintained. - Sufficient exterior illumination for convenience and safety.
Town of Pound Ridge	Nursery School	Special Permit Use Residential Zones			Five or more children.	Less than six years of age.		- Special Permit from Town Board.	- Required off-street parking: 1 space per teacher or staff member, and 1 space for each 5 pupils.
Town of Yorktown	Day-Care Center Nursery School Day Nursery (Same regulations for all three)	Special Permit Use Residential, Retail Business Zones	Accessible outdoor play space shall be provided.	Appropriate screening, fencing, landscaping may be required.	Day-Care Ctr. & Nursery Sch. Three or more children.  Day Nursery Two or more children.	Day-Care Ctr. More than 3 hours/day. Nursery Sch. Less than 3 hours/day.  Day Nursery Two to five years of age.	Day-Care Ctr. More than 3 hours/day. Nursery Sch. Less than 3 hours/day.  Not specified for day nursery.	- Special Permit from Board of Appeals. - Reports from Building Dept., Fire Marshall, Electrical Inspector, and Health Dept. - On-site inspection required. - Day-Care Centers require licensing from the New York State Department of Social Services.	- Special permit to be good for 3 years. - Minimum 35 feet per child. - Heating, ventilating and lighting fixtures to be safe and adequate for protection of the health of the children. - Rooms to be screened against insects. - One toilet and one washbasin for each 15 children.
	Family Day-Care Home	Permitted Use Residential Zones			Three to six children.		More than 3 hours/day.	- Licensed by New York State Department of Social Services.	

**LOCAL LAW**  
**CITY OF RYE NO. \_\_\_\_ 2010**

**A Local law to amend Chapter 197 “Zoning”, Section 197-86 by adding subsection (15) to Permit Child-Care Facilities as Permitted Uses in the B-1 “Neighborhood Business District” and amending Section 197-28(A) by adding Required Off-Street Parking for such uses of the Code of the City of Rye, New York**

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

**Section 1.**      **Section 197-86, Table of Regulations: Table B, Business Districts- Use Regulations, Column 2, Uses Permitted Subject to Additional Standards and Requirements, B-1 Neighborhood Business Districts,** of the Code of the City of Rye, New York, is hereby amended by adding thereto a new subsection (15) to read as follows:

- (15)      **Child-care facilities.** Duly licensed child-care facilities for not to exceed 30 children and where lot size is at least 10,000 square feet, provided that sufficient outdoor play area is provided in compliance with applicable state and/or county regulations and adequately screened.

**Section 2.**      **Section 197-28(A), Schedule of parking requirements,** is hereby Amending by adding thereto the following:

Use	Number of Spaces Per Unit (by Parking District)			Unit of Measurement and Conditions
	A	B	C	
Child-care Facilities (enrollment)	1	1	1	Five enrolled children
Child-care Facilities (staff)	1	1	1	Employee

**Section 3.**      **Severability**

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

**Section 4.**      **Effective Date**

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

## **RESOLUTION**

**A Local law to amend Chapter 197 “Zoning”, Section 197-86 by adding subsection (15) to Permit Child-Care Facilities as Permitted Uses in the B-1 “Neighborhood Business District” and amending Section 197-28(A) by adding Required Off-Street Parking for such uses of the Code of the City of Rye, New York**

WHEREAS, on April 7, 2010, the Rye City Council set a public hearing for May 5, 2010 on a local law amending §197-86 of the Code of the City of Rye to permit Child-Care facilities as permitted uses in the B-1 “Neighborhood Business District” and amending Section 197-28(A) by adding required off-street parking for such uses; and

WHEREAS, the notice of hearing was circulated to the Westchester County Planning Board and abutting communities as required by Sections 277.61 and 277.71 of the Westchester County administrative code; and

WHEREAS, the City Council has reviewed the Full Environmental Assessment Form (EAF) and determines that the proposed action is consider a Type I; and

WHEREAS, the City Council is the only Involved Agency in connection with the proposed action; and

