

## **CITY OF RYE**

### **NOTICE**

There will be a regular meeting/Budget Workshop of the City Council of the City of Rye on Wednesday, November 20, 2013, at 8:00 p.m. in Council Chambers at 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 attorney client matters.*

### **AMENDED AGENDA**

1. Pledge of Allegiance.
2. Roll Call.
3. General Announcements.
4. Approval of the election of one new member to the Rye Fire Department.
5. Draft unapproved minutes of the regular meeting of the City Council held November 6, 2013 and the Budget Workshop held November 13, 2013.
6. Mayor's Management Report
  - Update on General Code Revision Project
  - Capital Projects Update
  - Legal Update
7. Discussion of the FY 2014 Budget.
  - Police Department Budget Review
  - Rye Free Reading Room Budget Review
8. Continuation of Public Hearing to amend local law Chapter 197, Zoning, of the Rye City Code, Section §197-1, "Definitions and Usage", to amend the definition of "STORY, HALF", and Section §197-43.2, Subsection B, "Attics" to amend the Calculation of Attics in Gross Floor Area.
9. Continuation of Public Hearing to adopt a local law to amend Chapter 197 Article IV "Use Regulations" and Article VI "Appeals" to establish regulations regarding outdoor fire pits and outdoor kitchens.
10. Public Hearing to add a new article to the Rye City Code to provide tax exemptions for improvements to historic properties.
11. Authorization for the City Manager to execute, on behalf of the City of Rye, a Payment in Lieu of Tax Agreement (PILOT) between Rye Manor, LLC and the Westchester County Industrial Development Agency (IDA).  
Roll Call.
12. Residents may be heard on matters for Council consideration that do not appear on the agenda.

13. Authorization for City Manager to enter into a Memorandum of Understanding with the County of Westchester to provide access to Westchester Records Online: the County Clerk's land records and legal files.  
Roll Call.
14. Authorization for City Manager to participate in the reimbursement program with the New York State Bureau of Marine Services for reimbursement of the cost of tow vehicles for Marine Patrol use.  
Roll Call.
15. Acceptance of donation to the Rye Police Department of a twenty-foot overseas shipping container from Vincent Service Station, Inc. of Mamaroneck, New York.  
Roll Call.
16. One appointment to the Technology Committee for a three-year term, by the Mayor with Council approval.
17. Appeal of denial of FOIL requests by Timothy Chittenden.
18. Miscellaneous communications and reports.
19. Old Business.
20. New Business.
21. Adjournment.

\* \* \* \* \*

The next regular meeting of the City Council will be held on Wednesday, December 4, 2013 at 8:00 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".

\* Office Hours of the Mayor by appointment by emailing [dfrench@ryeny.gov](mailto:dfrench@ryeny.gov).



# CITY COUNCIL AGENDA

NO. 4

DEPT.: Fire Department

DATE: November 20, 2013

CONTACT: Chief Michael Taylor

**AGENDA ITEM:** Approval of the election of one new member to the Rye Fire Department.

**FOR THE MEETING OF:**

November 20, 2013

**RYE CITY CODE,**  
CHAPTER  
SECTION

**RECOMMENDATION:** That the Council approve the election of Connor Stetler to the Poningo Hook and Ladder Company.

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

**BACKGROUND:** The Board of Fire Wardens has advised that Connor Stetler was elected into membership to the Poningo Hook and Ladder Company of the Rye Fire Department and was approved by the Fire Wardens at their November 5, 2013 meeting.

See attached.



Good Evening,

I am writing in regards to the upcoming City Council meeting. I would like to have the name of our newest member put on the agenda and brought up. Here is his letter of reference.

On November 5th, Connor Stetler was voted into the Poningo Hook and Ladder Company of the Rye Fire Department. He was sponsored by Past Captain Richard Cadigan. His application, physical, arson report, and background check were all completed and have been approved by the Board of Wardens. Connor is a graduate of Rye High School with a positive attitude and a desire to give back to the community. The City of Rye Fire Department believes he would be a great addition to the membership. If there are any questions, please feel free to contact me. Thank You

He will also be attending the upcoming city council meeting as well if he is approved for the agenda.

Respectfully Submitted,

Lt. Peter Kennedy  
Milton Engine and Hose



# CITY COUNCIL AGENDA

NO. 5

DEPT.: City Clerk

DATE: November 20, 2013

CONTACT: Dawn Nodarse

**AGENDA ITEM** Draft unapproved minutes of the regular meeting of the City Council held November 6, 2013 and the Budget Workshop held November 13, 2013, as attached.

**FOR THE MEETING OF:**

November 20, 2013

**RYE CITY CODE,**

CHAPTER

SECTION

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

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

**BACKGROUND:** Approve the minutes of the Regular meeting of the City Council held November 6, 2013 and the Budget Workshop held November 13, 2013, as attached.

***DRAFT UNAPPROVED MINUTES*** of the  
Regular Meeting of the City Council of the City of  
Rye held in City Hall on November 6, 2013 at 8:00  
P.M.

PRESENT:

DOUGLAS FRENCH Mayor  
LAURA BRETT  
RICHARD FILIPPI  
PETER JOVANOVIH  
JULIE KILLIAN  
CATHERINE F. PARKER  
JOSEPH A. SACK  
Councilmembers

ABSENT:     None

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

Mayor French congratulated the winners in the election and offered thanks to everyone who had run.

Councilwoman Parker noted that the City Council had designated November as Pancreatic Cancer Awareness month.

Councilman Filippi announced that on November 21<sup>st</sup> the Pace University Land Use Training would be offering a seminar on Affordable Housing in Westchester at the Mamaroneck Town Center.

4.     Draft unapproved minutes of the regular meeting of the City Council held October 23, 2013

Councilwoman Brett made a motion, seconded by Councilman Filippi and unanimously carried, to approve the minutes of the regular meeting of the City Council held on October 23, 2013.

5. Mayor's Management Report

● Capital Projects Update

City Manager Pickup reported that work on the Old Milton Road drainage project continues. The City Engineer is close to working out the issues regarding encumbrances in the right-of-ways and it is hoped that the project will be completed prior to the winter weather setting in. Mr. Pickup also reported that there is a busy schedule of capital work that is in process, approved through the bond, or approved through grants that will be worked on through the winter and, hopefully, out to bid in Spring.

● Legal Update

There was nothing reported under this topic.

6. Presentation of the FY 2014 Budget by the City Manager

Prior to presenting the proposed 2014 Budget, Deputy Comptroller Joseph Fazzino reviewed the projections through the end of 2013. The City expects to have a profit of \$1.5 Million, which is largely due to revenues performing better than budget.

2014 Proposed Budget

The total amount budgeted for 2014 Expenditures is \$34,589,349, which is \$2,883,000 over the 2013. The largest portion is transfers to the Capital Project Fund and Building and Vehicle Fund for \$2 Million as opposed to \$195,000 in 2013. This will come from the Unassigned Fund Balance, not the tax levy. Health insurance costs will increase by 14% and salaries by 4.8%. The budget will be balanced in three ways:

(1) Use of Fund Balance for capital projects and equipment purchases and \$310,000 use of Restricted Fund Balance for a Workers Compensation premium payment.

(2) Revenues other than property taxes such as a \$400,000 increase in mortgage tax and \$195,000 increase in building permit revenues over the 2013 budget.

(3) Increase the property tax levy. The levy for 2014 is 66% of total revenues. The property tax levy is \$21,129,446, with a levy increase of \$566,206 over the 2013 budget. This translates to a 2.52% tax rate increase or an annual increase of about \$92 to the average home in Rye. The 2014 total levy is approximately \$37,000 under the tax cap.

Mr. Fazzino concluded by saying the proposed budget is positive for 2014 in that revenues have rebounded; there is fund balance for capital projects; and service levels have not been reduced. Pension rates have stabilized and hopefully will continue to decrease. Health insurance costs continue to go up but the City has not yet felt the affects of the Affordable Care Act. The City must continue to explore new sources of revenue and ways to reduce the expenditures that can be controlled.

7. Consideration to set a Public Hearing on the 2014 Budget for December 4, 2013

Councilwoman Brett made a motion, seconded by Councilman Filippini and unanimously carried, to adopt the following Resolution to set the public hearing on the 2014 Preliminary Budget for December 4, 2013:

**WHEREAS**, it is now desired to call a public hearing on the proposed 2013 budget, now, therefore, be it

**RESOLVED**, by the Council of the City of Rye as follows:

Section 1. Pursuant to Section 20 of the Municipal Home Rule law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on December 4, 2013 at 8:00 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning such budget.

Section 2. Such notice of public hearing shall be in substantially the following form:

**CITY OF RYE  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a public hearing will be held by the Council of the City of Rye on Wednesday, the 4th day of December, 2013 at 8:00 p.m. at City Hall, 1051 Boston Post Road, in said City, on the Proposed Budgets of the General Fund, Cable TV Special Revenue Fund, K.T. Woods Permanent Fund, Debt Service Fund, Capital Projects Fund, Boat Basin Enterprise Fund, Golf Club Enterprise Fund, Risk Retention Internal Service Fund, and Building and Vehicle Maintenance Internal Service Fund of the City of Rye for the ensuing fiscal year, January 1, 2014 through December 31, 2014, and at such time and place any person interested in said Proposed Budgets will be given an opportunity to provide written and oral comments on any and all of the aforementioned budgets.

**CITY OF RYE SUMMARY OF PROPOSED BUDGETS**

<u>Fund/Program</u>	<u>Proposed Budgets</u>
General Fund	\$34,589,349
Rye Cable TV Special Revenue Fund	422,773
K.T. Woods Permanent Fund	-0-
Debt Service Fund	403,384
Capital Projects Fund	950,000



Boat Basin Enterprise Fund	968,756
Rye Golf Club Enterprise Fund	6,197,291
Risk Retention Internal Service Fund	663,472
Building and Vehicle Maintenance Internal Service Fund	<u>6,176,144</u>
TOTAL - All Funds	<u>\$50,371,169</u>

Dawn F. Nodarse  
City Clerk  
Dated: November 21, 2013

8. Consideration to set a Public Hearing for November 20, 2013 to add a new article to the Rye City Code to provide tax exemptions for improvements to historic properties

Councilwoman Brett summarized the proposed local law as a way to encourage people to renovate and restore historic properties rather than tear them down. She said implementation of the law would require the Landmarks Committee to designate Historic Districts. Corporation Counsel Wilson said the tax exemption would only apply to City taxes and not to School or County taxes. Councilwoman Parker asked if the School District and County could be contacted to see if they would be interested in enacting similar legislation.

Councilwoman Brett made a motion, seconded by Councilwoman Killian and unanimously carried to adopt the following Resolution:

**WHEREAS**, the Council wishes to amend Chapter 177  
“Taxation” of the Code of the City of Rye; and

**WHEREAS**, it is now desired to call a public hearing on such  
proposed amendments to the law, now, therefore, be it

**RESOLVED**, by the Council of the City of Rye as follows:

Section 1. Pursuant to Section 20 of the Municipal Home Rule Law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on November 20, 2013 at 8:00 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning such proposed local law.

Section 2. Such notice of public hearing shall be in substantially the following form:

**PUBLIC NOTICE  
CITY OF RYE**

**Notice of Public Hearing on a proposed local law to amend  
Chapter 177 “Taxation”, of the Code of the City of Rye,  
New York by adding a new Article XII “Exemption for Historic Districts.**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 20th day of November 2013 at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning a proposal to amend Chapter 177 “Taxation” of the Code of the City of Rye, New York by adding a new Article XII “Exemption for Historic Districts”.

Copies of said local law may be obtained from the office of the City Clerk.

Dawn F. Nodarse  
City Clerk  
Dated: November 13, 2013

9. Authorization for the City Manager to enter into an agreement with the International City/County Management Association (ICMA) for an amount not to exceed \$40,000 for professional consulting services to conduct an Executive Search for a Police Commissioner for the City of Rye  
Roll Call.

City Manager Pickup said that the ICMA process is a collaborative community process as opposed to a traditional search process. There is a vigorous community outreach component that is fairly time consuming in order to build community consensus about what the Candidate Profile would look like; what department and community issues are relating to the police; and identifying candidates in the search who meet the criteria. The actual search process will not take place until 2014. There was a discussion among the Council regarding what would be involved in the various phases of the ICMA process including the Community Outreach phase, the development of the Candidate Profile, the Recruitment Phase, as well as the advisability of proceeding with the process prior to the new Council taking office in January. The item was deferred to November 13th in order for the City Manager was asked to provide the Council with two exhibits referred to in the contract.

*John Carolin* suggested that the City should ask Police Organizations for referrals for Police Commissioner and should put together a committee of two or three qualified people to hear proposals instead of spending month on a contract with ICMA. He also said that the sound system in Council Chambers needed to be fixed because people in the room and at home cannot hear what is being said at meetings.

Councilmembers-elect *Terry McCartney* and *Kirsten Bucci* said the City should reconsider spending the \$40,000 and agreed that the process should wait until the new Council is in place to begin the process in order to determine if they want to continue with the position as Police Commissioner or go back to Police Chief.

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

*Jim Amico* spoke about several issues related to the Police Department. He also said that public safety issues should be taken into consideration when choosing a new Police Commissioner.

11. Adjournment

There being no further business to discuss Councilman Filippi made a motion, seconded by Councilwoman Brett and unanimously carried, to adjourn the meeting at 9:15 p.m.

Respectfully submitted,

Dawn F. Nodarse  
City Clerk

***DRAFT UNAPPROVED MINUTES*** of the  
Budget Workshop/Special Meeting of the City  
Council of the City of Rye held in City Hall on  
November 13, 2013 at 8:00 P.M.

PRESENT:

LAURA BRETT  
RICHARD FILIPPI  
PETER JOVANOVICH  
CATHERINE F. PARKER  
JOSEPH A. SACK  
Councilmembers

ABSENT: DOUGLAS FRENCH Mayor  
JULIE KILLIAN Councilmember

1. Pledge of Allegiance

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

2. Roll Call

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

3. Discussion of the FY 2014 Budget.

- Fire Department Budget Review

Fire Chiefs Mike Taylor and Peter Cotter and Fire Lieutenant Kurt Tietjen presented on behalf of the Fire Department. They said that the Fire Department budget was flat from last year. They expressed concerns regarding large equipment that needs to be replaced, specifically the 19-year old Pumper Truck and 27-year old spare truck and outlined the process that is usually followed when the Department is considering replacing a truck. The cost of replacing a vehicle, chassis and equipment is over \$600,000. There was also discussion of equipping a donated boat as a fire boat and concerns about adequate manpower and getting people out to fires. City Manager Pickup said that this year's budget process focused on protective issues and updating safety equipment. An upgrade of a chief's vehicle is included in the budget because it serves as a mobile command center at the scene of a fire. Mr. Pickup added that outfitting a fire boat was not deemed the best use of money because there are other options available on the water. The City Manager was asked to provide a list outlining the pros and cons of having a fire boat. In discussing the numbers of volunteers in the Department, the Chiefs said that the demographics in

Rye can be a deterrent because of the time commitment required of volunteers but noted the various ways the Department utilizes to try to recruit new members.

- Public Works Department Budget Review

City Engineer Ryan Coyne reported that the Operating Budget for the Department of Public Works was basically flat with some minor increases for staffing but the City is looking to reallocate money to create a new position for a Facilities and Project Management person. The idea is to deal with facilities and capital projects before they fail. This person would concentrate on capital project coordination, some design and project management, and more intensive dealings with the City's facilities. The person could address issues before they become drastic problems. The City Manager said the City is looking into efficiency grant opportunities to deal with issues and the new person could coordinate this effort. Money was also added to the operating budget to cover maintenance of the Bowman Avenue Sluice Gate. The Capital Project Budget includes increases in the street resurfacing program to bring it back to a combined funding from the City and State of \$500,000; the sidewalk and curb replacement program is reestablished and upped to \$100,000; and there is also an increase in the annual sewer and drain program. The Pavement Management System is used to determine which roads will be resurfaced. Additional capital projects funded in the 2014 Budget involve fixing sewers and upgrading pump systems and monitoring systems. There is also money to fund studies for the realignment of the Boston Post Road and Nature Center Bridge and a redesign of the Boston Post Road through the "snow dump"; and a Disbrow Park Study Master Plan study.

4. ~~Authorization for the City Manager to enter into an agreement with the International City/County Management Association (ICMA) for an amount not to exceed \$40,000 for professional consulting services to conduct an Executive Search for a Police Commissioner for the City of Rye.~~  
~~Roll Call.~~

This agenda item was withdrawn from this meeting.

5. One appointment to the Board of Architectural Review for a three-year term, by the Mayor with Council approval.

Councilman Filippi made a motion, seconded by Councilwoman Brett and unanimously carried to appoint Holly Kennedy to the Board of Architectural Review for a three-year term expiring on January 1, 2016.

6. Adjournment

There being no further business to discuss Deputy Mayor Jovanovich made a motion, seconded by Councilman Filippi and unanimously carried, to adjourn the meeting at 9:20 p.m.

Respectfully submitted,

Dawn F. Nodarse  
City Clerk



# CITY COUNCIL AGENDA

NO. 6

DEPT.: City Council

DATE: November 20, 2013

CONTACT: Mayor Douglas French

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

**FOR THE MEETING OF:**

November 20, 2013

**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:

- Update on General Code Revision Project
- Capital Projects Update
- Legal Update



# CITY COUNCIL AGENDA

NO. 7

DEPT.: City Manager's Office

DATE: November 20, 2013

CONTACT: Scott Pickup, City Manager

**AGENDA ITEM:** Discussion of the FY 2014 Budget: Police Department and the Rye Free Reading Room.

**FOR THE MEETING OF:**

November 20, 2013

**RYE CITY CODE,**

CHAPTER  
SECTION

**RECOMMENDATION:**

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

**BACKGROUND:**

A presentation will be made on the proposed 2014 Budgets for the Police Department and the Rye Free Reading Room.

- Police Department Budget Review
- Rye Free Reading Room Budget Review





# CITY COUNCIL AGENDA

NO. 8

DEPT.: City Manager's Office

DATE: November 20, 2013

CONTACT: Scott Pickup, City Manager

**ACTION:** Continuation of Public Hearing to amend local law Chapter 197, Zoning, of the Rye City Code, Section §197-1, "Definitions and Usage", to amend the definition of "STORY, HALF", and Section §197-43.2, Subsection B, "Attics" to amend the Calculation of Attics in Gross Floor Area.

**FOR THE MEETING OF:**

November 20, 2013

**RYE CITY CODE,**

CHAPTER 197  
SECTION 1, 43.2

**RECOMMENDATION:** That the Council hold a Public Hearing to amend the City Code.

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

**BACKGROUND:** Concerns were expressed to the City Council that some new residential construction is considered potentially out of scale in size, height, and or bulk. The City Planner drafted changes to Rye Local Law to address some of the bulk and height concerns associated with residential attics and provide greater consistency between the requirements of the City Zoning Code and the New York State Building Code. The attached was reviewed by the Planning Commission at their August 14, 2013 meeting and was unanimously supported.

See attached draft Local Law to amend Chapter 197, "Zoning" to amend the definition of "STORY, HALF" and the Calculation of Attics in Gross Floor Area.

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



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<http://www.ryeny.gov>

## **CITY OF RYE**

### **Department of Planning**

#### **Memorandum**

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To: Rye City Council

From: Rye City Planning Commission  
Christian K. Miller, AICP

cc: Kristen K. Wilson, Esq., Corporation Counsel  
Maureen Eckman, Building Inspector

Date: August 15, 2013

Subject: **Recommendation to Address House Scale Concerns**

Attached hereto for the City Council's consideration is a draft local law amending the City Zoning Code clarifying the definition of "Story, Half" and changing how attic space is included in the calculation of gross floor area of a residence. This local law was prepared by the City Planner in response to the City Council's discussion at its May 22, 2013 meeting and to address concerns heard by City Council members that some new residential construction is considered potentially out of scale in its size, height and or bulk.

The attached draft local law is supported by the Planning Commission. It will address some of the bulk and height concerns associated with residential attics and provide greater consistency between the requirements of the City Zoning Code and the New York State Building Code.

#### **Background**

The recommendations contained herein build on work and analysis contained a report entitled, *A Local Law Addressing House Scale Concerns*, prepared by the City-Council-appointed House Scale Sub-Committee and the City Planning and Building Departments<sup>1</sup>. Based on the recommendations of that report the City Council adopted a local law in 2003 amending the City Zoning Code as follows:

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<sup>1</sup> Report is available on the digital documents page of the City's website ([www.ryeny.gov](http://www.ryeny.gov)).