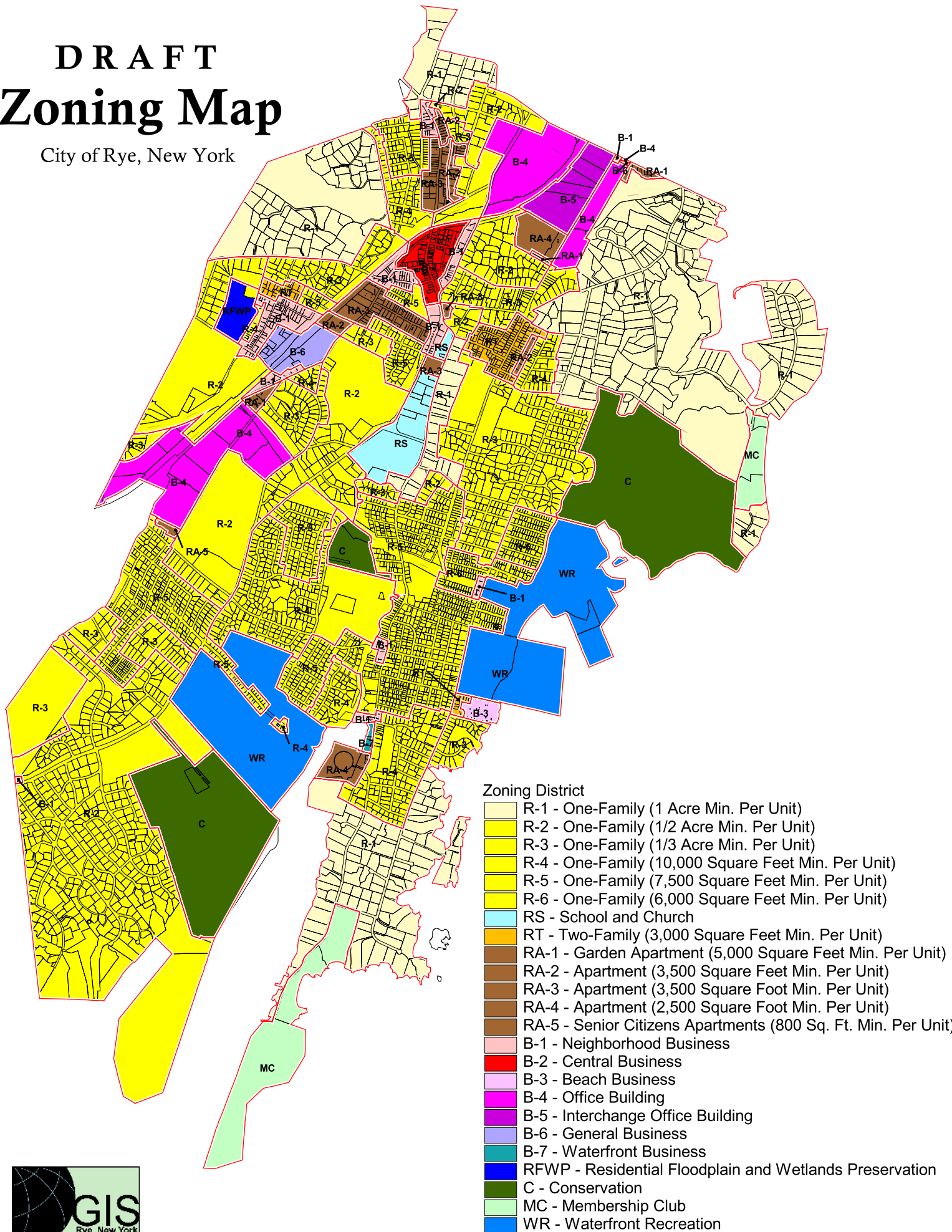
WHEREAS, the City Council conducted a noticed public hearing on May 5, 2010 and all those wishing to be heard were given the opportunity to be heard;

NOW, THEREFORE, BE IT RESOLVED, that the City Council designates itself as Lead Agency and based on its review of the Environmental Assessment Form (EAF), the criteria listed in Section 617.7(c) of SEQRA and the complete record, the City Council finds that the proposed action will not have a significant adverse environmental impact; and

BE IT FURTHER RESOLVED, that the City Council adopts Local Law #\_\_\_\_-2010 amending §197-86 of the Code of the City of Rye to permit Child-Care facilities as permitted uses in the B-1 “Neighborhood Business District” and amending Section 197-28(A) by adding required off-street parking for such uses; and

# DRAFT Zoning Map

City of Rye, New York



Last Revised: May 2006

2000 0 2000 4000 Feet

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RUTH F.-L. POST

June 4, 2010

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

Re: Petition for Zoning Amendment - Child Care Uses in B-1 Districts

Dear Mayor French and Members of the City Council:

I am writing to follow up on the discussion at your May 19 meeting in relation to this matter. The City Council agreed at that meeting that it wished to look further at some of the criteria in the proposed zoning amendment and determine if the Council thought any changes were appropriate. We would like to provide you with some information which may assist in this analysis.