## Recommendation to Address House Scale Concerns

August 15, 2013

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- *Building Height.* The maximum permitted building height (measured from the average grade to the mid-point between the roof eaves) was reduced in the R-1, R-2 and MC Districts from 35 feet to 32 feet and the height in the R-3, R-4, R-5, R-6, RT and RS Districts was reduced from 35 feet to 28 feet.
- *Reduction in FAR for Oversized Properties.* The maximum permitted floor area was reduced for properties that exceed 150% and 250% of the minimum lot area of the applicable zoning district. This provisions means that significantly oversized properties are subject to an incremental reduction in their maximum permitted floor area as the size of the lot significantly exceeds the minimum required lot area of the zoning district.
- *Attic.* The definition of attic was amended. Under the 2003 local law fifty (50) percent of the attic floor area was required to be counted in the computation of gross floor area where the floor-to-headroom height exceeds seven (7) feet, six (6) inches and the distance between real or theoretical five-foot high knee walls exceeds seven (7) feet. Prior to 2003, no portion of attic space was included in the calculation of maximum permitted gross floor area of a residence.
- *Voids.* The 2003 Zoning Code amendments required the interior floor area, excluding stairways, with a floor-to-ceiling height in excess of fourteen (14) feet shall be counted twice in the calculation of gross floor area. This provision was added to address concerns regarding residences with large bulk or mass.
- *Basements.* Prior to 2003 basements were not counted in maximum gross floor area of a residence. Under the 2003 amendments twenty-five (25) percent of the basement floor area is included in the computation of gross floor area where the pre-existing grade abutting the exterior of the basement wall has been reduced by more than three (3) feet to create an exposed wall more than seven (7) feet in height and five (5) feet in width. This provision was intended to address residential construction with excessive grade manipulation to expose basement facades to construct garages under the first floor. Exposed foundations can contribute to the bulk and mass of a residence.
- *First Floor Elevations.* The 2003 amendments required that new construction can not have a first floor more than three feet above the pre-existing grade. Requiring a maximum elevation above grade helped reduce the height and scale of a residence.
- *Porches.* The 2003 amendments excluded unenclosed porches at or below the first floor elevation from the computation of gross floor area. Porches are a desirable amenity from a streetscape and neighborhood planning perspective and can help break up the mass and scale of a residence. Prior to 2003 any

## **Recommendation to Address House Scale Concerns**

August 15, 2013

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roofed structured (including open porches) were included in the calculation of maximum permitted gross floor area.

### **Recent Experiences and Recommendations**

Ten years after the adoption of the zoning code amendments there continues to be concerns regarding the bulk or scale of residential construction. Building activity in Rye is high. Many residential applications involve substantial renovations or demolition of existing residences and construction of new homes that are significantly larger than the homes they replaced. In many cases the proposed gross floor area of the residences are only a few square feet shy of the maximum permitted floor area.

At the time the 2003 amendments were adopted the New York State Building Code (NYSBC) required habitable space to have a minimum ceiling height of 7 feet, 6 inches. In drafting the 2003 amendments the ceiling height for attic space was defined to be consistent with the NYSBC. Each law was separate, but by making the two regulations consistent one would help enforce the other.

The NYSBC has been amended to reduce the minimum ceiling height for habitable space to seven feet. Often new residential construction will provide collar ties (a horizontal member located between the roof rafters) between 7 feet and 7 feet, 5 inches above the attic floor. This strategic placement of collar ties results in a restricted ceiling height that is not counted as floor area under the City Zoning Code, but is now considered habitable space under the NYSBC. From an enforcement perspective, it would be preferred if the two standards were consistent.

The attached local law changes the ceiling height provision in attics to seven feet. Floor area under roof rafters (not collar ties) having a ceiling height of seven feet or greater would be required to be included in the maximum permitted floor area for a residence. Unlike the current law this floor area would be counted at 100%, not at 50% and there would be no seven-foot minimum width requirement for such floor area to be counted. In addition, the floor area under dormers within attics having a ceiling height of five feet or greater would also be required to be included in the maximum permitted floor area. The attached local law is consistent with existing laws in Greenwich, Connecticut. Attached is a copy of the diagram included in the Greenwich Building Zone Regulations illustrating the conditions for attic floor area to be counted.

The attached local law also addresses concerns related to the scale and height of attic spaces associated with some new residential construction. These areas are often cited as contributing to new construction that is out-of-scale with neighboring properties. Other floor area, such as basements, are typically excluded from the calculation of maximum permitted floor area because they are below grade and do not contribute to house scale concerns.

## **Recommendation to Address House Scale Concerns**

August 15, 2013

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### **Regulatory Impact**

Under the draft local law attic floor area would be counted in many instances where today it is not. This will result in some existing properties adopted under the current or former law to become legally non-conforming. This often occurs with changes in the zoning code.

More significantly, it is anticipated that under the draft local law residences will be redesigned to reduce roof pitch and/or eliminate or reduce the size of dormers to avoid attic space from being included in the calculation of gross floor area. From an aesthetic perspective some may find steeper roofs and dormers desirable. Others may disagree and find that the treatment of roofed areas can contribute to creating residences that are perceived as, tall, large and out-of-scale. This was debated quite extensively in the discussion of attic regulation in the 2003 amendments.

The draft local law does not regulate use of attic space (i.e. storage vs. bedrooms) but instead focuses on the exterior impact of attic space, which often has little to do with the interior use. The draft local law also does not regulate access to attics, such as whether attics are accessible by pull-down steps or fixed stairs. Staff would discourage such regulations because they are difficult to enforce and may encourage illegal conversions after certificate of occupancies are issued to create habitable attic space that does not meet all the requirements of the NYSBC.

**D R A F T**

**LOCAL LAW  
CITY OF RYE NO. \_\_\_\_\_ 2013**

**A Local law to amend Chapter 197 “Zoning”, of the  
Code of the City of Rye, New York  
to Amend the Definition of “Story, Half” and the  
Calculation of Attics in Gross Floor Area.**

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

**Section 1.**     **Article I, *Definitions*, Section 197-1, *Definitions and Usage*, of the Code of the City of Rye is hereby amended to amend the definition of “STORY, HALF” as follows<sup>1</sup>:**

STORY, HALF — A ~~story space~~ under a gable, hip or gambrel roof, the gross floor area of which (measured between the wall plates of which on at least two opposite exterior walls extending are not more than two (2) or more feet above the floor of such story) does not exceed, when not more than sixty (60) percent% of the floor area ~~is used for rooms, baths or toilets~~ of the next floor area immediately below.

**Section 2.**     **Article V, *Lot, Floor Area, Height, Yard and Court Regulations*, Section 197-43.2.B, *Attics*, of the Code of the City of Rye is hereby amended as follows:**

B. Attics. ~~Fifty percent~~ The area of the finished attic floor that is seven (7) or more feet below the bottom of the roof rafters ~~floor area~~ shall be counted in the computation of gross floor area ~~only where the headroom height exceeds seven feet, six inches and the distance between existing or theoretical five-foot high knee walls exceeds seven feet.~~ In the case of dormers within attics, whether individual or shed type, the area of the finished attic floor that is five (5) or more feet below the bottom of the roof rafters shall be counted in the computation of gross floor area.

**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**

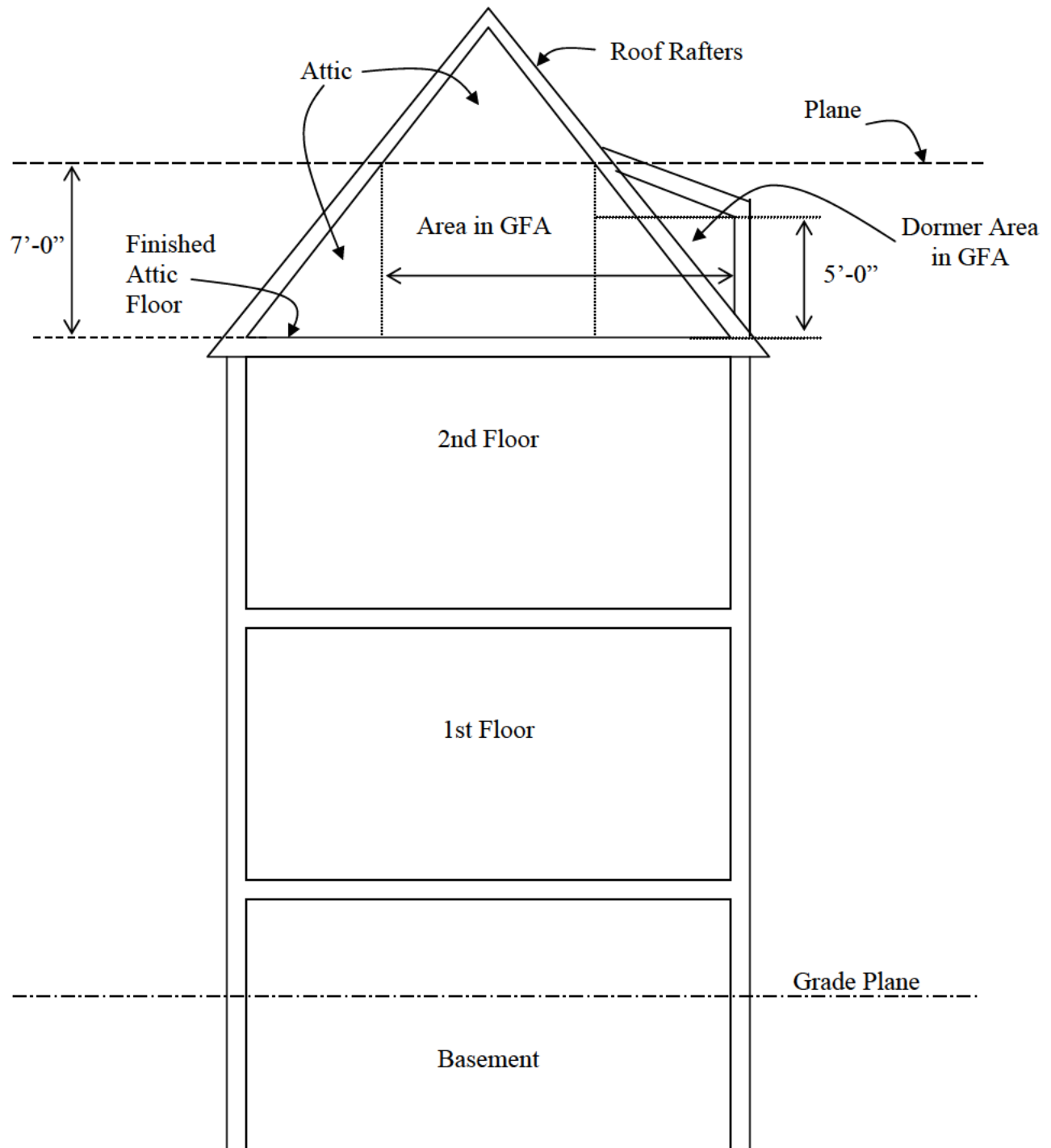
This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.

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<sup>1</sup> All changes to the existing code are shown with underline for additions and ~~striketrough~~ for deletions.

## DIAGRAM 2

### ATTIC AREA INCLUDED IN GROSS FLOOR AREA (GFA)





# CITY COUNCIL AGENDA

NO. 9

DEPT.: City Manager's Office

DATE: November 20, 2013

CONTACT: Scott Pickup, City Manager

**ACTION:** Continuation of Public Hearing to adopt a local law to amend Chapter 197 Article IV "Use Regulations" and Article VI "Appeals" to establish regulations regarding outdoor fire pits and outdoor kitchens.

**FOR THE MEETING OF:**

November 20, 2013

**RYE CITY CODE,**

CHAPTER        197  
SECTION

**RECOMMENDATION:** That the Council hold a Public Hearing to amend Chapter 197 of the City Code.

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

**BACKGROUND:** A proposal has been put forward to amend changes to the Board of Architectural review process to amend the local law to add regulations regarding outdoor fire pits/kitchens

See attached Draft Local Law.



**CITY OF RYE**  
**LOCAL LAW NO. \_\_\_\_ 2013**

**A Local Law to amend Chapter 197 “Zoning” Article IV  
“Use Regulations” of the Rye City Code**

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

**Section 1:** Chapter 197 Zoning; Article IV “Use Regulations”

§ 197-9. Accessory uses.

A. Residence districts.

**(1) Outdoor fireplaces may be permitted by the Architectural Review Board subject to the following conditions:**

- (a) Not be wood burning unless the chimney is attached to the residence.**
- (b) Not be located in a required front yard.**
- (c) Be set back from side and rear yards at least 20 feet in R.1 Districts and 15 feet in all other districts.**
- (d) The outdoor fireplace structure shall not be greater than 8’ in height, measured from grade, if it is freestanding. Attached chimneys shall comply with all other regulations for chimneys in the Rye City Code.**
- (e) Have no floodlighting, directly or indirectly, and all other lighting shall be arranged and shaded as to reflect light away from adjoining premises or a public street.**

**Section 2: Severability.**

If any clause, sentence, paragraph, section or part of any section of this title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered.

**Section 3: Effective date.**

This local law will take effect immediately on filing in the office of the Secretary of State.



# CITY COUNCIL AGENDA

NO. 10

DEPT.: Corporation Counsel

DATE: November 20, 2013

CONTACT: Kristen K. Wilson, Corporation Counsel

**ACTION:** Public Hearing to add a new article to the Rye City Code to provide tax exemptions for improvements to historic properties.

**FOR THE MEETING OF:**

November 20, 2013

**RYE CITY CODE,**

**CHAPTER**

**SECTION**

**RECOMMENDATION:** That the Council hold a Public Hearing regarding the proposed tax exemption for improvements to historic properties.

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

**BACKGROUND:** A proposal has been made to add a new article to the Rye City Code to provide tax exemptions for improvements to historic properties. The law allows a property owner to seek a tax exemption (for a certain number of years) for any increase in assessed value as a result of rehabilitation and/or alteration to historic structures. The percent tax exemption decreases over a ten year period as set forth in the draft law. The proposed Draft Local Law will be referred to the Planning Commission, Board of Architectural Review, the Board of Appeals, and the Board of Assessment Review for review.

\*\* Rye has 288 homes that were built in 1904 or earlier, however this figure does not represent an accurate total of potentially historic dwellings since the age of some dwellings is unknown and they do not appear in the count. In addition, the year built for commercial structures does not appear in the database.

See attached:

- Draft Local Law
- Information on communities that have enacted a Historic Tax Exemption
- Information provided by NYS Tax and Finance on Historic Tax Exemption
- New York Real Property Tax Law section that provides the authority for municipalities to adopt laws providing for tax exemptions for historic properties
- Application that owners would have to fill out and provide to the City Assessor

**CITY OF RYE**  
**LOCAL LAW NO. \_\_\_\_ 2013**

**A Local Law to add Chapter 177 “Taxation” Article XII  
“Exemption for Historic Districts” to the Rye City Code**

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

**Section 1: Chapter 177 Taxation; Article XII  
“Exemption for Historic Districts”**

**§ 177-1. Legislative intent; review process; historic determination; rights of property owner.**

- A. This real property tax exemption for historic property is being enacted in order to achieve the following goals: to increase incentives for property owners in historic districts to invest in the upkeep and rehabilitation of properties; to provide an incentive for the restoration and rehabilitation of commercial structures which qualify as landmarks in order to provide financial advantages, not available elsewhere in the country at this time, which may help to attract and retain businesses in the City of Rye; to assist homeowners who are interested in restoring their own properties but may not be able to afford to do so when faced with potential increases in taxation as the result of alterations which would qualify for this exemption; and to provide a concrete benefit for restoring or improving historically or architecturally significant properties which are subject to the regulations of Chapter 117, Landmarks Preservation.
- B. The City of Rye real property tax exemption is intended to apply to alterations or rehabilitations of historic property as authorized pursuant to §§ 96-a and 119-aa through 119-dd of the General Municipal Law and § 444-a of the Real Property Tax Law and all other powers granted to the City of Rye to provide such exemptions.
- C. This article is intended to create a real property tax exemption that preserves or increases the historic character of real property located within the City of Rye.

**§ 177-2. Definitions.**

For the purposes of this chapter, the following words and phrases shall have the following meanings.

**ALTERATION**

Only exterior work on a building that requires a building permit or demolition permit.

**CERTIFICATE OF APPROPRIATENESS**

A certificate issued by the Board of Architectural Review authorizing a material change of appearance of a Protected Site or Structure or within a district, subject to other applicable permit requirements.

#### DEMOLITION

The destruction of the exterior of a building, in whole or in part, whether or not the foundation is also destroyed pursuant to the requirements of a duly issued demolition permit.

#### HISTORIC BUILDING

Any building that was built pre-1904 and for which the Landmarks Advisory Committee has determined to be of an historic nature consistent with the criteria outlined in Chapter 117 of the Rye City Code. An historic building does not have to be designated as a Protected Site or Structure.

#### LANDMARK

Any parcel or building or structure designated as a Protected Site or Structure not located in a Preservation District, which nonetheless meets one or more of the criteria enumerated in § 117-5 and is designated as a Protected Site or Structure pursuant to § 117-5E.

#### **§ 177-3. Amount; criteria.**

Real property within the City of Rye altered or rehabilitated subsequent to the effective date of this article shall be exempt from City real property and special ad valorem levies, subject to and in accordance with the schedule set forth in § 177-3B and conditions outlined in § 177-3B and C.

A. Historic property which shall be defined hereafter shall be exempt from taxation to the extent of any increase in value attributable to such alteration or rehabilitation pursuant to the following schedule:

<b>Year of Exemption</b>	<b>Percentage of Exemption</b>
1	100%
2	100%
3	100%
4	100%
5	100%
6	80%
7	60%
8	40%

9	20%
10	0%

B. No such exemption shall be granted for such alterations or rehabilitation unless all of the following criteria are met.

- (1) Such property must be “historic,” which means: 1) that the property has been designated as a landmark pursuant to Chapter 117 of the Rye City Code; or 2) that the structure was built pre-1904 and which has been found to meet the criteria of being an historic building by the Landmarks Advisory Committee;
- (2) Alterations or rehabilitation are consistent with the character of the historic building;
- (3) Such alterations or rehabilitation or reconstruction of the historic building are approved by the Landmarks Advisory Committee and the Board of Architectural Review prior to the commencement of work and a certificate of appropriateness issued;
- (4) The alterations or rehabilitation or reconstruction must otherwise result in an increase in the assessed valuation of the real property; and
- (5) Alterations or rehabilitation or reconstruction are commenced subsequent to the effective date of this article.

C. In the event an historic building is substantially demolished due to fire or other act of nature not caused by the property owner, the reconstruction of such building consistent with its historic character as reviewed and approved by the Board of Architectural Review shall qualify for the partial tax exemption, but in no event shall the assessment for the taxes to be paid be less than the assessment that existed prior to the substantial demolition.

**§ 177-4. Application for exemption; approval.**

- A. The exemption may be granted only upon application of the owner or owners of such historic building on a form prescribed by the New York State Office of Real Property Services, or any successor agency.
- B. The application must be filed with the Assessor on or before the appropriate taxable status date.

- C. The exemption shall be granted where the Assessor is satisfied that the applicant is entitled to an exemption pursuant to this section.
- D. All of the terms, conditions and exceptions as set forth in § 444-a of the Real Property Tax Law of the State of New York, as amended, are adopted herein unless otherwise specified, as though fully set forth within this article.

**Section 2: Severability.**

If any clause, sentence, paragraph, section or part of any section of this title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered.

**Section 3: Effective date.**

This local law will take effect immediately on filing in the office of the Secretary of State.

## Historic Property Exemption

Municipality	# of Properties that Qualify	# of Properties That applied	Financial Impact
Cohoes	<p>7 properties</p> <p>To be eligible the property must be in an area designated as historical, meet the requirements and be approved by the Historical Committee.</p>	<p>7 buildings have qualified for this exemption.</p>	<p>It is considered a financial win for the city as many of the buildings were in need of total rehab. The exemption is the cost of improvements that qualify under the historical requirements.</p> <p>Example:            Current building assessed value \$45,000            Cost of Historic Rehab. \$100,000            New assessed value \$200,000            Less cost of Rehab -\$100,000 (10 year exemption) Years 1-5 100%, yr 6 80%, yr 7 60%, yr 8 40%, yr 9 20, yr 10-0            New assessed value \$100,000            This exemption is granted by the City of Cohoes and the Cohoes School District.</p> <p>The Assessor noted that they have been lucky that the people that took advantage of this exemption had buildings that were in need of rehab totaling \$100,000 to \$400,000. They currently have \$1,574,000 in exemptions on \$1,908,400 of assessed value. They currently have a 56% equalization rate.</p>
Ithaca	<p>575 properties</p>	<p>Abatement has been used five times since the local ordinance was adopted back in 1997 **</p>	<p>The 10-year abatement period has expired for two of the properties and is still running for the other three. The total financial impact for all five properties over the entire 10-year period of their abatements will be forgone taxes on a total of \$3,831,000 in taxable value, which represents \$50,108 in taxes forgone. This represents a negligible annual impact for the City.</p>

## Historic Property Exemption

North Castle	93 properties	None applied	n/a
Northport		<p>One property with a very small exemption for a porch.</p> <p>One property will be receiving the exemption upon completion of the renovations.</p>	
Seneca Falls	The exemption is very specific as to the type of renovation/restoration so that has limited property owners from applying.	1 property	The exemption only covers Town taxes so: if the restoration causes the assessment to rise by \$200,000 then the exemption would be computed as follows: 200.000 amount x 3.96 tax rate = \$792.00.

\*\* Ithaca noted that the likely reason for the low level of usage is that the City has a fairly stable tax base with reasonable high property values and not a lot of underutilized, vacant, or significantly deteriorated properties that would be eligible for the program. In a location where there were more depressed properties that would see a big assessment increase following renovation, Ithaca anticipated that the program might be used much more heavily.

### Five properties in Ithaca include:

- a large single-family home being converted for use as a bed-and-breakfast
- a former residence that had been used as office space that was renovated for use as a bed and breakfast
- a former residence that has been used commercially for many years and was being renovated for a retreat center
- a duplex that remained a duplex
- a single family home that remained a single family home.



MUNI_CODE	COUNTY_NM	MUNI_NM	VILLAGE_NM	SBL # (Section-Block-Lot)	PROP_CLASS
010100	Albany	Albany		76.31-4-24	210
010100	Albany	Albany		76.49-5-5	220
010100	Albany	Albany		76.24-5-37	210
010100	Albany	Albany		76.39-2-10	220
010100	Albany	Albany		76.26-3-1	481
010100	Albany	Albany		76.34-3-3	481
010100	Albany	Albany		76.49-1-6	230
010100	Albany	Albany		76.49-1-9	230
010100	Albany	Albany		76.24-2-42	481
010100	Albany	Albany		76.24-6-88	210
010100	Albany	Albany		76.34-3-2	481
010100	Albany	Albany		65.80-4-77	411
010300	Albany	Cohoes		10.59-1-21	482
010300	Albany	Cohoes		10.67-2-38	482
010300	Albany	Cohoes		10.67-2-5	481
010300	Albany	Cohoes		10.59-1-22	481
010300	Albany	Cohoes		10.59-3-45	482
010300	Albany	Cohoes		10.59-4-2	481
010300	Albany	Cohoes		10.59-3-44	482
050100	Cayuga	Auburn		116.54-1-18	210
050100	Cayuga	Auburn		116.77-1-17	210
050100	Cayuga	Auburn		123.21-1-28	210
050100	Cayuga	Auburn		116.61-1-28	210
050100	Cayuga	Auburn		116.77-1-6	210
050100	Cayuga	Auburn		116.61-1-30.2	210
050100	Cayuga	Auburn		123.21-1-41	210
130200	Dutchess	Beacon		5954-16-755455-0000	210
140200	Erie	Buffalo		100.27-2-35	210
140200	Erie	Buffalo		89.82-1-61	210
140200	Erie	Buffalo		99.84-7-10	230
140200	Erie	Buffalo		99.84-7-11	230
140200	Erie	Buffalo		89.82-4-69	210
140200	Erie	Buffalo		99.84-7-12	220
140200	Erie	Buffalo		89.66-4-30	210
140200	Erie	Buffalo		99.76-6-12	210
140200	Erie	Buffalo		111.21-3-6	411
140200	Erie	Buffalo		100.77-1-7	220
140200	Erie	Buffalo		100.78-4-26	411
142200	Erie	Amherst		67.20-6-37	210
261400	Monroe	Rochester		120.360-0001-003.000	210
261400	Monroe	Rochester		120.360-0002-040.000	280
261400	Monroe	Rochester		121.270-0001-017.000	220
261400	Monroe	Rochester		121.420-0001-025.000	210
261400	Monroe	Rochester		105.840-0002-025.000	442
261400	Monroe	Rochester		122.380-0001-016.001/0000	210
261400	Monroe	Rochester		122.470-0002-004.001/0002	210

261400	Monroe	Rochester		121.780-0001-004.001	210
261400	Monroe	Rochester		122.470-0002-004.001/0003	210
261400	Monroe	Rochester		122.470-0002-004.001/0001	210
261400	Monroe	Rochester		122.460-0001-028.000	210
261400	Monroe	Rochester		121.340-0002-045.000	280
262000	Monroe	Brighton		150.06-5-12	210
262000	Monroe	Brighton		123.09-1-80	210
262000	Monroe	Brighton		138.05-2-72	210
262000	Monroe	Brighton		150.06-5-16	210
262000	Monroe	Brighton		137.12-1-42	210
301600	Oneida	Utica		318.50-2-42	464
331100	Orange	Newburgh		45-5-23	210
331100	Orange	Newburgh		45-5-23	210
331100	Orange	Newburgh		45-6-7	230
331100	Orange	Newburgh		45-6-7	230
331100	Orange	Newburgh		45-6-1	220
331100	Orange	Newburgh		45-6-1	220
331100	Orange	Newburgh		11-1-22	220
331100	Orange	Newburgh		11-1-22	220
331100	Orange	Newburgh		39-5-20	220
331100	Orange	Newburgh		39-5-20	220
331100	Orange	Newburgh		45-6-13	220
331100	Orange	Newburgh		45-6-13	220
331100	Orange	Newburgh		39-5-15.1	481
331100	Orange	Newburgh		39-5-15.1	481
331100	Orange	Newburgh		18-6-43	220
331100	Orange	Newburgh		18-6-43	220
331100	Orange	Newburgh		4-9-2	220
331100	Orange	Newburgh		4-9-2	220
331100	Orange	Newburgh		40-2-1.12	710
331100	Orange	Newburgh		40-2-1.12	710
343400	Orleans	Ridgeway	Medina	80.37-1-3	457
343400	Orleans	Ridgeway	Medina	80.37-2-47	481
343400	Orleans	Ridgeway	Medina	80.37-1-16.1	481
343400	Orleans	Ridgeway	Medina	80.37-1-34	481
343400	Orleans	Ridgeway	Medina	80.37-1-34	481
343400	Orleans	Ridgeway	Medina	80.37-1-34	481
411500	Saratoga	Saratoga Springs		165.66-2-62	483
411500	Saratoga	Saratoga Springs		165.74-2-31	483
411500	Saratoga	Saratoga Springs		165.68-2-52	210
421500	Schenectady	Schenectady		39.63-2-15	220
421500	Schenectady	Schenectady		39.63-3-38	411
421500	Schenectady	Schenectady		60.38-2-1.21	411
460300	Steuben	Corning		318.37-01-052.000	481
460300	Steuben	Corning		317.44-02-026.000	481
460300	Steuben	Corning		318.37-01-013.000	481
460300	Steuben	Corning		318.37-01-045.000	481

473400	Suffolk	Smithtown	Nissequogue	12.-2-13.1	210
500700	Tompkins	Ithaca		8.-5-1	220
500700	Tompkins	Ithaca		11.-1-1	210
500700	Tompkins	Ithaca		69.-2-19	414
555400	Westchester	Yorktown		70.13-1-36	210

TOTAL ASSESSED VALUE	PRIMARY_OWNER	EX_CD	EX_APPLICA	EXEMPTION_AMOUNT
96100	GILHOOLY, MICHAEL	4196	3	71100
128800	TOOMEY, MATTHEW	4196	3	30180
150000	YATES STREET REALTY, LLC	4196	3	74000
150000	GILHOOLY, MICHAEL	4196	3	140000
159600	DAVISON, RONALD C	4196	3	28140
168600	Truman INC., Paul	4196	3	15720
170000	Madison Place Properties LLC	4196	3	72000
188000	Moneymaker, Richard W	4196	3	101400
200000	DIRTY HARRY'S LLC	4196	3	73920
220000	IANNELLI, LAURA A	4196	3	140000
257100	73 N PEARL STREET LLC.	4196	3	31420
396700	The McLaughlin Limited	4196	3	192780
145800	1000 Davis, LLC	4196	6	100000
196700	Derry, M. Scott	4196	6	125000
245000	Trinity Place	4196	6	200000
261900	Planet Development LLC	4196	6	200000
285000	R&B Properties of NY LLC	4196	6	175000
375000	East Ridge Associates LLC	4196	6	425000
399000	East Ridge Associates LLC	4196	6	500000
136000	Selvek, Stephen M	4196	6	10001
149999	Clark, William	4196	6	12510
158400	Chamberlain, Michael	4196	6	17408
216700	Champion, Maxsen D	4196	6	35038
262700	Hoey, Kevin Sr	4196	6	17507
278600	Guinn, Randall D	4196	6	89182
326600	Shellenberger, Alan	4196	6	45574
616000	Lee, Yuan	4196	3	250000
49900	Davis, Cozette	4196	0	26940
50000	Spigner, Deborah	4196	0	35000
50000	Purtell, Christopher E	4196	0	12000
52000	Burkhardt, Adam E	4196	0	16740
55000	Sales, Elvira	4196	0	30000
60000	Bordonaro, Louis P	4196	0	21600
65000	Burton, David	4196	0	12160
95000	Holdaway, Holly	4196	0	56000
140000	Nickel City Development LLC	4196	0	39761
250000	Delaware Properties LLC	4196	0	192000
275000	Franklin Street Properties LLC	4196	0	200000
276000	Duax, William L &	4196	0	152000
48000	Crawford Delois	4196	6	38000
84500	Warfield Michael	4196	6	64500
185000	Mastrodonato Andrea L	4196	6	63700
250000	Habza Daniel J & Laura O	4196	6	22380
283000	Quarterman Todd	4196	6	84900
415000	Weaver-Catalana Bernadett	4196	6	59100
460000	Valenti Frank P & Mary	4196	6	254200

473000 Janofsky Rosemary	4196	6	18750
597500 Griffiths Clifford H &	4196	6	433000
635500 Kavey Rae-Ellen/friedman	4196	6	475800
900000 Parker Jane Trustee Of	4196	6	365000
1150000 Tait Robert C & Amy L	4196	6	713500
175000 Press, Vincent L	4196	3	25000
195000 Apetz, Leslie J	4196	3	80000
210000 Nearpass, Gregory R	4196	3	16000
298000 Berkner, Jonathan	4196	3	28900
970000 Chessin, Daniel J	4196	3	68800
60000 Homestead Enterprises Two, LLC	4196	6	20000
88000 Bluestone Developers Inc	4196	3	44800
88000 Bluestone Developers Inc	4196	4	44800
99800 Bluestone Developers	4196	3	49900
99800 Bluestone Developers	4196	4	49900
111000 Bluestone Developers	4196	3	43000
111000 Bluestone Developers	4196	4	43000
118800 Majeed, Rafiq	4196	3	100000
118800 Majeed, Rafiq	4196	4	100000
125100 Bluestone Developers Inc	4196	3	114200
125100 Bluestone Developers Inc	4196	4	114200
127300 Bluestone Developers Inc	4196	3	115300
127300 Bluestone Developers Inc	4196	4	115300
146000 Liberty Street Development LLC	4196	3	129500
146000 Liberty Street Development LLC	4196	4	129500
158500 Arrabito, Edward	4196	3	100400
158500 Arrabito, Edward	4196	4	100400
350000 Majeed, Mohammad S	4196	3	300000
350000 Majeed, Mohammad S	4196	4	300000
1506100 Newburgh Brewing Co LLC	4196	3	490000
1506100 Newburgh Brewing Co LLC	4196	4	490000
36000 Cooper, Timothy D	4196	5	15600
51800 Thurston , Fred R	4196	5	33000
57500 Thomas Development, LLC	4196	5	14800
207800 ReNewell, LLC	4196	5	28440
207800 ReNewell, LLC	4196	5	66100
207800 ReNewell, LLC	4196	5	74500
249300 Luciano, Grace H	4196	3	119450
255000 Gasser, George H	4196	3	128400
285000 Kelley, Wm Jr	4196	3	21427
143400 White, Robin T	4196	0	20000
355000 White, Robin T	4196	0	30000
1465200 Excelsior Development LLC	4196	0	779600
300000 Tshmoo Riley LLC	4196	0	115000
450000 Sorge Property Development	4196	0	412100
1000000 Klugo Partners LP LLC	4196	0	535000
1500000 Centerway Commerce Bldg LLC	4196	0	973000

11500 Pittella, Joseph	4196	1	675
330000 Augustinos, Robert	4196	1	140000
450000 Stuart McDougal Revoc Trust	4196	3	65000
950000 Unity Inn, LLC	4196	1	650000
15250 LINDBERG, LARS & BRONNER,	4196	3	285

## N.Y. RPT. LAW § 444-a : NY Code - Section 444-A: Historic property

### 1.Real property altered or rehabilitated

subsequent to the effective date of a local law or resolution adopted pursuant to this section shall be exempt from taxation and special ad valorem levies as herein provided. After a public hearing, the governing body of a county, city, town or village may adopt a local law and a school district, other than a school district governed by the provisions of article fifty-two of the education law, may adopt a resolution to grant the exemption authorized pursuant to this section. A copy of such law or resolution shall be filed with the state board and the assessor of such county, city, town or village who prepares the assessment roll on which the taxes of such county, city, town, village or school district are levied.

2. (a) Historic property shall be exempt from taxation to the extent of any increase in value attributable to such alteration or rehabilitation pursuant to the following schedule:

year of exemption	percent of exemption
1	100
2	100
3	100
4	100
5	100
6	80
7	60
8	40
9	20
10	0

(b) No such exemption shall be granted for such alterations or rehabilitation unless:

(i) Such property has been designated as a landmark, or is a property that contributes to the character of an historic district, created by a local law passed pursuant to section ninety-six-a or one hundred nineteen-dd of the general municipal law;

(ii) Alterations or rehabilitation must be made for means of historic preservation;

(iii) Such alterations or rehabilitation of historic property meet guidelines and review standards in the local preservation law;

(iv) Such alterations or rehabilitation of historic property are approved by the local preservation commission prior to commencement of work;

(v) Alterations or rehabilitation are commenced subsequent to the effective date of the local law or resolution adopted pursuant to this section.

3. Such exemption shall be granted only by application of the owner or owners of such historic real property on a form prescribed by the state board. The application shall be filed with the assessor of the county, city, town or village having power to assess property for taxation on or before the appropriate taxable status date of such county, city, town or village.

4. Such exemption shall be granted where the assessor is satisfied that the applicant is entitled to an exemption pursuant to this section. The assessor shall approve such application and such property shall thereafter be exempt from taxation and special ad valorem levies as herein provided commencing with the assessment roll prepared on the basis of the taxable status date referred to in subdivision three of

this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

5. A county, city, town or village by local law or a school district by resolution may:

(a) Reduce the per centum of exemption otherwise allowed pursuant to this section; and

(b) Limit eligibility for the exemption to those forms of alterations or rehabilitation as are prescribed in such local law or resolution.





**NYS DEPARTMENT OF TAXATION & FINANCE  
OFFICE OF REAL PROPERTY TAX SERVICES**

RP-444-a (9/08)

**APPLICATION FOR PARTIAL EXEMPTION FOR ALTERATION OR  
REHABILITATION OF HISTORIC REAL PROPERTY**

(General information and instructions for completing this form are on back.)

1. Name and telephone no. of owner (s) \_\_\_\_\_  
\_\_\_\_\_  
Day no. (     ) \_\_\_\_\_  
Evening no. (     ) \_\_\_\_\_  
E-mail (optional) \_\_\_\_\_
2. Mailing address of owner(s) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Location of property  
Street address \_\_\_\_\_  
Village (if any) \_\_\_\_\_ City/Town \_\_\_\_\_  
School district \_\_\_\_\_
- Parcel identification no. (see tax bill or assessment roll) \_\_\_\_\_  
Tax map number or section/block/lot \_\_\_\_\_
4. General description of property: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. Use(s) of property: \_\_\_\_\_
- 6a. Date construction of alteration or rehabilitation was commenced: \_\_\_\_\_
- b. Date completed (attach certificate of occupancy or other documentation of completion): \_\_\_\_\_
7. Cost of alteration or rehabilitation: \_\_\_\_\_
8. Describe how alteration or rehabilitation made to property accomplishes the purposes of historic preservation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
9. Attach proof of landmark or historic district designation. For property in a historic district, explain how property contributes to the district's historic character: \_\_\_\_\_  
\_\_\_\_\_
10. Attach approval of local preservation commission for alteration or rehabilitation.

I certify that all statements made above are true and correct.

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date

### INSTRUCTIONS FOR APPLICATION FOR PARTIAL EXEMPTION FOR ALTERATION OR REHABILITATION OF HISTORIC REAL PROPERTY

**Authorization for exemption:** Section 444-a of the Real Property Tax Law authorizes a partial exemption from real property taxation for the alteration or rehabilitation of historic property. Counties, cities, towns, and villages may enact local laws authorizing the exemption; school districts may do so by resolution. Municipalities authorizing the exemption may limit eligibility to forms of alteration or rehabilitation prescribed in the local law or resolution.

**Criteria for exemption:** Assuming local authorization for the exemption, to qualify, (1) the improved property must be designated as a landmark or be property which contributes to the character of a locally created historic district; (2) the alteration or rehabilitation must be made for purposes of historic preservation; (3) the alteration or rehabilitation must satisfy local guidelines and review standards in the local preservation law; (4) prior to the commencement of the alteration or rehabilitation, such change must be approved by the local preservation commission; and (5) the alteration or rehabilitation must be commenced after adoption of the local law resolution authorizing the exemption. Landmark designation, if any, and approval from the local preservation commission must be attached to the application.

**Duration and computation of exemption:** Generally, the amount of the exemption in the first year is 100% of the increase in the value attributable to the alteration or rehabilitation. The amount of the exemption remains the same for years two through five; thereafter the exemption is phased out over the next four years (that is, in year six, the exemption is 80 percent of the increase in value; then 60 percent in year seven, and so on). Municipalities authorizing the exemption, however, may reduce the percentages of exemption.

**Place of filing application:**

Application for exemption from city, town, or village taxes must be filed with the city, town, or village assessor. Application for exemption from county or school district taxes must be filed with the city or town assessor who prepares the assessment roll used to levy county or school taxes. In Nassau County, applications must be filed with the Nassau County Board of Assessors. In Tompkins County, applications for exemption from county, city, town or school district taxes must be filed with the Tompkins County Division of Assessment.

**Time of filing application:**

The application must be filed in the assessor's office on or before the appropriate taxable status date. In towns preparing their assessment roll in accordance with the schedule provided by the Real Property Law, the taxable status date is March 1. In Nassau County towns, taxable status date is January 2. Westchester County towns have either a May 1 or June 1 taxable status date; contact the assessor. In cities, the taxable status date is determined from charter provisions and the city assessor should be consulted to determine the appropriate date. Taxable status date for most villages which assess is January 1, but the village clerk should be consulted for variations.

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#### FOR ASSESSOR'S USE

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1. Date application filed: \_\_\_\_\_
2. Applicable taxable status date: \_\_\_\_\_
3. Action on application: ☐ Approved ☐ Disapproved
4. Assessed valuation or parcel in first year of exemption: \$ \_\_\_\_\_
5. Increase in total assessed valuation in first year of exemption: \$ \_\_\_\_\_
6. Amount of exemption in first year: \_\_\_\_\_

	<u>Percent</u>	<u>Amount</u>
County	_____	_____
City/Town	_____	_____
Village	_____	_____
School District	_____	_____

---

 Assessor's signature

---

 Date

## **Benefits of Residential Historic District Designation for Property Owners**

Jonathan Mabry, Ph.D.  
Historic Preservation Officer  
Department of Urban Planning and Design  
City of Tucson  
(6-7-07)

Historic district designation has become an important tool for local governments in efforts to preserve the character of central-city neighborhoods. Designation of historic districts based on a national level of significance, called National Register Historic Districts, has occurred widely in the U.S. since the passage of the enabling legislation of the National Historic Preservation Act in 1966. In addition, some states have created state historic registers and many municipalities have established local historic registers and special zoning for local historic landmarks and districts. The number of local historic districts in the U.S. has grown from approximately 100 in 1966 to more than 2,000 in the late 1990s (Listokin et al. 1998).

National- and state-level designations convey more prestige to an individual property or historic district, and makes federal and state tax breaks available to owners of individually-listed properties and properties listed as contributing to the significance of a district. However, national- or state-level designation offers no real protections, as both listing and participation in tax abatement programs is voluntary, and owners can renovate or demolish a significant historic property to replace it with a “highest and best use” building that maximizes income or sale price.

In contrast, local-level historic designations typically require review of significant exterior alterations, demolitions, and new construction within historic districts in order to restrict incompatible development, and thereby maintain the historic character and integrity of designated structures and neighborhoods. Reviews are conducted by community commissions or neighborhood advisory groups, or both, composed of local residents, and are based on specific design standards and guidelines developed by the community.

The City of Tucson currently has 21 National Register Historic Districts. Six of the nationally- designated districts are also designated as local Historic Preservation Zones (districts), as enabled by a 1972 ordinance revising the Land Use Code. In the locally-designated districts, there are two levels of review of exterior renovations, demolitions, and new construction. The level of review is determined by whether the property is a contributing or noncontributing property in a National Register District, or whether the proposed changes are major or minor.