It is my understanding that the criteria to be reviewed at this time are primarily the minimum lot size and number of children. With respect to the parking requirement, we have submitted significant information on how this figure was reached, including code provisions from other municipalities and actual figures from other existing child care centers. The Planning Commission reviewed this information carefully before making its recommendations to the City Council. It should be noted the Planning Commission also carefully reviewed the other criteria, including minimum lot size, and did not believe any modification was required.

With respect to the maximum number of children, your Code currently permits nursery schools with a maximum number of 30 children. This was likely done because nursery schools are permitted in residential zones and the limitation would minimize the impact on the residential areas. We simply put the same limitation into the proposed child care provision. However, the Council may very well decide that it does not wish to limit this number, or may wish to provide a higher limit, and that such a limit may not be necessary in the B-1 Districts. As I believe you are aware, state regulations restrict the number of children based upon square footage as discussed more fully below. The Council may determine that if an operator has a larger lot, they should be permitted to have more children. In fact, the provision of your Code allowing for child care

facilities as an accessory use in the B-4 and B-5 Districts provides that the number of children served shall be limited as provided for by state law. This is an alternative and would be consistent with your other existing child care center regulations.

A review of the state regulations can assist in determining an appropriate minimum lot size as well. State regulations for Child Day Care Centers require 35 square feet per child for children over two years nine months (i.e. not infants or toddlers). This is exclusive of staff areas, storage spaces, hallways, bathrooms, kitchens and offices. Therefore, the requirement is really for 35 square feet per child of classroom area. Therefore, for a child care center for 30 children, 1050 square feet of classroom area is required. In general, classroom area is slightly less than half of the overall square footage of the building (depending on whether the building is one story or two, as a two story building has extra hallway and stairway area). In our client's current proposed building (which is two stories), the classroom space makes up approximately 1/3 of the total floor area. Using this 1/3 ratio, a child care center for 30 children would require a building of approximately 3150 square feet.

The B-1 District has an FAR limitation of 0.5. Therefore, on a 10,000 square foot lot, a 5000 square foot building would be permitted. Such building would be larger than required for a 30 child center. In addition, the 30 child center of 3150 square feet on two stories would have a footprint of approximately 1575 square feet, or less than 16% of the total lot area. A total of 8,425 square feet would remain for a play area and parking. A 30 child center would typically have approximately 7 staff on site at any given time, and therefore would require approximately 13 parking spaces. Parking spaces are generally required to be 170 square feet, so 13 parking spaces would take up 2210 square feet plus about the same for aisles and driveways for a total of approximately 4420 still leaving over 4000 square feet of lot area for an outdoor play area, setbacks and landscaped areas. While not a requirement, it is recommended that 75 square feet per child of outdoor play area be provided. This is based upon the number of children to utilize the play area at any one time. All 30 children would never be in the play area at once, but even if they were, worst case 2250 square feet would be recommended, still leaving over 1750 square feet available for screening and landscaped area on our hypothetical 10,000 square foot lot. Therefore, based on this analysis of space requirements, a 10,000 square foot lot is clearly more than adequate for a 30 child center, and would allow a building far greater than necessary. For this reason, we believe 10,000 square feet is an appropriate minimum lot area for a child care center use.