### Higher Property Values and Rates of Appreciation

Higher property values and rates of appreciation are important economic benefits of historic district designations of residential neighborhoods. Recent studies in Arizona document this effect of historic district status on property values. A study of the Speedway-Drachman National Register Historic District in Tucson showed that between 1987 and 2007, the average assessed value of homes in this district appreciated 15 percent higher than the average in a nearby neighborhood with housing stock of similar age, construction, and design (L’Orange 2007:4). A study of 25,975 single family homes sold in Phoenix in 2005, including 212 located in National Register historic districts, showed that historic designation increased the average marketable sales price of a house by 31%, or more than \$100,000 (Poppen 2007:7). A study in Mesa comparing house market value changes between 1997-2004 in the Mesa Evergreen National Register Historic District compared to those in two comparable, undesignated neighborhoods identified a +26% difference in the historic district (Bellavia 2007:3-4).

There is some data that national-level historic designation has a slightly greater positive effect on property values than local-level historic designation alone (Leichenko et al. 2001:1982-1983). However, this

difference is not statistically significant, and the same comparative data shows that properties that carry only local designation also tend to have higher values compared to similar, undesignated properties (Leichenko et al. 2001), and relative to the entire real estate market (Rypkema 2002).

Local land-marking and design review can actually boost property values by introducing certainty into the marketplace and improving the overall economic climate, which benefits all property owners (Clarion Associates of Colorado 2002). Comparison of a number of independent studies of local historic districts in New Jersey, Texas, Indiana, Georgia, Colorado, Maryland, North and South Carolina, Kentucky, and Virginia showed that this economic effect of local designation is typical across the country.

The results of these studies are remarkably consistent: property values in local historic districts appreciate significantly faster than the market as a whole in the vast majority of cases and appreciates at rates equivalent to the market in the worst case. Simply put—local historic districts enhance property values (Rypkema 2002:6).

Other data indicates that the greatest impact on rates of property appreciation occur with the addition of local designation (which usually includes a design review process and more restrictions on property renovations, demolitions, and new construction) on top of national designation. In a recent study conducted in Memphis, Tennessee, combined local/national designation added 18.6% to assessed property values over a four-year period compared to 13% added by national designation alone (Coulson and Lahr 2005:494-495). In Evansville, Indiana, the rate of appreciation between 1980 and 1995 was significantly greater within a locally designated portion of a larger National Register District (Rypkema 1997:7). Over the same period in Indianapolis, average property values appreciated faster in a district with combined local/national designation compared to a neighborhood with only a national designation (Rypkema 1997:9). Between 1976 and 1996 in Georgia, assessed property values in districts with both local and national designations increased at a rate of 47% compared to 23% for properties in districts with only the national designation (both figures adjusted for inflation) (Athens-Clarke County Planning Department 1996:4).

Table 1 summarizes the findings of 15 recent studies of the effect of historic district designation on property values over time. These studies were conducted in several different regions of the United States, and include both nationally and locally designated districts. These studies vary in the specific aspects of value over time examined, such as assessed value, sales value, and rate of appreciation. However, all of the studies in Table 1 can be compared in terms of average property values in historic districts relative to similar, undesignated neighborhoods.

**Table 1.** Property Values\* in Designated Historic Districts Compared to Similar Undesignated Neighborhoods in the Same Communities (Ave. Value Annual )

<u>Study Area</u>	<u>Data Interval</u>	<u>Diff. (%)</u>	<u>Rate (%)</u>	<u>Reference</u>
Athens, GA	1976-1996	+14	+.7	Leithe & Tigue 1999
Denver, CO	1993-2000	+3-6	+.4-1.2	Clarion Assoc. of CO 2002
Durango, CO	1993-2000	+.7	+.1	Clarion Assoc. of CO 2002
Galveston, TX	1975-1991	+85-360	+5.3-22.5	Govt. Fin. Res. Center 1991
Memphis, TN	1998-2002	+14-23	+3.5-5.7	Coulson and Lahr 2005
Mesa, AZ	1997-2004	+26	+3.7	Bellavia 2007
New Jersey		+5	—	New Jersey Hist. Trust 1997
New York, NY	1975-2002	+13	+.5	NYC Ind. Budget Office 2003
Phoenix, AZ	2005	+31	—	Poppen 2007
Rome, GA	1980-1996	+10	+.6	Leithe and Tigue 1999
San Diego, CA	2000-2005	+16	+3.2	Narwold 2006

Savannah, GA	1974-1997	+264-588	+11.5-25.6	Leithe and Tigue 1999
Texas (9 cities)	(variable)	+5-20	—	Leichenko et al. 2001
Tifton, GA	1983-1996	+2	+.2	Leithe and Tigue 1999
Tucson, AZ	1987-2007	+15	+.7	L'Orange 2007

\* Phoenix and Mesa studies used sales values; all other studies used assessed values.

A few of the designated districts experienced extremely high rates of appreciation, or very modest rates, but most saw property values increase by 5-35% per decade over the values in similar, undesignated neighborhoods.

Within these data, another important pattern is that newer properties within historic districts benefit just as much as older properties. In Memphis, both older and newer (less than 10 years old) buildings in a local/national historic district appreciated to levels higher than similar properties in undesignated neighborhoods (Coulson and Lahr 2005:502-504).

#### Insulation from Extreme Market Fluctuations

Local historic district designation has proven to insulate property values from wild swings in the housing market, including both downturns tied to larger economic trends, and “bubbles” caused by cycles of real estate speculation. This stability is related to investor confidence that, because there are explicit design limits in the zoning code, home investments in historic districts will not be adversely affected by construction of an inappropriate, out-of-scale building next door. It is also due to the fact that neighborhoods with stable values do not offer opportunities for “flipping” (purchase followed by quick resale at a high profit margin). In these ways, local historic district designation reduces the uncertainty facing the buyer regarding the future value of the investment.

In short, it may be that historic districts are more likely to experience a certain indemnification from extremely modulating property values, perhaps because of a higher degree of investor confidence in these officially recognized and protected areas (Gale 1991:8).

#### Tax Breaks

Increasing property taxes associated with rising property values in nationally designated and state-designated historic districts can be offset by state and federal tax reduction programs. In Arizona, contributing properties in a National Register District are eligible for the State Historic Property Tax Reclassification program. This program reduces the taxes of listed properties by up to 50 percent over 15 years, and reduces assessments of improvements to commercial properties to 1 percent of their full value over 10 years. The Federal Investment Tax Credit program provides a 20 percent tax credit and accelerated depreciation for rehabilitated investment properties listed as contributors in National Register Districts. The reductions in property taxes available in National Register Districts provide needed economic relief for moderate-income neighborhoods experiencing rising property taxes during real estate boom cycles. The tax incentives also provide alternatives to demolition of historic homes, thereby providing stability to the built environments of neighborhoods.

#### Stabilization of Residence

Designation as a historic district raises the value of investments, promoting increased levels of home ownership and longer residence. This stabilizing effect on residence patterns has been documented by a study conducted in Indiana, which found that designated historic districts have higher rates of owner-

occupation, and longer durations of residence by both homeowners and renters, than do similar, undesignated neighborhoods (Rypkema 1997:2, 6, 10).

#### Increased Connections among Neighbors and Community Involvement

Neighborhoods with a significant proportion of owner-occupied homes tend to have higher rates of participation in neighborhood associations and improvement projects, which protects shared spaces from decline (Rypkema 2005:51-52). All proposed exterior modifications, new construction, and demolitions in locally designated historic districts require review by neighborhood advisory groups and historical commissions, thereby ensuring community involvement in neighborhood planning.

#### Summary

The findings of recent comparative studies of the effects of historic district designations over time, conducted in many different regions of the U.S., converge on a few key findings:

- Historic district designation typically increases residential property values by 5-35% per decade over the values in similar, undesignated neighborhoods.
- Both nationally- and locally- designated historic districts outperform similar, undesignated neighborhoods, but districts that carry both local and national designation experience the highest relative increases in property values.
- The values of newer properties within designated historic districts increase along with those of older properties.
- Local historic district designation decreases investor uncertainty and insulates property values from wild swings in the housing market.
- Increasing property taxes due to rising property values in historic districts designated at the national or state levels can be offset by state and federal tax reduction programs.
- The tax incentives also provide alternatives to demolition of historic homes, thereby providing stability to the built environments of neighborhoods.
- Historic district designation leads to increased levels of home ownership and longer residence by both homeowners and renters.
- Designated historic districts tend to have higher rates of participation in neighborhood associations and improvement projects, which protects shared spaces from decline.
- Proposed exterior renovations, demolitions, and new construction in locally-designated historic districts are reviewed by neighborhood advisory groups and historical commissions, thereby ensuring community involvement in neighborhood planning.

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# CONNECTICUT LOCAL HISTORIC DISTRICTS AND PROPERTY VALUES



Prepared for: Connecticut Trust for Historic Preservation

Prepared by: *PlaceEconomics*, Washington, DC, October 2011



Funded by the Connecticut Department  
of Economic and Community Development  
with funds from the Community Investment Act



# Introduction

Connecticut is a state with a wealth of historic resources. Every corner of the state contains sites, structures, artifacts and landscapes that are today the physical manifestation of our rich heritage. It is the mission of the Connecticut Trust for Historic Preservation to nurture and protect those resources. One of the most effective means of assuring that our built history is available for generations to come is through the creation of local historic districts. Today in Connecticut there are 133 historic districts in 72 towns covering in excess of 8,000 buildings.

In addition, there are National Register of Historic Places districts which provide a wonderful means of identifying the importance of a neighborhood's architectural, cultural and historical importance. However National Register listing alone provides almost no protection for the properties within the district. Those protections come through the creation of a local historic district under CGS § 7-147. These local historic districts will include a board of volunteer citizens who review applications for architectural changes visible from a public right-of-way, new construction, and demolition. It is through this review and approval process that the underlying character of a neighborhood is maintained over time.

While the primary goal of a local historic district is to identify, protect and enhance historic resources, those actions surely must have economic consequences. Since one's house is usually the largest family asset, it is legitimate to ask, "What effect does being in a local historic district have on property values?" It was to help answer that question that the Connecticut Trust, with funding from the State Historic Preservation Office, commissioned this study – *Connecticut Local Historic Districts and Property Values*.

To get a broad understanding of the issue, we chose to look at four very different towns and cities in Connecticut: Canton, Milford, Norwich and Windsor. These communities vary widely in size, geography, demographics and economic condition. What they have in common, however, are inventories of wonderful historic buildings and local commissions to oversee the historic districts as they change and evolve.

We are very pleased by the results of this analysis. In no case was there evidence that being in a local historic district reduced property values. In fact, in three of the four communities, properties within historic districts have had an annual increase in value greater than that of properties in the community as a whole. This is perhaps not surprising in times of rapid real estate appreciation. But what about in the recent years where property values around the country have fallen? The study looked at patterns of foreclosures in each

of the four cities and found that in every case the rate of foreclosure was less in the historic district than in the local market – good news indeed for historic homeowners and their bankers.

Everything wasn't good news, however. We have learned that in the four communities there are more than 3,500 homes over a century old, but 92% of them have no protections through a local historic district. For us at the Connecticut Trust this means that stewarding historic resources for future generations requires an ongoing commitment.

The positive economic lessons from *Connecticut Local Historic Districts and Property Values* will be one more tool to assist us and the citizens of our state to meet that commitment.

Helen Higgins, Executive Director  
Connecticut Trust for Historic Preservation

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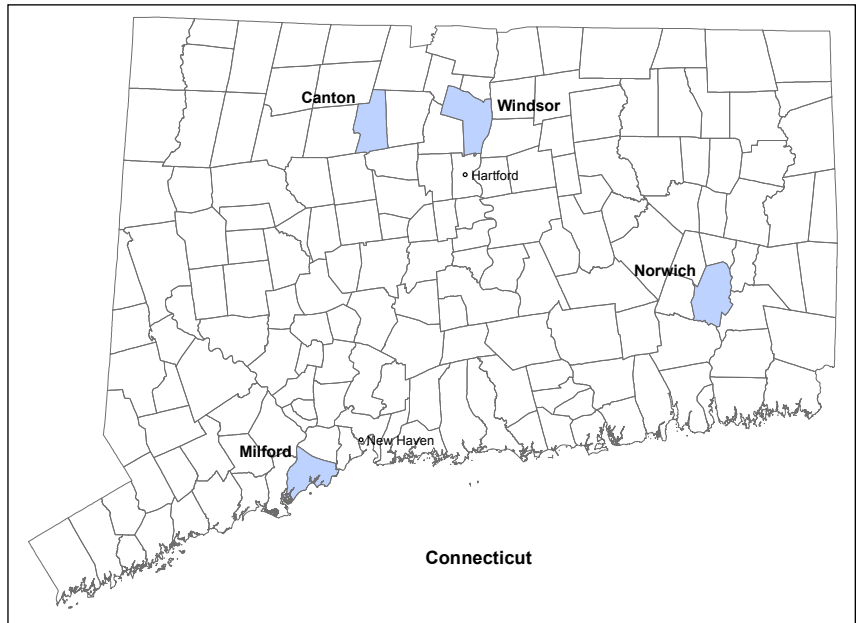
The State Historic Preservation Office is pleased to partner with the Connecticut Trust for Historic Preservation to produce this publication, which will become a valuable addition to every local historic district commission's preservation tool kit. There have been many good studies conducted across the country, in towns and cities large and small, analyzing the comparative values of properties within historic districts and without. While this analysis is a good reference point, people want specifics about Connecticut and their own town. Thanks to this excellent report, we can now provide more pertinent information and statistics for local historic district residents and commissioners here in Connecticut.

The conclusions that can be drawn from this report point to the importance of continued dedication to identifying and protecting the historic resources that tell the unique story of each of our cities and towns. By providing evidence that local historic district and property designation can offer assurances of economic stability and the promise of certain protections against unmanaged change, this report provides an effective response to the question so often asked: "what is the benefit of historic preservation?"

David Bahlman  
State Historic Preservation Officer

# Executive Summary

The relationship between property values and local historic districts was measured in four Connecticut communities – Canton, Milford, Norwich and Windsor. Included in the analysis were two local historic districts in Canton and Norwich and one district each in Milford and Windsor. The base comparison was the change in values of properties reflected in two revaluations for property tax purposes by the local assessor. In three of the cases those valuations were five years apart; in the fourth case, six years. In total data from more than 25,000 properties was examined.



The major findings, detailed on the pages that follow, were these:

- **Property values in every local historic district saw average increases in value ranging from 4% to over 19% per year.**
- **In three of the four communities the rate of value increase for properties within local historic districts was greater than for properties with no such protection.**
- **In “head to head” square-foot comparisons based on age and style, properties within local historic districts were worth more than similar properties not within the districts.**
- **Overall there appears to be a 2-4% value premium resulting from location within a local historic district.**
- **On a composite basis, the rate of foreclosure of properties within the historic districts was half the rate outside the districts.**
- **The comparative value increase is least where there are significant commercial and multifamily structures within the same neighborhood as single-family residences.**
- **In spite of these positive indicators, the vast majority of historic homes in these communities are not subject to the protection of local historic districts.**

# CANTON



## BACKGROUND

Founded in 1806, Canton is a small and prosperous country town 14 miles west of Hartford. It is part of the capital region but has a strong sense of being an independent community. Part of the town's identity is intertwined with the Collins Axe Company factory that prospered from 1826 to 1966. Many of the buildings in the mill area, called Collinsville, were built to house and support the factory's employees. The preservation and adaptive reuse of several downtown buildings resulted in *Budget Travel* ranking Collinsville among its 2007 "Ten Coolest Small Towns in Connecticut." The town was constructed along the Farmington River and today is the center of many outdoor sporting activities.

Canton has two local historic districts – Collinsville Historic District, established in 1988, and Canton Center Historic District, established in 1975. Collinsville Historic District is centered around the Collins Axe factory and includes remaining downtown buildings although not the factory itself. The district is a small historic manufacturing village with a mix of residential, commercial and industrial structures that are still in their original configuration, located just off State Route 169. Canton Center Historic District is north of Collinsville and generally runs linearly along Route 179, including properties 100 feet to either side of the road. The district is primarily residential and fairly rural, representing Canton's original town settlement as a rural agricultural community.

## STATISTICS

**County:** Hartford County

**Local Historic Districts:** 2

**National Register Districts:** 2

**Population:** 10,292

**Median Age:** 43

**Ethnic Makeup:**

White: 96%

African American: 1%

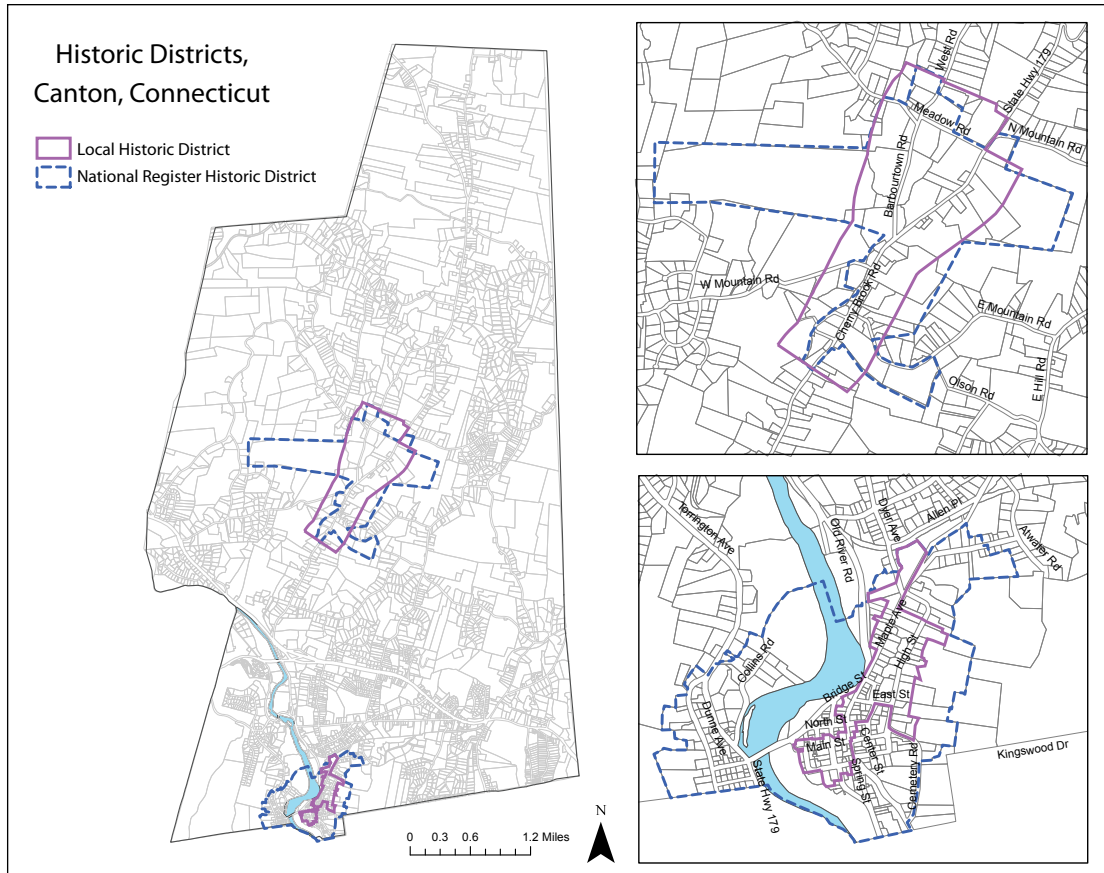
Latino: 2.6%

Asian: 2%

**Median Household Income:** \$86,912

**Owner-occupied Housing Units:** 3,394

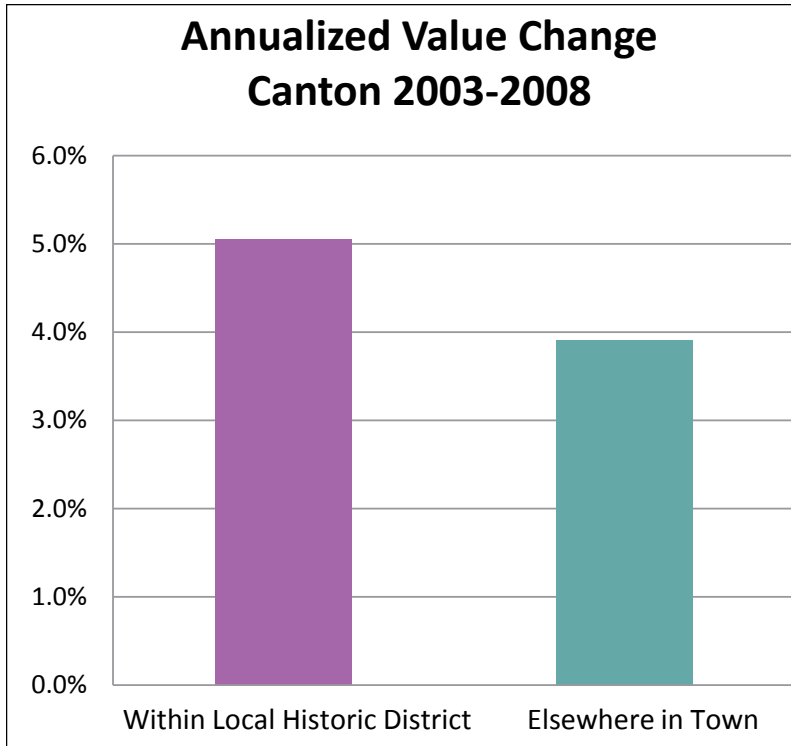
**Renter-occupied Housing Units:** 756



## FINDINGS

The base comparison for each of the communities was the change in value on a square-foot-of-living-area basis between the two most recent revaluations by the local assessor. In the case of Canton those revaluations took place in 2003 and 2008. The annual rate of value change for single-family residences within the two local historic districts was compared with similar properties not within the districts. An average property within the local historic district increased in value 5.05% each year between the revaluations while properties not within the historic districts increased 3.91% per year.

Canton has a considerable number of houses built prior to the 20<sup>th</sup> century, some of which are included within one of the two local historic districts while others are not. When comparisons were made of these houses, it was found that the value of the historic district house was \$28,000 (8.8%) more, the value per square foot was



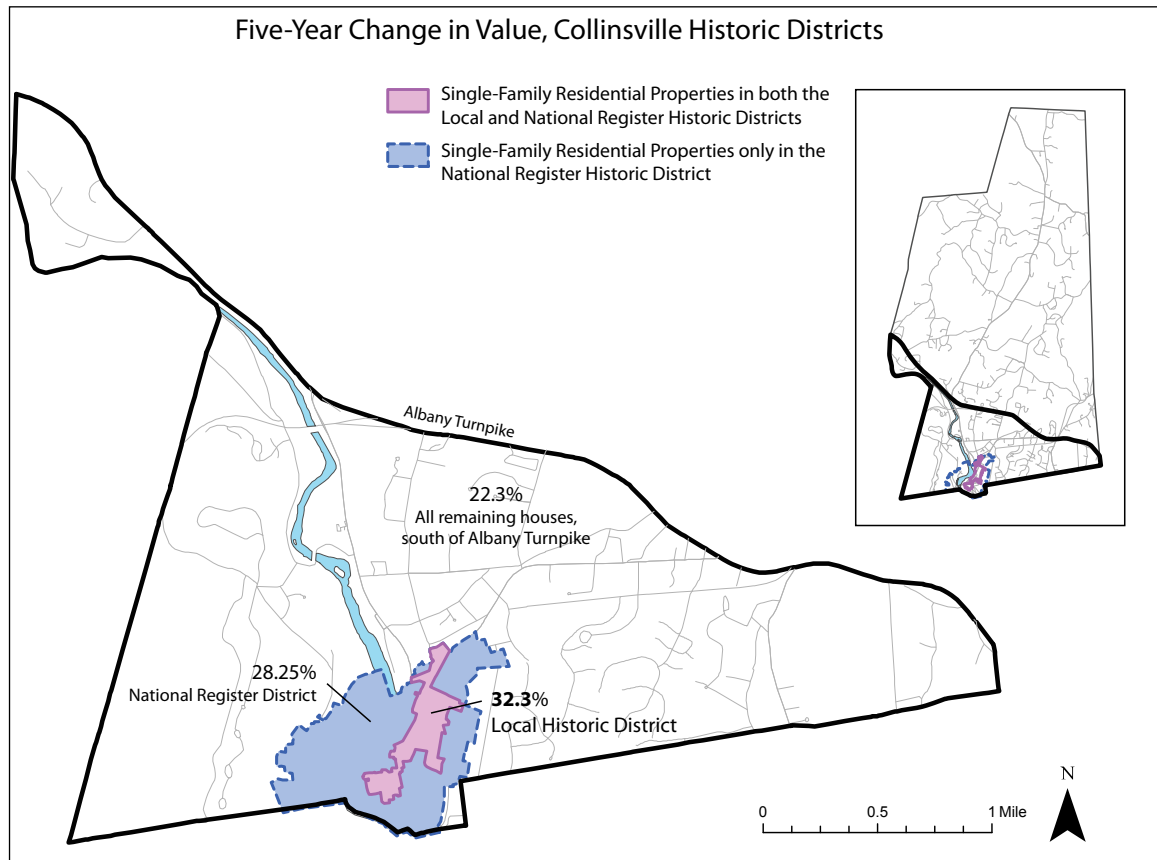
\$6.40 (4.2%) more, and the annual value change was approximately .6% higher.

These value comparisons were made with properties within the two local historic districts. However, Canton also has two National Register historic districts. Inclusion on the National Register does not place the same limitations on a property owner that local historic district/property designation does. Owners are free to make changes and alternations, although proposed demolitions of a property listed on the National Register can be challenged under CGS § 22a-15 to 22a-19a. It is only

in a local district that there is any review and approval process. As can be seen in the map on page 4, most properties that are in the local historic districts are also in National Register districts, but many National Register district buildings are not included in a local district and are, therefore, not subject to any design review and approval process.

This situation makes the Collinsville local historic district a particularly interesting example to evaluate. The entire local district is within the National Register district, but perhaps two-thirds of the National Register district is not included in the local district. And most of the area of Canton south of the Albany Turnpike is in

Pre-20 <sup>th</sup> -Century Homes in Canton			
	Value	Value/Square Foot	Annual Value Change ('03-'08)
Within Local Historic District	\$344,624	\$157.47	5.47%
Not Within Historic District	\$316,839	\$151.07	4.85%



neither district. So a comparison was made of the value changes in all three sectors: 1) within both the local and national district; 2) within the national district only; and 3) within neither historic district. The results can be seen in the map above: properties within the local district increased in value 32.3% over the five-year period between revaluations. Properties within the National Register district, but not within local oversight, increased by 28.25%. Finally properties in the neighborhood but in neither district increased 22.3%. What this appears to show, at least in this instance, is that around 70% of the value increase is attributable to overall market forces, 18% comes from the designation and recognition as a historic asset, and 12% is the share of value increase that local protections provide.



# MILFORD



## BACKGROUND

Founded in 1639, Milford is located along 17 miles of the Long Island Sound coastline between Bridgeport and New Haven and has strong connections to both cities. The town's main industries were shipbuilding, oystering and trade from the harbor. Milford was also home to numerous grist and saw mills. Milford's history is strongly tied to some of our nation's most significant historical figures and events, providing a resting place for George Washington and being part of the Underground Railroad. In the early 19<sup>th</sup> century, Milford became known as a popular beach resort for nearby New Haven and Bridgeport residents. During the early 1900s, the leather industry thrived with the making of boots, hats and shoes, while agricultural sectors, particularly apple harvesting, continued to influence the town's economy. However in the 1950s shopping centers began replacing Milford's farmlands. Today Milford is a growing town that has become a center of industry, home to the corporate headquarters of Subway, Schick and Bic (until 2008).

The majority of Milford retains its Colonial-era layout, though few Colonial homes remain in their original state. The Milford Historic District was established in 1976 and extends north of City Hall on either side of the Wepawaug River. It contains many stately homes, the earliest of which dates back to 1650. The South of the Green Historic District was created in 2007 as a collection of 18<sup>th</sup>- and 19<sup>th</sup>-century vernacular homes near the town's harbor. As of September 2011, a third local historic district in the Gulf Street area is under creation; the new district would protect approximately 400 historic homes.

## STATISTICS

**County:** New Haven County

**Local Historic Districts:** 2

**National Register Districts:** 1

**Population:** 51,271

**Median Age:** 45

**Ethnic Makeup:**

White: 89%

African American: 2.6%

Latino: 5.3%

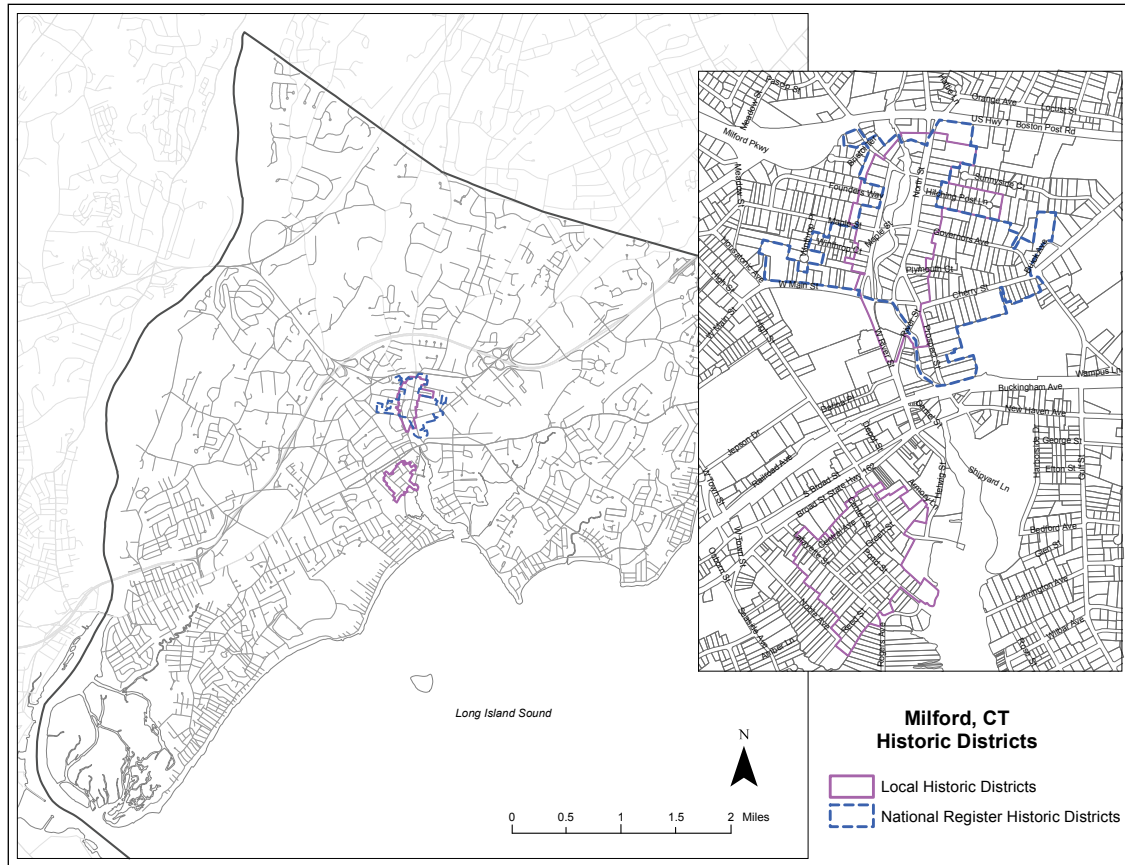
Asian: 5.5%

**Median Household Income:** \$75,995

**Owner-occupied Housing Units:** 16,054

**Renter-occupied Housing Units:** 4,963

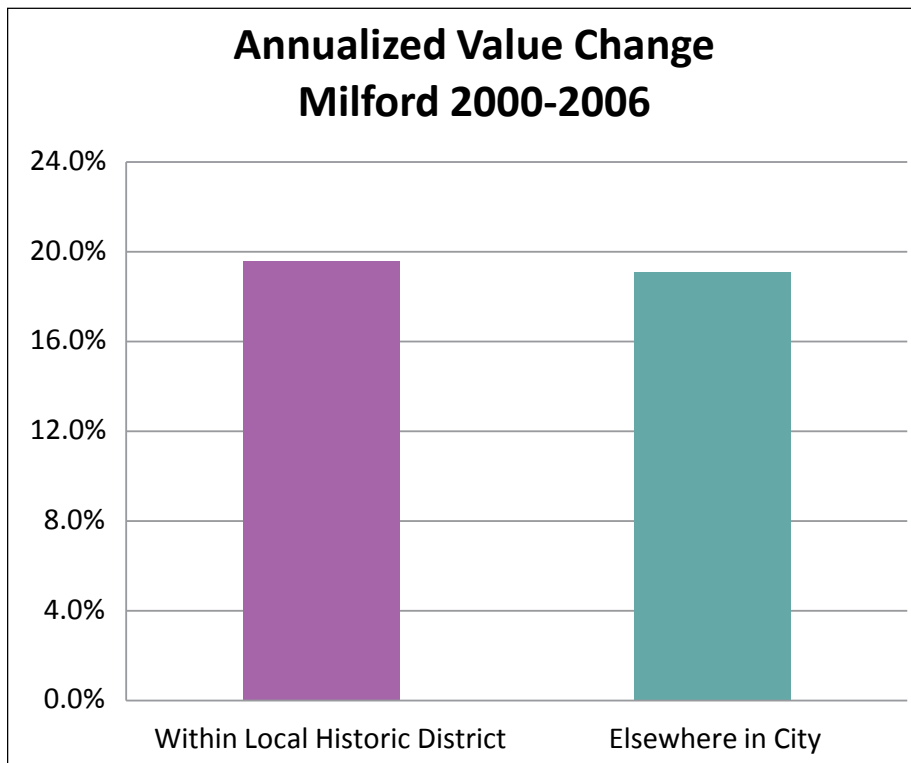




Although Milford has two local historic districts, only one – the Milford Historic District – was considered in this analysis. The reason is this: the second, the South of the Green District, was not established until 2007. The dates of the two revaluations (2000 and 2006) both predated the creation of the South of the Green District. Therefore it would be unreasonable to attribute any value changes in that neighborhood to the existence of a local historic district.

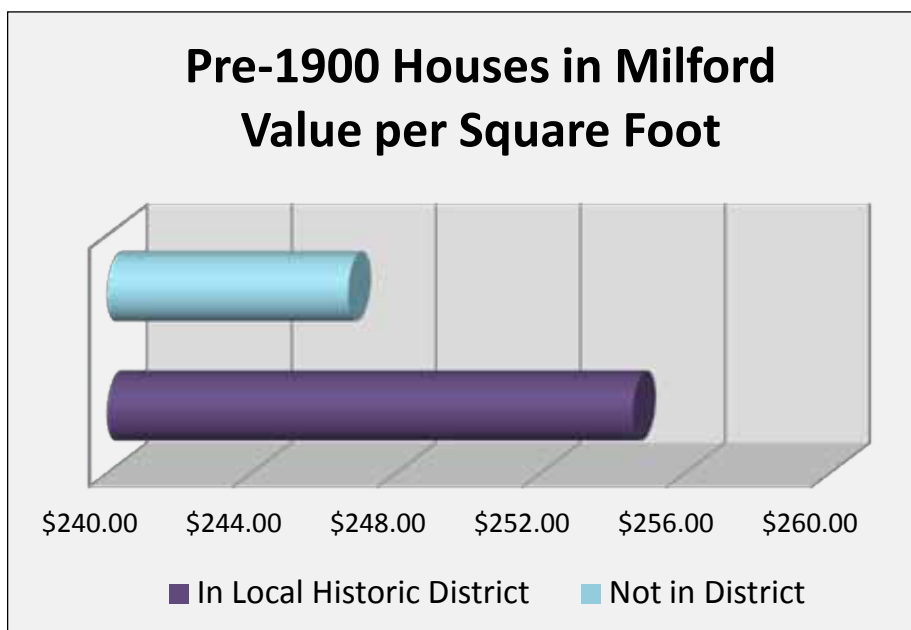
## FINDINGS

The comparison between properties within the Milford Historic District and single-family residences elsewhere in the community showed a slightly greater increase in average value. The annualized increase was 19.57% per year as compared to 19.08% for houses not within the historic district. While that differ-



ence was slight, it was still positive and, because of relatively high property values in Milford, meant an additional increase in value of historic district properties in excess of \$3,000 per year on average.

Another factor accounting for this more-modest differential was first identified for the researchers by the local assessor, Daniel Thomas, and subsequently confirmed in evaluating the data. In the first half of the decade Milford experienced an exceptionally high demand for oceanfront properties, which appreciated at rates far exceeding the very aggressive property market overall. Since the Milford Historic District contains no oceanfront property, the value changes to the comparative properties were statistically affected by the very high rate of value increases of these high-demand houses. Over the



six-year period between revaluations the value increase for oceanfront properties averaged in excess of 25% per year. Much of this demand has proven to be extremely volatile and would likely be moderated if the timeframe were extended.

When the comparison is made on more directly comparable historic houses – those built prior to the 20<sup>th</sup> century – the impact of being in a local historic district becomes more apparent. When oceanfront properties are excluded, houses constructed before 1900 and within the local historic district averaged about 1% more each year in value increase and were worth around \$8 per square foot more than like houses not in the historic district. In the case of Milford, it is both the quality of the historic neighborhood and the confidence that there is less likelihood of significant adverse changes that create this historic district value premium of slightly more than 3%.

# WINDSOR



## BACKGROUND

Located approximately 8 miles north of Hartford, Windsor is a commuter community with close ties to the capital. Founded in 1633 by settlers from Plymouth, Massachusetts, the town has the distinction of being one of Connecticut's first settlement. The First Church of Windsor, located at the center of the palisade, was founded around the same time and is the oldest Congregational church in Connecticut and among the oldest in the US. Between the 17<sup>th</sup> and 19<sup>th</sup> centuries, the town's primary industries included tobacco farming, brick making and paper making. Windsor's location along the Farmington River also fostered the growth of commercial shipping in the late 18<sup>th</sup> century, with local businessmen importing and exporting agricultural goods to the Caribbean and importing sugar and molasses. Today Windsor is composed of its historic core and outlying corporate areas that are headquarters for various industrial companies.

The Palisado Historic District, created in 1963, is north of the town center and generally runs 250 feet from either side of Palisado Avenue, between the Farmington River and Bissell's Ferry Road. It is a well-marked, primarily residential district, with examples of vernacular 18<sup>th</sup>- and 19<sup>th</sup>-century homes that are connected to the town's first settlers. Many of these houses were built by sea captains and other successful businessmen.

## FINDINGS

When the change of value for properties within Windsor's local historic district are compared with residential properties elsewhere, the result is consistent with what has been found in most other places. The

## STATISTICS

**County:** Hartford County

**Local Historic Districts:** 1

**National Register Districts:** 2

**Population:** 29,044

**Median Age:** 41

**Ethnic Makeup:**

White: 54%

African American: 34%

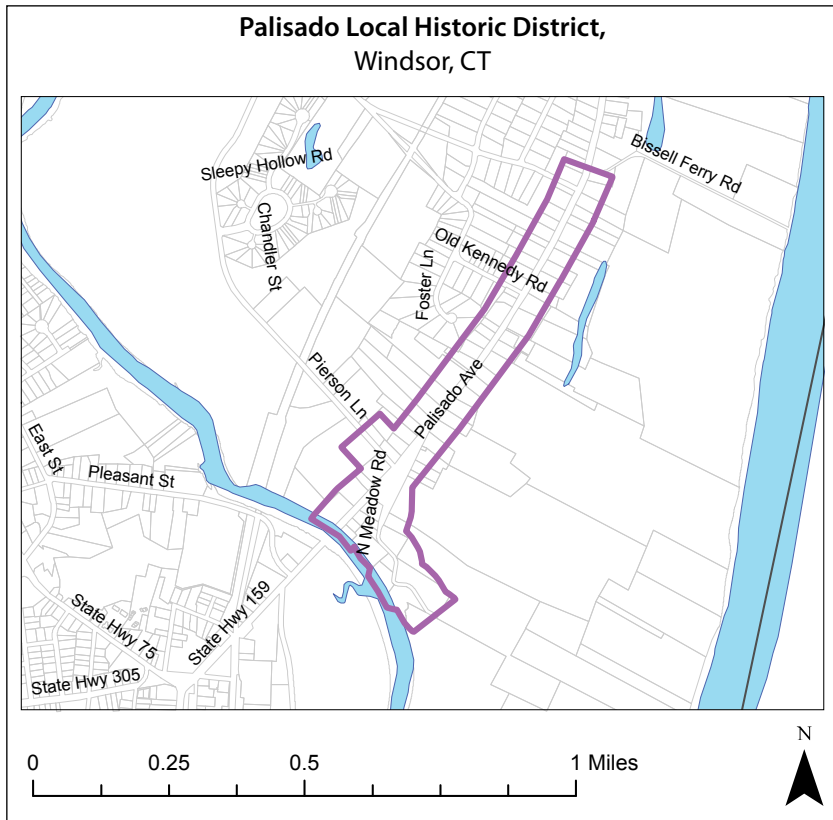
Latino: 5%

Asian: 3%

**Median Household Income:** \$79,294

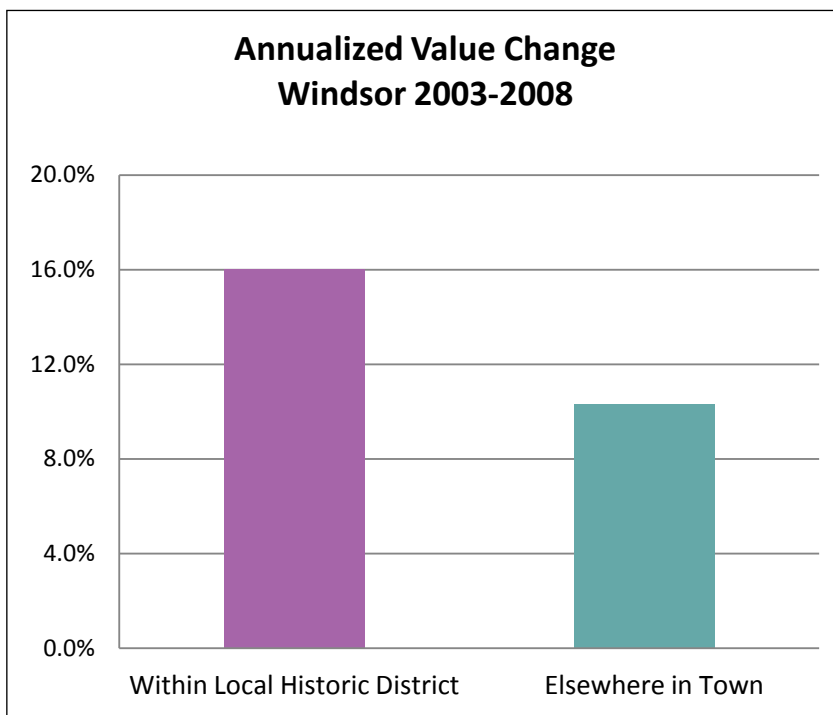
**Owner-occupied Housing Units:** 8,886

**Renter-occupied Housing Units:** 1,866

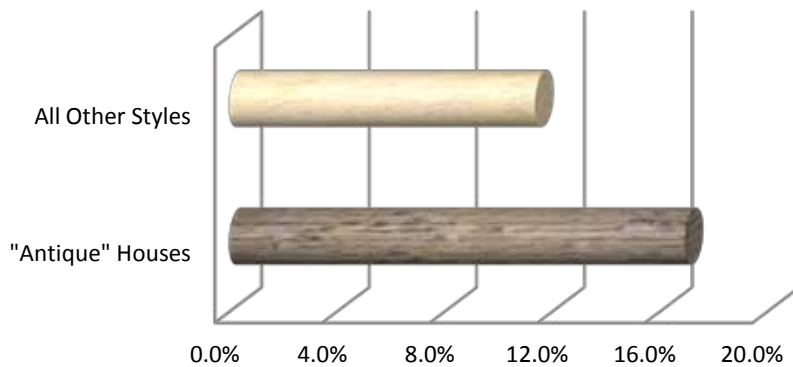


annual value change between 2003 and 2008 was 16.04% per year in the Palisado Historic District as compared to 10.33% in the rest of Windsor.