For comparison purposes, if the proposed child care center was to also serve infants and toddlers, the requirement for the infants and toddlers is 55 square feet per child. If half of the children were infants and toddlers (a very conservative number as it would likely be less, and could be controlled by the operator), the building would require 1350 square feet of classroom area, and would have a total building area of approximately 4000 square feet, still far below permitted, and a foot print of approximately 2000 square feet, leaving 8000 square feet of lot area available, and a lower need for outdoor play area. Therefore, even if half the children were infants and toddlers, a 10,000 square foot lot would be sufficient. However, the operator can

Mayor and Members of the City Council

June 4, 2010

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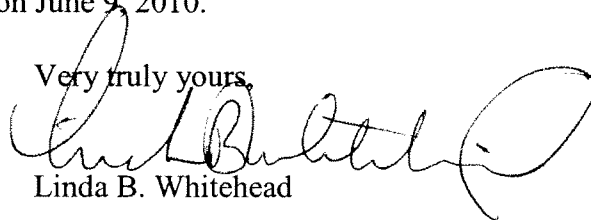
choose, as our client has, to not include infants and toddlers and therefore not require the larger building, unless of course they had a larger lot. There are other cost considerations also taken into account in making the determination whether to provide for infants and toddlers.

In addition, my client, who is experienced in the development and operations of child care centers, undertook an analysis and determined that this size model is a viable business model, and that it would be more difficult to accommodate a practical size child care center on a smaller lot.

It should also be noted that to be economically viable, a child care center on a much larger property would need to be able to accommodate more children to cover the increased costs. This is particularly true in the City of Rye, where real estate costs are high. Therefore, it may in fact be appropriate to modify the proposed amendment to follow your existing provision for the B-4 District wherein the number of children is limited by state regulation.

We hope this information is helpful to you and we look forward to continuing the discussion of this matter at your meeting on June 9, 2010.

Very truly yours,

A handwritten signature in black ink, appearing to read "Linda B. Whitehead", written over the typed name.

Linda B. Whitehead

cc: Marion Anderson





# CITY COUNCIL AGENDA

NO. 11

DEPT.: City Mayor

DATE: June 9, 2010

CONTACT: Mayor Douglas French

**AGENDA ITEM:** Discussion of 151 Purchase Street Associates, LLC and tenancy lease terms.

**FOR THE MEETING OF:**

June 9, 2010

**RYE CITY CODE,  
CHAPTER  
SECTION**

**RECOMMENDATION:** That the City Council discuss the proposed settlement agreement between 151 Purchase Street Associates, LLC and the City of Rye.

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

**BACKGROUND:** 151 Purchase Street Associates filed an amended complaint against the City of Rye. There is a possible settlement of the matter and the City Council must review the terms of same and authorize the City Manager to sign the resultant Memorandum of Understanding between 151 Purchase Street Associates, LLC and the City of Rye.



# CITY COUNCIL AGENDA

NO. 12

DEPT.: City Council

DATE: June 9, 2010

CONTACT: Mayor Douglas French

**AGENDA ITEM:** One appointment to the Governmental Policy and Research Committee for a one-year term by the Mayor with Council approval.

**FOR THE MEETING OF:**

June 9, 2010

**RYE CITY CODE,  
CHAPTER  
SECTION**

**RECOMMENDATION:** That the Council approve the appointment.

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

**BACKGROUND:**



# CITY COUNCIL AGENDA

NO. 13

DEPT.: City Council

DATE: June 9, 2010

CONTACT: Mayor Douglas French

**AGENDA ITEM:** Designation of the Chair of the Governmental Policy and Research Committee by the Mayor.

**FOR THE MEETING OF:**

June 9, 2010

**RYE CITY CODE,  
CHAPTER  
SECTION**

**RECOMMENDATION:**

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

**BACKGROUND:**



# CITY COUNCIL AGENDA

NO. 13A

DEPT.: City Manager

DATE: June 9, 2010

CONTACT: Frank J. Culross, City Manager

**AGENDA ITEM:** Consideration of FOIL appeal filed by Mr. Chittenden on May 27, 2010.

**FOR THE MEETING OF:**

June 9, 2010

**RYE CITY CODE,  
CHAPTER  
SECTION**

**RECOMMENDATION:** That the Council make a decision on the appeal.

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

**BACKGROUND:** On April 22, 2010 at 22:31:48, a FOIL request was received for:

*All patrol vehicle computer transmissions to and from Police Officer David Casale and any member of the Rye Police Department between March 23, 2010 and April 5, 2010.*

*All e-mails to or from dcasale@ryepd.nyeny.gov and any member of the Rye Police Department from March 23, 2010 through April 5, 2010.*

A substantive response was sent to the requestor on May 28, 2010 indicating that the request was denied since the computer transmissions and emails are exempt from disclosure as intra-agency materials pursuant to § 87(2)(g) of the NYS Public Officers Law. This response is being appealed.