The historic charm of Windsor is obviously why many people choose to live there. And homes considered "antique" houses are in high demand. This is reflected in the annual increase in value of that type of dwelling. Over the five-year period the value growth of "antique" houses was 16.9% versus 11.4% for all other styles.



### Annualized Value Change by Style Windsor



But in Windsor, not all antique houses are in a local historic district. Is there a premium attached to houses that are not only antique but also in a neighborhood protected by a local historic district? In Windsor the answer is decidedly yes. Antique houses in a local historic district are worth, on average, \$30,000 more than antique houses found elsewhere in the community. On a square-foot basis the premium paid for a house in a historic district is about 4.5%.

### Average Value "Antique" Houses in Windsor



# NORWICH



## BACKGROUND

Norwich was founded in 1659 along the Norwich Harbor, which is formed by the convergence of the Yantic, Shetucket and Quinebaug Rivers. In the late 18<sup>th</sup> and early 19<sup>th</sup> centuries, Norwich grew into a thriving mill town and prosperous shipping center, with successful paper and textile companies. The arrival of the railroad solidified the town's connection to New York City and other major commercial cities on the east coast. In the 19<sup>th</sup> and 20<sup>th</sup> centuries, Norwich's manufacturing industries continued to prosper, expanding to include firearms, clock-making, furniture-making, foundries and Thermos bottles. It is also rumored that in 1860, Abraham Lincoln stayed at the Wauregan Hotel, now rehabilitated as mixed residential and commercial spaces. In the 1940s, several of the surrounding mill and factory villages were consolidated into modern-day Norwich. There are numerous remnants of Norwich's prosperous past scattered throughout the city's various neighborhoods and villages, ranging from grand homes to smaller farmhouses.

Norwichtown Historic District, created in 1967, is composed of the town's original Green and first settlement, represented by a collection of large 18<sup>th</sup>-century homes. The district boundaries are irregular. Little Plains Historic District, created in 1970, is on the border of downtown Norwich and includes a variety of late 18<sup>th</sup>- and 19<sup>th</sup>-century homes. Similar to the Norwichtown Historic District, the majority of buildings in Little Plains are remnants of Norwich's prosperous shipping and manufacturing past.

## STATISTICS

**County:** New London County

**Local Historic Districts:** 2

**National Register Districts:** 12

**Population:** 40,493

**Median Age:** 38

**Ethnic Makeup:**

White: 70%

African American: 10%

Latino: 13%

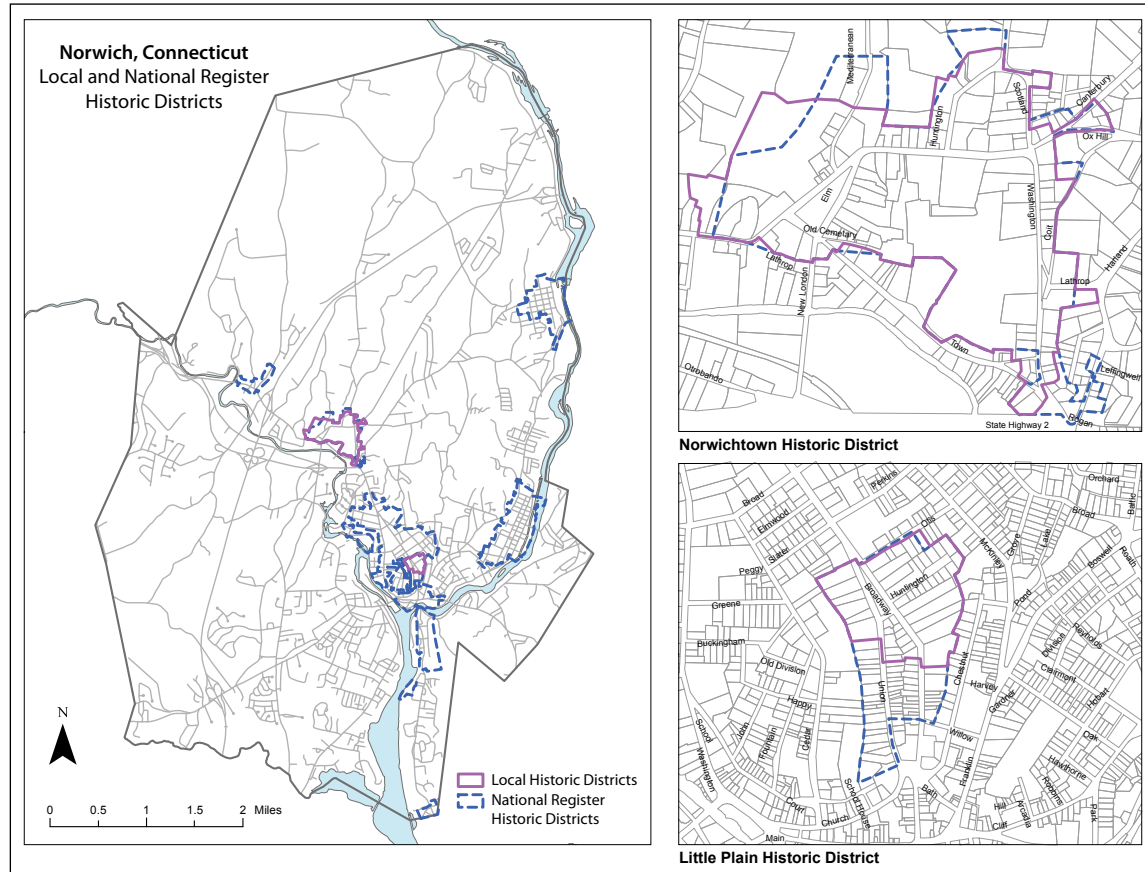
Asian: 8%

**Median Household Income:** \$50,381

**Owner-occupied Housing Units:** 8,614

**Renter-occupied Housing Units:** 7,985



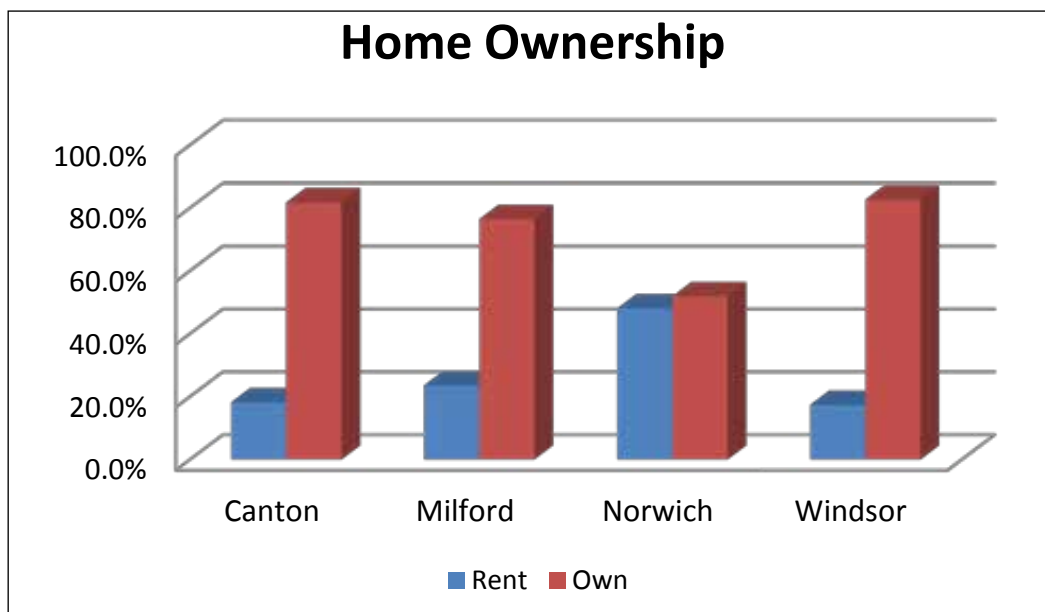
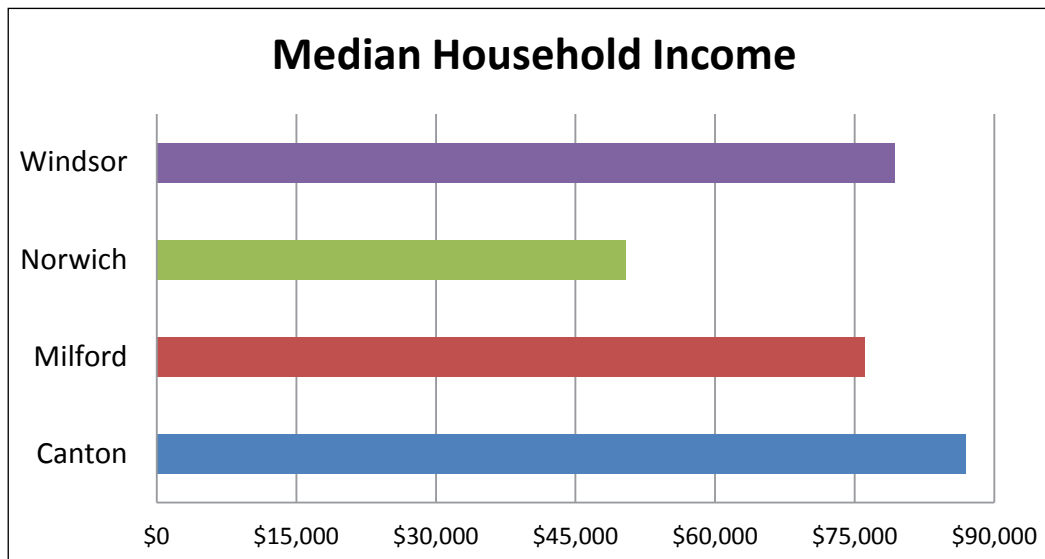


## FINDINGS

Norwich was chosen as a case study to answer slightly different questions than the others, specifically:

- Can historic neighborhoods provide affordable housing in less economically prosperous communities?
- In times of economic downturns, how do houses in local historic districts fare?
- What is the effect on single-family property values where they are within districts with sizable numbers of commercial and multi-family properties?

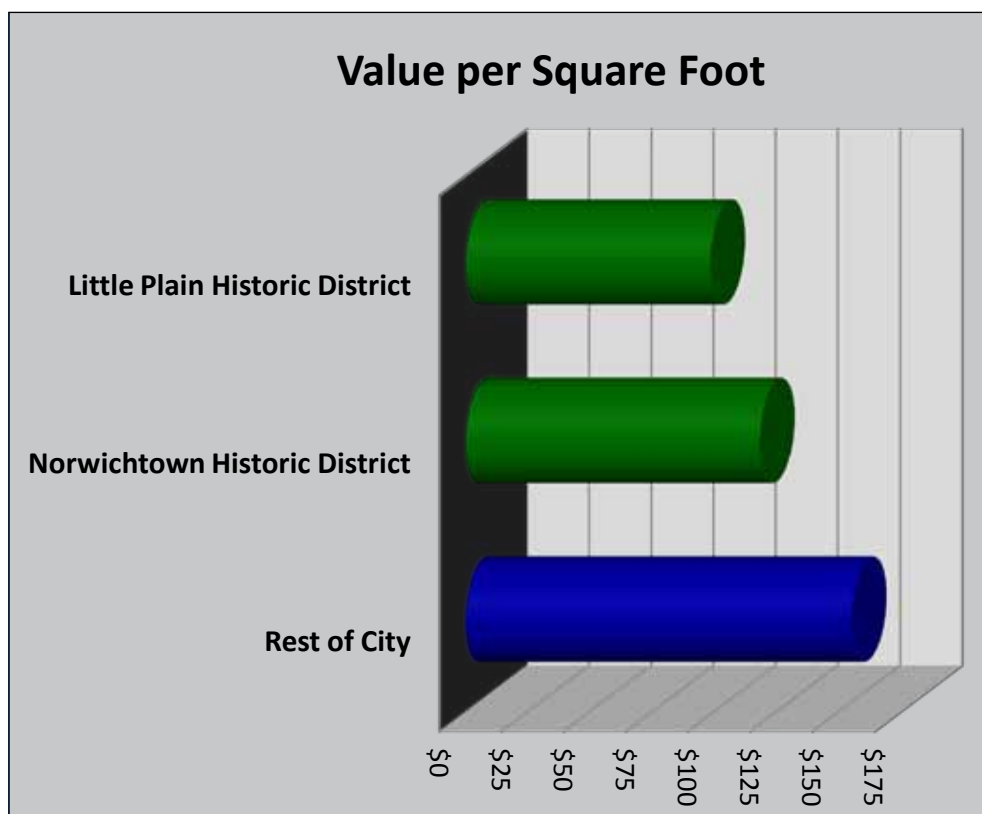




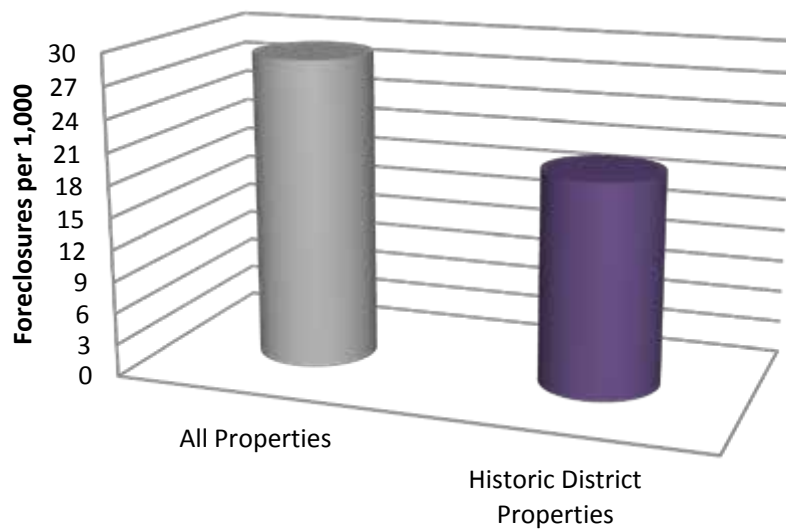
In Norwich simple economics certainly play a role. Two significant indicators – household income and rates of home ownership – are decidedly different in Norwich than in the other three communities studied. While the median household income in Canton, Milford and Windsor ranges between \$75,000 and \$85,000 per year, in Norwich it is \$50,000.

Rate of home ownership is another significant difference. Nationally around 65% of all households own their own homes. That rate is exceeded in Canton, Milford and Windsor where, combined, the rate of home ownership exceeds 80%. In Norwich, by contrast, the rate of home ownership is just over half.

It can certainly be argued that in a city with economic challenges, providing affordable housing ought to be a public policy priority. Local historic districts in Norwich are helping to meet that need. Historic houses in historic neighborhoods are providing not poor quality housing, but value-for-money housing. The square-foot value of the average house in the Little Plain Historic District is a third less than the average in the rest of Norwich. In the Norwichtown Historic District per-foot values are \$35 per square foot less than the citywide average.



### Foreclosures per 1,000 Properties Norwich 2008-2011



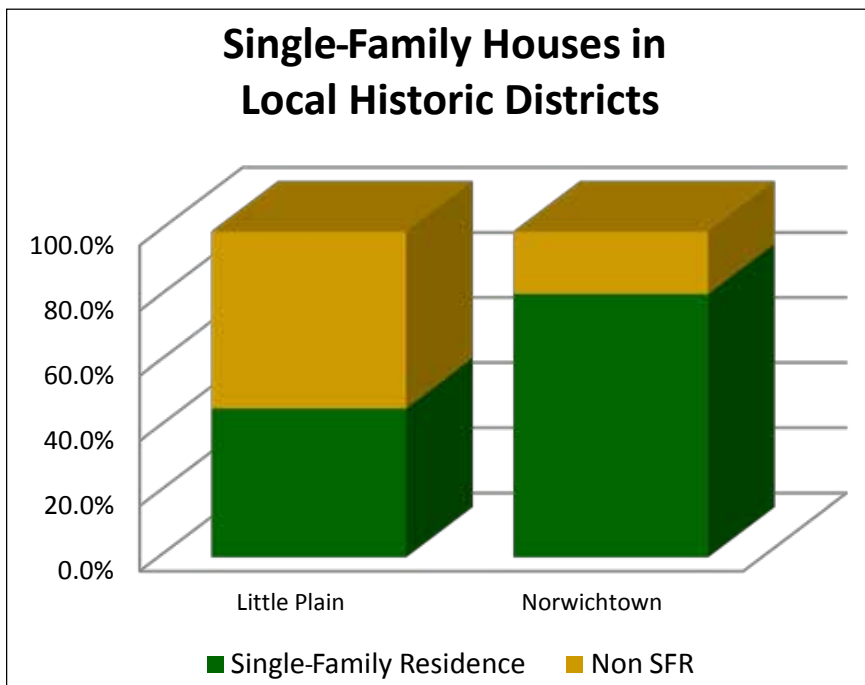
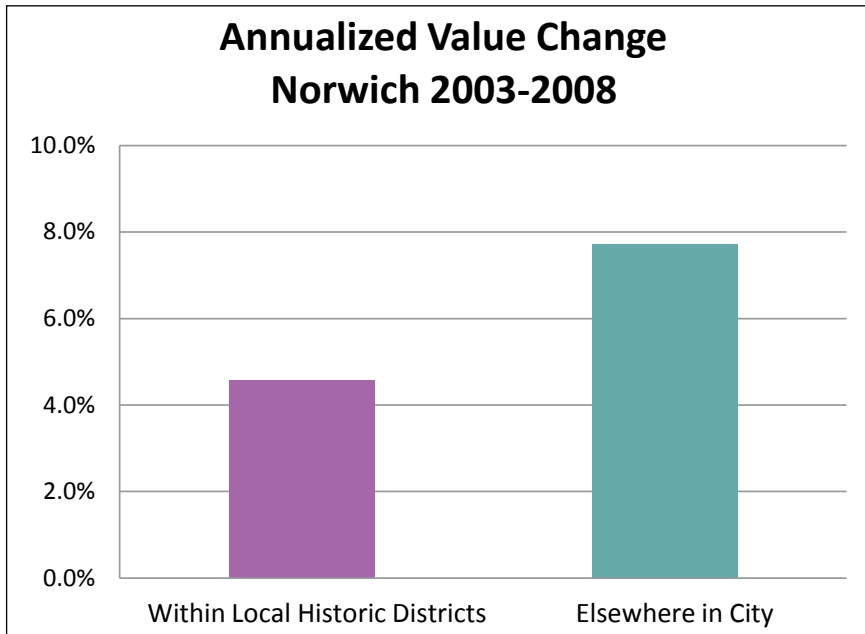
While historic neighborhoods are often criticized as being enclaves of affluence, in Norwich, historic districts have the distinction of providing a diverse economic population access to reasonably priced, quality real estate.

In economic downturns foreclosures are a major concern, particularly in communities of households with more modest incomes. Norwich has certainly seen foreclosures in recent years. But in spite of the economic challenges in Norwich, the foreclosure rate for houses within the local historic districts

(19.9 per 1,000 properties) is significantly less than for the city as a whole (28.9 per 1,000).

Norwich is the only one of the four communities studied where the rate of value change in the local historic districts was less than single-family houses elsewhere in the community. Over the five-year period between revaluations, single-family houses in the Norwichtown Historic District saw value increases of 4.09% per year and the Little Plain Historic District 6.64% per year while single-family houses elsewhere in Norwich experienced annual increases of 7.73% per year. The rate for the two local districts combined is 4.58% annually. The local historic district properties certainly increased in value, but at a rate less than elsewhere in the community.

Why is Norwich an exception to the pattern evidenced in all the other communities? The answer may lie in the character of the neighborhoods themselves. This study particularly focused on the impact of local historic districts on the property values of single-family residences. While a certain degree of mixed use can have a positive effect on residential property values, when high percentages of the nearby properties are multi-



family residential and/or commercial, this can have a dampening effect on values. This may be the case in Norwich.

While in Norwichtown around 80% of all properties are still single-family residential, in Little Plain well over half are either multifamily residential or commercial. The commercial and multifamily properties in Little Plain saw value increases greater than the citywide average.

So what are the lessons from Norwich? Local historic districts are providing affordable housing in a community with modest incomes. Homes in local historic districts are less likely to have faced foreclosure than elsewhere in the city. And property values have increased in spite of the challenge of the immediate proximity of commercial and multi-family buildings.

## Conclusion

The findings from this analysis were both consistent and convincing. Not only do local historic districts not reduce property values, but in most cases provide a “historic premium” to the houses within the district. Why is that the case? It is sometimes suggested that an additional layer of regulation (which, in fact, historic district commissions enact) must have an adverse impact on values. But this study and others before it amply demonstrate that this is not the case.

In some cases sophisticated buyers may consciously pay more simply due to having the confidence that the character of the neighborhood they are buying into will not be subject to dramatic, adverse changes because there is a public body that reviews and then approves or denies proposals.

In March 2011 the National Association of Realtors released its *Community Preference Survey*, a comprehensive analysis of why people make the housing choice they make. One of the more interesting findings was that while 12% said the size of the house was most important, 88% said that the neighborhood within which the house is located is more important. What local historic districts do is maintain the character and quality of the neighborhood – the major reason people bought there to begin with. So individual buyers may not even know that a historic district commission exists, but the evidence of the commission’s work is all around them.

The individual lessons learned from each of the communities are found in their respective sections. But two important findings emerged from looking at the data in total – one good and one a cause for concern.

For the last four years the United States has been in a recession in residential real estate, whether economists call it that or not. As a result, from an analytical perspective, looking at property value issues is problematic. There are far fewer sales than in typical years and many of the sales that do take place are not a reflection of the “fair market value” standard that a researcher would look for.

So as a substitute for current sales, we looked at foreclosure patterns in each of the communities, and the results were revealing. The rate of foreclosures in local historic districts was half that of neighborhoods that were not historic districts. This is not a statistical fluke. It is not that there were no homeowners in historic districts who faced financial difficulties. Rather it appears that the downside volatility in historic districts was less than in the community at large, therefore homeowners in financial trouble could sell their property prior to reaching the foreclosure process.

Foreclosures per 1,000 Properties		
	Overall	In Local Historic Districts
Canton	10.0	6.4
Milford	14.7	0.0
Norwich	28.9	19.9
Windsor	17.7	16.1
Total	19.70	9.96

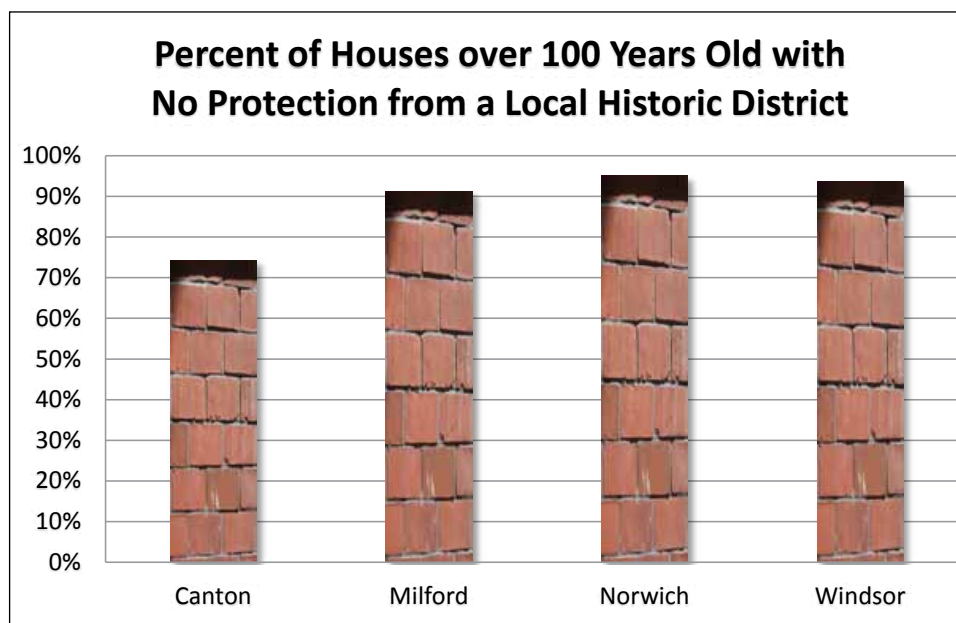
While the foreclosure story is a good one, there's another finding that, if not bad, is at least cause for concern. Because of its long history and generations of stewardship, Connecticut has an abundance of historic buildings. These structures have served the citizens of Connecticut for generations and can do so for years into the future. As is demonstrated throughout this report, establishing local historic districts is perhaps the most effective means of assuring the future of historic buildings.

But even in these four towns and cities rich in built heritage, the vast majority of historic buildings have no protection whatsoever. Even limiting the concern to houses more than a century old, in the four communities studied, between 75% and 95% of these properties are outside the boundaries of local historic districts.

It isn't that every one of these houses can, or even should, be preserved forever. But unless and until more communities take advantage of the state enabling statute to identify and designate local historic district

and properties, much of the architectural wealth of Connecticut remains at risk.

Local historic districts have proven their worth, socially, culturally and economically. But if the historic resources of Connecticut are to be available for tomorrow's citizens, the work of those historic district commissions has only just begun.



# Methodology

This study was conducted using as the primary database the property tax records of the four communities – Canton, Milford, Norwich and Windsor. In three of the cases the property record database was provided in electronic form by the local assessors. In each case this included both the most recent revaluation and the revaluation five (and in one case six) years earlier. In one instance electronic data was not available so we entered the pertinent information from printed records. All of the data was consolidated into Excel spreadsheets which could then be sorted for any particular analysis.

At the beginning of this project it was decided by the client and the researchers that there would be a relatively straightforward analysis done consistently in all four locations. This process was as follows:

1. Calculate the total change in value from the first revaluation to the second for every single-family residential property in each of the communities.
2. Convert that dollar amount to a percentage.
3. Annualize the percentage.
4. Sort all of the properties as being either in or out of local historic districts.
5. Compare the average value change of properties within the local historic districts to properties not within the historic districts.

A major reason for this approach was that the client (Connecticut Trust for Historic Preservation) wanted a methodology that could be employed locally by communities that were not part of this study, using an approach that could be done periodically without the necessity of complex mathematical modeling and without needing to hire outside consultants.

From an analytical standpoint, however, this was also a useful approach for several reasons:

1. The data is a composite of all properties.
2. The high level of competence and expertise of Connecticut assessors meant that the data was reliable.
3. By their nature these appraised values are a reflection of the aggregated preferences of individual buyers and sellers.

4. While no doubt there are occasionally erroneous valuations included in the records, the sheer number of data points minimizes the skewing potential for those errors.
5. This approach greatly diminishes the “small sample error” problem that often occurs when property value analysis is done solely on sales transactions.
6. This approach mitigates the problems of using sales data alone, which are exacerbated because of an unprecedented volatility of real estate prices over the last decade.

After doing the base analysis for each community, the researchers looked at the data from each location that could tell an interesting “story” about the relationship between historic districts and property values. Again it was the assessment data upon which these secondary analyses were based.

Finally for the foreclosure analysis we purchased a database of foreclosures in the four cities from Realty-Trac ([www.realtytrac.com](http://www.realtytrac.com)), a private firm that maintains the most comprehensive foreclosure base in the country. The period of the foreclosures was from January 2008 through July 2011.



# Acknowledgements

The authors would like to acknowledge the following people and organizations for their help and input during the research for this report. The project could not have been accomplished without the support of the Connecticut Trust for Historic Preservation. Special thanks to Helen Higgins, Gregory Farmer and Brad Schide.

Marcy Campbell  
Canton Historical Society  
Canton

Harry DerAsadourian  
Assessor's Office  
Canton

David Leff  
Collinsville Historic District  
Commission  
Canton

Neil Pade  
Planning and Community  
Development  
Canton

Erik Snowden  
GIS Services, Capitol Region  
Council of Governments  
Canton

Tim Clark  
Historic District Commission  
Milford

Lily Flannigan  
Milford Preservation Trust  
Milford

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GIS Coordinator  
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Resident  
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Jocelyn Mathiasen  
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and Land Use  
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Norwich

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Norwich Historical Society  
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Helen Higgins  
Connecticut Trust for Historic  
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Brad Schide  
Connecticut Trust for Historic  
Preservation

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### **State Historic Preservation Office**

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Hartford, CT 06103  
(860) 256-2800  
[www.ct.gov/cct](http://www.ct.gov/cct)

### **Connecticut Trust for Historic Preservation**

940 Whitney Avenue  
Hamden, CT 06517  
(203) 562-6312  
[www.cttrust.org](http://www.cttrust.org)

Visit the **Connecticut Trust website for local historic districts** at [www.historicdistrictsct.org](http://www.historicdistrictsct.org) or [www.lhdct.org](http://www.lhdct.org) and the **CT Trust website for town greens** at [www.towngreens.com](http://www.towngreens.com)

## About the Authors

The report was prepared and written by Donovan D. Rypkema and Caroline Cheong. Rypkema is principal of PlaceEconomics, a Washington D.C.-based real estate and economic development consulting firm. He is the author of *The Economics of Historic Preservation: A Community Leader's Guide* and an adjunct professor in the Historic Preservation Program at the University of Pennsylvania. Cheong is Director of Research at PlaceEconomics. She holds a master's degree in historic preservation from the University of Pennsylvania, and an undergraduate degree in anthropology from the University of Chicago. She recently held a one-year research appointment at the Getty Conservation Institute in Los Angeles. Field research and data gathering was conducted by Kim Broadbent and Kevin McMahon. Both are recent graduates of the Historic Preservation Program at the University of Pennsylvania and are currently employed in the preservation field in Philadelphia.

The report was designed by Kim Broadbent.





# CITY COUNCIL AGENDA

NO. 11

DEPT.: City Manager's Office

DATE: November 20, 2013

CONTACT: Scott Pickup, City Manager

**ACTION:** Authorization for the City Manager to execute, on behalf of the City of Rye, a Payment in Lieu of Tax Agreement (PILOT) between Rye Manor, LLC and the Westchester County Industrial Development Agency (IDA).

**FOR THE MEETING OF:**

November 20, 2013

**RYE CITY CODE,**

CHAPTER  
SECTION

**RECOMMENDATION:** That the Mayor and Council authorize the City Manager to execute the PILOT Agreement between Rye Manor, LLC and the Westchester County Industrial Development Agency (IDA).

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

**BACKGROUND:**

Rye Manor LLC has entered into a Contract of Sale with Rye Manor HDFC to acquire and renovate the property. Rye Manor LLC is a single purpose entity created solely for the purpose of the renovation and preservation of Rye Manor as an affordable housing development. The project will be financed through the issuance of tax-exempt bonds to be issued by Westchester County Industrial Development Agency (Westchester IDA), and an allocation of Federal low-Income Tax Credits from the New York State Housing Finance Agency (NYS HFA). HUD will be issuing a new 20 year HAP for the project, which will provide additional financial security for the tenants, and a new HUD Use Agreement that will ensure that the property will remain affordable for another 30 years.

Rye Manor LLC proposes to enter a Payment In-lieu of Taxes (PILOT) Agreement with the City with a \$90,000 first year PILOT payment, which would increase at 2.5% per year for the term of the 32 year PILOT. Additionally, they propose to make a one-time Municipal Impact Fee (MIF) payment of \$150,000 to the City, and continue to pay the Special District Taxes.

The Council is asked to authorize the City Manager to enter into the PILOT agreement by executing the following agreements:

- Payment in Lieu of Taxes (PILOT) between the City of Rye, HONY Housing Development Fund Corp. and Rye Manor LLC
- Consent and Termination of Restrictive Covenants and Reverter
- Municipal Impact Fee Agreement
- Intermunicipal Agreement (IMA) between the City of Rye and the Rye City School District for the Apportionment of PILOT payments and the use of the Municipal Impact Fee

See attached: Agreements listed above  
Deed  
Certificate of Occupancy

**AGREEMENT FOR PAYMENT IN LIEU OF TAXES (PILOT) BY AND AMONG  
THE CITY OF RYE, HONY HOUSING DEVELOPMENT FUND CORP. AND  
RYE MANOR LLC**

**THIS AGREEMENT FOR PAYMENT IN LIEU OF TAXES** (the “PILOT Agreement” or “Agreement”), dated November \_\_, 2013, by and among the **CITY OF RYE, NEW YORK**, a New York incorporated municipality, having its principal office located at 1051 Boston Post Road, New York 10580 (the “City”), **HONY HOUSING DEVELOPMENT FUND CORP.**, an Article XI New York private housing finance law corporation and a New York not-for-profit corporation, having an address at 700 White Plains Road, Scarsdale, New York 10583 (the “HDFC”), which HDFC will hold nominal title to the Property (as hereinafter defined) for the benefit of **RYE MANOR LLC**, a New York limited liability company, having an address c/o Mountco Construction and Development Corp., 700 White Plains Road, Suite 363, Scarsdale, New York 10583 (the “Company”).

**WHEREAS**, the HDFC is or will be the bare legal or record owner, and the Company is or will be the beneficial and equitable owner of certain improved real property located at 300 Theall Road, City of Rye, Westchester County, New York, Tax Map No. Section 146.17, Block 1, Lot 1.1 (the “Property”); and

**WHEREAS**, the HDFC is a corporation established pursuant to section 402 of the Not-For-Profit Corporation Law and Article XI of the Private Housing Finance Law (“PHFL”); and

**WHEREAS**, the HDFC is or will be a member of the managing member of the Company; and

**WHEREAS**, the HDFC and the Company have each been formed for the purpose of providing residential rental accommodations for senior citizens having household incomes less than or equal to sixty percent (60%) of area median income for Westchester County, adjusted for family size (“AMI”); and

**WHEREAS**, the Company will own, redevelop, rehabilitate, renovate, maintain and operate a housing project on the Property consisting of approximately 100 dwelling units, not less than 99 of which shall be for senior citizens having household incomes less than or equal to sixty percent (60%) of AMI (sometimes referred to herein as the “Project”); and

**WHEREAS**, the HDFC’s and the Company’s plan for the use of the Property constitutes a “housing project” as that term is defined in the PHFL; and

**WHEREAS**, the HDFC is a “housing development fund company” as the term is defined in Section 572 of the PHFL; and

**WHEREAS**, pursuant to Section 577 of the PHFL, the local legislative body of a municipality may exempt the real property of a housing project of a housing development fund company from local and municipal taxes, including school taxes, other than assessments for local improvements, to the extent of all or a part of the value of the property included in the completed project; and

**WHEREAS**, the City Council members of the City of Rye, New York, by resolution adopted November, 2013, approved and authorized the execution of this Agreement,

**NOW, THEREFORE**, it is agreed as follows:

1. Pursuant to Section 577 of the PHFL, the City hereby exempts from local and municipal taxes, other than assessments for local improvements, one hundred percent (100%) of the value of the Property, including both land and improvements. "Local and Municipal Taxes" shall mean any and all real estate taxes levied by Westchester County ("County"), the City of Rye ("City"), the Rye City School District ("School District") or other taxing jurisdiction. Exclusions from the exemption described herein (in addition to assessments for local improvements) shall include special tax and/or special assessment districts, including, without limitation, special assessments by the Westchester County Sewer and Refuse Districts.

2. This tax exemption will commence on the date the HDFC and Company acquire title to the Property (the "PILOT Commencement Date") and shall continue for a period of thirty-two (32) years from the PILOT Commencement Date. This Agreement shall not limit or restrict the HDFC's or Company's right to apply for or obtain any other tax exemption to which it might be entitled upon the expiration of this Agreement.

3. So long as the exemption hereunder continues, starting on the Pilot Commencement Date, the Company shall make annual payments in lieu of taxes ("PILOT") in the amount of Ninety Thousand and 00/100 Dollars (\$90,000.00) ("PILOT Payment"), which amount shall increase two and one half percent (2.5%) each year thereafter, to cover all Local and Municipal Taxes owed in connection with the Property and the Project. Annual PILOT Payments shall be due on February 28 of each calendar year. PILOT Payments shall be mailed via First Class mail through the United States Postal Service to the City of Rye, Attention Tax Collector at 1051 Boston Post Road, Rye, New York 10580. So long as the tax exemption remains in effect, tenant rental charges for restricted units shall not exceed the maximum established or allowed by law, rule or regulation, and the Property shall be operated in conformance with the provisions of Article XI of PHFL.

4. The tax exemption provided by this Agreement will continue for the term described above provided that not less than 99 units within the Property continue to be used as housing facilities for senior citizens having household incomes less than or equal to sixty (60%) percent of AMI as described herein, and any of the following occur (i) the HDFC and/or the Company operate the Property in conformance with Article XI of the PHFL; or (ii) in the event an action is brought to foreclosure a mortgage upon the Property, and the legal and beneficial interest in the Property shall be acquired at the foreclosure sale or from the mortgagee, or by a conveyance in lieu of such sale, by a housing development fund corporation organized pursuant to Article XI of the PHFL, or by the Federal government or an instrumentality thereof, or by a corporation which is, or by agreement has become subject to the supervision of the superintendent of banks or the superintendent of insurance, such successor in interest shall operate the Property in conformance with Article XI of the PHFL, or otherwise with the consent of the City of Rye and such consent shall not be unreasonably withheld.

5. The failure to make the required payment will be treated as failure to make

payment of taxes and will be governed by the same provisions of law as apply to the failure to make payment of taxes, including but not limited to enforcement and collection of taxes and assessment of interest and penalties to the extent permitted by law. In the event the City commences a proceeding to enforce the provisions of this Agreement, then, in addition to the remedies to which the City shall be entitled, it shall have the right to award reasonable attorney fees. Notwithstanding the above, the City may terminate this Agreement, and the tax exemption shall thereupon terminate, pursuant to Section 6 hereof.

6. This Agreement and the exemption granted hereunder shall terminate pursuant to Section 5 above or in an event of default as follows:

(a) Failure of the Company (or the Company's investor member on its behalf) to pay in full any payment due under this Agreement within thirty (30) days of mailing of written notice by the City stating that said payment is past due.

(b) Failure of the Company (or the Company's investor member on its behalf) to comply with or perform any provision of this Agreement if such failure continues in whole or in part for more than thirty (30) days after mailing of written notice by the City of such failure to comply or perform.

In the event of a default hereunder, in addition to the termination of this Agreement and the tax exemption, the City may exercise any and all rights or remedies permitted by law.

Notwithstanding any provision hereof to the contrary, the mortgagees of record with respect to the Property (the "Lender") shall have an additional period 30 days after the cure periods of the Company set forth in this Section 6 to cure any monetary defaults and an additional period of up to 120 days to cure non-monetary defaults provided that the Lender shall diligently pursue such cure.

7. All notices and other communications hereunder shall be in writing and shall be sufficiently given when delivered to the applicable address stated above (or such other address as the party to whom notice is given shall have specified to the party giving notice) by registered or certified mail, return receipt requested or by such other means as shall provide the sender with documentary evidence of such delivery. Copies of notices to the Company shall be provided to First Sterling Financial, Inc., 111 Great Neck Road, Great Neck, New York, New York 11021, and to the Lender at Citi Community Capital, 390 Greenwich Street, 2<sup>nd</sup> Floor, New York, New York 10013, or such other address as may be designated in writing by the Lender

8. This Agreement shall inure to the benefit of and shall be binding upon the City, the Company and the HDFC and their respective successors and assigns, including the successors in interest of the Company and the HDFC. There shall be no assignment of this Agreement except in accordance with Section 4 hereof or with written consent of the other party, which consent shall not be unreasonably withheld.

9. If any provision of this Agreement or its application is held invalid or unenforceable to any extent, the remainder of this Agreement and the application of that



provision to other persons or circumstances shall be enforced to the greatest extent permitted by law.

10. This Agreement may be executed in any number of counterparts with the same effect as if all the signing parties had signed the same document. All counterparts shall be construed together and shall constitute the same instrument.

11. This Agreement constitutes the entire agreement of the parties relating to payments in lieu of taxes with respect to the Property and supersedes all prior contracts, or agreements, whether oral or written, with respect thereto.

12. Each of the parties individually represents and warrants that the execution, delivery and performance of this Agreement, (i) has been duly authorized and does not require any other consent or approval, (ii) does not violate any article, by-law or organizational document or any law, rule, regulation, order, writ, judgment or decree by which it is bound, and (iii) will not result in or constitute a default under any indenture, credit agreement, or any other agreement or instrument to which any of them is a party. Each party represents that this Agreement shall constitute the legal, valid and binding agreement of the parties enforceable in accordance with its terms.

*Remainder of page intentionally left blank.*

IN WITNESS WHEREOF, the City, the HDFC and the Company have caused this Agreement to be executed in their respective names by their duly authorized representatives and their respective seals to be hereunder affixed, all as of the date above-written.

DATED: November \_\_\_\_, 2013

CITY OF RYE, NEW YORK

By: \_\_\_\_\_  
Name: Scott D. Pickup  
Title: City Manager

DATED: November \_\_\_\_, 2013

HONY HOUSING DEVELOPMENT FUND  
CORP.

By: \_\_\_\_\_  
Name: John Madeo  
Title: President

DATED: November \_\_\_\_, 2013

Rye Manor LLC

By: Rye Manor Managers LLC,  
its Managing Member  
By: HONY Housing Development Fund  
Corp.  
its Manager

By: \_\_\_\_\_  
Name: John Madeo  
Title: President

STATE OF NEW YORK                                 )  
   )       SS.:  
COUNTY OF WESTCHESTER                         )

On the \_\_\_\_ day of November in the year 2013, before me personally appeared Scott D. Pickup, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

---

NOTARY PUBLIC

STATE OF NEW YORK                                 )  
   )       SS.:  
COUNTY OF   )

On the \_\_\_\_\_ day of November in the year 2013, before me personally appeared John Madeo, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

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NOTARY PUBLIC

**THIS CONSENT and TERMINATION of RESTRICTIVE COVENANTS and REVERTER ("Termination")**, dated as of the \_\_\_\_ day of November, 2013, made by THE CITY OF RYE, NEW YORK, a municipal corporation, with offices located at 1051 Boston Post Road, New York 10580 (the "City").

**WHEREAS**, the City conveyed the property located at 300 Theall Road, City of Rye, Westchester County, New York Tax, Map No. Section 146.17, Block 1, Lot 1.1 and as more particularly described in Schedule "A" annexed hereto and made a part hereof (the "Premises"), to Rye Senior Citizens' Apartment Housing Development Fund Corporation ("Rye HDFC") pursuant to that certain deed dated September 20, 1985 and recorded in the Office of the Westchester County Clerk on October 7, 1985 in Liber 8232 page 160 (the "Deed");

**WHEREAS**, the Deed includes the following provision (the "Restrictions"):

Subject in all cases to any rights or property interests running with respect to the premises to the United States of America, acting by and through the Department of Housing and Urban Development, or its successors or assigns ("HUD"), whether said rights or interests are created pursuant to mortgage, regulatory agreement or otherwise, said premises shall, until otherwise permitted by the party of the first part, be used for purposes of housing and may not be sold, transferred, exchanged, assigned or leased (other than leases made in the normal course of operations to tenants of the premises) without the consent of the party of the first part. In the event of a violation of the foregoing restrictions, which violation is not cured by the party of the second part after notice and a reasonable opportunity to cure, the party of the first part shall have the right to re-enter and take possession of the premises and to terminate, and re-vest in the party of the first part, the estate conveyed by this indenture to the party of the second part, provided that such right of re-entry, termination and re-vesting shall always be subject to and limited by, and shall not defeat, render invalid or limit in any way the aforementioned rights or property interest of HUD.

**WHEREAS**, Rye HDFC and Rye Manor LLC, a New York limited liability company (the "Company"), have notified the City that Rye HDFC intends to sell and the Company intends to acquire the Premises so that the Company may substantially rehabilitate the affordable rental housing project currently located at the Premises (the "Project"), and the Company has been working directly with the City in regard to such acquisition and rehabilitation (the "Sale");

**WHEREAS**, the Company, as part of the Sale, will enter into a Use Agreement with HUD regarding the continued operation of the Project as affordable rental housing;

**WHEREAS**, the Project's lenders (the "Lenders") are unwilling to provide acquisition and construction financing (the "Financing") for the Project while the Deed contains the Restrictions; and

**WHEREAS**, the City is willing to consent to the Sale of the Premises and to terminate the Restrictions in order to induce the Lenders to provide the Financing, in consideration of the Company's covenant to maintain the Project.

**NOW, THEREFORE**, in consideration of the above-stated premises and also in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, the City hereby covenants and agrees that (a) it consents to the Sale of the Premises, and (b) the Restrictions contained in the Deed shall be hereby terminated and extinguished.

This Termination shall be governed by and interpreted in accordance with the laws of the State of New York and may not be changed or terminated orally.

**IN WITNESS WHEREOF**, the City has caused this Termination to be signed by its duly authorized officer as of the day and year written above.

**THE CITY OF RYE, NEW YORK**

By: \_\_\_\_\_

Name:

Title:

## ACKNOWLEDGEMENTS

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

On the \_\_\_\_ day of November in the year 2013, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

---

Notary Public

**EXHIBIT A**

Description of the Premises

[To Be Attached Hereto]

**CONSENT AND TERMINATION OF REVERTER**

by

**THE CITY OF RYE, NEW YORK**

Dated as of November \_\_\_\_, 2013

City: Rye

County: Westchester

Section: 146.17

Block: 1

Lot: 1.1

Address: 300 Theall Road

**RECORD AND RETURN TO:**

Cannon Heyman & Weiss, LLP  
54 State Street, 5<sup>th</sup> Floor  
Albany, New York 12207  
Attn: Sarah C. Hetzer



## MUNICIPAL IMPACT FEE AGREEMENT

THIS MUNICIPAL IMPACT FEE AGREEMENT (the "Agreement"), dated as of the \_\_\_\_ day of \_\_\_\_\_, 2012, by and between the **CITY OF RYE**, a municipal corporation of the State of New York with offices located at 300 Theall Road, Rye Rochelle, New York 105801 (the "City") and **RYE MANOR LLC**, a New York limited liability company having offices at 700 White Plains Road, Suite 363, Scarsdale, New York 10583 (the "Company").

### WITNESSETH:

WHEREAS, the Company intends to acquire, redevelop, renovate and rehabilitate certain land and improvements located at or near 300 Theall Road, Rye, New York, Tax Map No. Section 146.17, Block 1, Lot 1.1, which improvements consist of a single building containing one hundred (100) residential rental units for persons and families of low-income (the "Project"); and

WHEREAS, on or about the date hereof and in connection with the Project, the City, the Company and HONY Housing Development Fund Corp.. entered into an agreement (the "PILOT Agreement") making provisions for payments in lieu of taxes by the Company to the City for the benefit of the City, the Rye City School District and the County of Westchester, New York; and

WHEREAS, the City and the Company, in recognition that a significant inducement to the Company to redevelop the Project was the responsiveness of the City in addressing applications associated with the Project and willingness to continue to provide municipal services to the Project during the term of the PILOT Agreement and thereafter, desire to enter into this Agreement whereby the Company will pay to the City an impact fee as reimbursement for the costs and associated expenses related to the continued level of municipal services to be provided by the City for the benefit of the Project;

NOW, THEREFORE, in consideration of the covenants herein contained, and for other good and valuable consideration the receipt and sufficiency of which are acknowledged, it is mutually agreed as follows:

### Section I –Payment of Impact Fee.

1.1 (i) *Payment of Impact Fee.* The Company, pursuant to the terms of this Agreement, shall pay and remit to the City an impact fee in the amount of One Hundred Fifty Thousand Dollars (\$150,000.00) (the "Impact Fee"). The Impact Fee shall be payable in full on the date of closing of the Project's construction financing.

(ii) *Public Purpose.* The parties agree and acknowledge that the payment to be made by the Company hereunder is to obtain revenues for any public purpose, including without limitation costs and associated expenses related to municipal services or infrastructure, such as, but not limited to, road and curb repairs and/or street lighting, traffic signalization, and/or improvements to municipal parking lots in the vicinity of the Rye Manor Project.

### Section II - Miscellaneous.

2.1 This Agreement may be executed in any number of counterparts each of which shall be deemed an original but which together shall constitute a single instrument.

2.2 All notices, claims and other communications hereunder shall be in writing and shall be deemed to be duly given if personally delivered or mailed first class, postage prepaid, as follows:

To the City:

City of Rye  
300 Theall Road  
Rye, New York 10580  
Attn: \_\_\_\_\_

To the Company:

Rye Manor LLC  
700 White Plains Road, Suite 363  
Scarsdale, New York 10583  
Attn.: Joel B. Mounty

With a copy to:

First Sterling Financial, Inc.  
111 Great Neck Road  
Great Neck, New York 11021

Citi Community Capital  
390 Greenwich Street, 2<sup>nd</sup> Floor  
New York, New York 10013

To Company Counsel:

Cannon Heyman & Weiss LLP  
54 State Street, 5<sup>th</sup> Floor  
Albany, New York 12207  
Attn.: Geoffrey Cannon, Esq.

or at such other address as any party may from time to time furnish to the other party by notice given in accordance with the provisions of this Section. All notices shall be deemed given when mailed or personally delivered in the manner provided in this Section.

2.3 This Agreement embodies and constitutes the entire understanding between the parties with respect to the transaction contemplated herein, and all prior agreements, understandings, representations and statements, oral or written, are merged into this Agreement. Neither this Agreement nor any provision hereof may be waived, modified, amended, discharged or terminated except by an instrument signed by the party against whom enforcement of such

waiver, modification, amendment, discharge or termination is sought, and then only to the extent set forth in such instrument.

2.4 This Agreement shall be governed by, and all matters in connection herewith shall be construed and enforced in accordance with, the laws of the State of New York applicable to agreements executed and to be wholly performed therein and the parties hereto hereby agree to submit to the personal jurisdiction of the federal or state courts located in the City of Rye , Westchester County, New York.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

CITY OF RYE, NEW YORK

By: \_\_\_\_\_

Name: Scott D. Pickup

Title: City Manager

RYE MANOR LLC

By: Rye Manor Managers LLC, Managing Member

By: HONY Housing Development Fund Corp.,  
Manager

By: \_\_\_\_\_

Name: John Madeo

Title: President

**INTERMUNICIPAL AGREEMENT BETWEEN CITY OF RYE AND THE RYE  
CITY SCHOOL DISTRICT FOR THE APPORTIONMENT OF PILOT  
PAYMENTS AND THE USE OF MUNICIPAL IMPACT FEE RELATED TO  
PROPERTY LOCATED AT 300 THEALL ROAD**

An INTERMUNICIPAL AGREEMENT among the municipal corporations of the City of Rye ("Rye"), 1051 Boston Post Road, Rye, New York 10580 and the Rye City School District the ("School District") 411 Theodore Fremd Avenue, Rye, New York 10580 for the apportionment of the Payment in Lieu of Taxes ("PILOT") payments from the Rye Manor property located at 300 Theall Road, Rye, New York, 10580 (the "IMA").

WHEREAS, Rye has entered into a PILOT agreement with HONY Housing Development Fund Corp. and Rye Manor LLC for \$90,000 a year (with a 2.5% increase annually); and

WHEREAS, Rye and the School District have agreed that Rye would retain 33.3% of the annual PILOT payment and the School District would receive 66.6% of the annual PILOT payment; and

WHEREAS, Rye has also entered into Municipal Impact Fee agreement with HONY Housing Development Fund Corp., and Rye Manor LLC for a one-time payment of \$150,000 to be used for municipal improvements located in the vicinity Rye Manor.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, the parties hereto mutually agree as follows:

1. The term of the IMA shall commence on the PILOT Commencement Date (a copy of the PILOT is annexed hereto as Exhibit 1 and continue for the length of the PILOT.
2. Rye will forward 66.6% of the annual PILOT payment to the School District.
3. Rye agrees to use the \$150,000 Municipal Impact Fee for pedestrian and traffic improvements to the ingress/egress areas at Rye High School and at the intersection of the Milton Road/Apawamis.
4. This IMA may be modified or amended only in writing duly executed by both parties, which shall be attached to and become part of this IMA.
5. Each party shall indemnify and hold harmless the other, its officers, agents and assigns for all liability arising out of its activities under this IMA.
6. This IMA shall be governed by and construed in accordance with the laws of New YorkState.

City Manager, City of Rye

By: \_\_\_\_\_

Dated: \_\_\_\_\_

Superintendent of Schools, Rye City School District

By: \_\_\_\_\_

Dated: \_\_\_\_\_



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LINER 8232 PAGE 165

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\$900.00

THIS INDENTURE, made the 31<sup>st</sup> day of July, nineteen hundred and eighty-four between RYECON CORPORATION, a New York corporation with principal offices at Halstead Avenue (no number), P.O. Box 731, in the City of Rye, County of Westchester and State of New York, herein the Grantor, and RYE INTERFAITH HOUSING CORPORATION, a Not-for-Profit corporation of the State of New York, having an office at 964 Boston Post Road, Rye, New York, herein the Grantee,

WITNESSETH, that the Grantor in consideration of Ten Dollars and other valuable consideration paid by the Grantee, does hereby grant and release unto the Grantee, its successors and assigns forever,

ALL that certain plot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being in the City of Rye, County of Westchester and State of New York (the "Premises"), described as follows:

BEGINNING at a point on the westerly side of Theall Road (formerly Railroad Avenue) said point being 10.02 feet south of the southwesterly corner of Theall Road and Halstead Avenue, which road (Halstead Avenue) was previously abandoned by action of the City Council of the City of Rye on June 19, 1963 as ordinance No. 3-1963; said abandoned road (Halstead Avenue) and Theall Road (formerly Railroad Avenue) are as shown on a certain map entitled "Map of Brentwood Plaza, at Rye and Harrison, Westchester County, N.Y., on N.Y. and New Haven R.R. as prepared on April 13, 1892, by H.H. Spindler, Civil Engineer and City Surveyor" and filed in the office of the County Clerk, Division of Land Records, formerly Register's Office of Westchester County, New York, on June 2, 1892, as R.O. Map No. 1386; running thence in a westerly direction along a line, said line being 10.00 feet southerly and parallel to former Halstead Avenue north 56° 17' 00" west 499.40 feet to a point on the westerly side of former Hillen Street which road was also abandoned by action of the City Council of the City of Rye on June 19, 1963, as ordinance No. 3-1963; running thence in a southerly direction along the westerly side of former Hillen Street south 33° 43' 00" west 90.00 feet to a point; running thence south 56° 17' 00" east 25.00 feet to the center of former Hillen Street; running thence south 33° 43' 00" west 50.00 feet along the center line of former Hillen Street to a point; thence proceeding in an easterly direction across former Hillen Street and

along the division line between Lot 34 and Lot 35 as shown on Map of Brentwood Plaza south 56° 17' 00" east 125.00 feet; thence north 33° 43' 00" east 4.33 feet; thence along the southerly side of Lot 23 of said map, south 49° 04' 00" east 100.80 feet to the southwest corner of former Eutaw Street (now abandoned); thence along the southerly side of former Eutaw Street, south 49° 04' 00" east 50.40 feet to the southeast corner of former Eutaw Street; thence running in a southerly direction south 33° 43' 00" west 60.33 feet to a point; thence in an easterly direction and along a division line between Lot 6 and Lot 7 as shown on Map of Brentwood Plaza south 56° 17' 00" east 186.50 feet, to a point on the westerly side of Theall Road; thence north 37° 09' 00" east 215.39 feet to the point or place of beginning.

TOGETHER with all right, title and interest, if any of the Grantor in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the Grantor in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the Grantee, its successors and assigns forever, upon the conditions following, viz.:

1. That the Grantee or its successors and assigns (hereinafter all being referred to as "Grantee"), shall construct on the Premises structures and facilities ("Improvements") to provide housing for 100 or more elderly and handicapped persons on a non-profit basis, such construction to commence on or before December 31, 1985, and be completed no later than twenty-four (24) months after commencement, or at such later dates as may be approved by the United States Department of Housing and Urban Development or the Federal Housing Commissioner;

2. Promptly after completion of the Improvements, Grantor, upon written request ("Request") by Grantee, will furnish Grantee with an instrument, in form recordable in the Westchester County Clerk's Office, Division of Land Records, certifying to such completion. Such certification ("Certificate of Completion") by Grantor shall be a conclusive determination of satisfaction and termination of the agreements



and covenants herein contained with respect to the obligation of Grantee to construct the improvements, and of the satisfactory completion by Grantee of the Improvements. Grantor shall, within twenty (20) days after its receipt of the Request, provide Grantee with the Certificate of Completion or with a written statement (the "Statement") indicating in adequate detail in what respects the work referred to in the Request has not been adequately completed and what measures Grantee must take to obtain the Certificate of Completion. If Grantor fails to provide Grantee with either the Certificate of Completion or with a Statement within the said twenty (20) day time period, the Improvements shall be deemed to have been completed as if the Certificate of Completion therefor had been issued. If there is upon the Premises a mortgage insured, or held or owned, by the Federal Housing Administration and the Federal Housing Administration shall have determined that all buildings constituting the Improvements and covered by such mortgage are, in fact, substantially completed and are ready for occupancy, then, in such event, the Grantor shall accept the determination of the Federal Housing Administration as to such completion of the construction of the Improvements, and the Grantor shall forthwith issue its certification provided for in this paragraph. Such certification and such determination shall not constitute evidence of compliance with or satisfaction of any obligation of the Grantee to any holder of a mortgage, or any insurer of a mortgage, securing money loaned to finance the Improvements, or any part thereof;

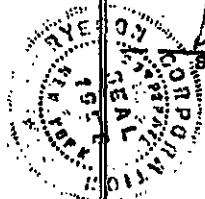
3. In the event that prior to the issuance of a Certificate of Completion Grantee shall violate its obligations with respect to construction of the Improvements (including, without limitation, the dates for the beginning and completion thereof), or shall abandon or substantially suspend construction

work (except for any delay or suspension due to unforeseeable causes beyond Grantee's control and without its fault or negligence, including, but not limited to, acts of God, the public enemy, the United States government, Grantor, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather or delays of subcontractors due to such causes, which, in the event of such delays, shall extend the time for performance by Grantee with respect to construction of Improvements for a period of such delay), and any such violation, abandonment or suspension shall not be cured within three (3) months after written demand by Grantor so to do, then Grantor shall have the right to re-enter and take possession of the premises and to terminate (and re-vest in Grantor) the estate conveyed by this deed. This provision constitutes a condition subsequent to the effect that should there occur any default specified hereinabove, and same shall not be cured within the time specified therefor, Grantor, at its option, may declare a termination in favor of Grantor of the title to, and of all rights and interests in, the Premises, and that such title and all rights and interests of Grantee, and its successors and assigns, in the Premises shall revert to the Grantor. This condition subsequent, and any re-vesting of title as a result thereof in Grantor, shall always be subject to and limited by and shall not defeat, render invalid, or limit in any way the rights of the United States Department of Housing and Urban Development, the lien of any mortgagee who provided funds for the purchase of the premises or the construction of part or all of the Improvements, and shall not apply to any parts of the premises, or rights and interests appurtenant thereto, or Improvements thereon for which a Certificate of Completion has been issued.

AND the Grantor covenants that the Grantor has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed by its duly authorized corporate officer and its corporate seal to be affixed, and duly attested by its secretary, the day and year first above written.

ATTEST:



Kan C. Davis  
Secretary


RYECON CORPORATION

By: [Signature]  
Vice-President

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

On the 31<sup>st</sup> day of July, 1984, before me personally came GORDON A. THOMAS, to me known, who, being by me duly sworn, did depose and say that he is the Vice President of RYSCON CORPORATION, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation, and that he signed his name thereto by like order.

He resides at Halsted Ave. (no number)  
Rye, N.Y.

  
Notary Public

LOUIS B. MOLINELLI  
NOTARY PUBLIC, State of New York  
No. 60-2741671  
Qualified in Westchester County  
Term Expires March 30, 1985

W20007

RYECON CORPORATION

to

RYE INTERFAITH HOUSING  
CORPORATION

DEED

Sec 3  
Block 66  
Lot 98, 110  
Town-Rye

**CUDDY & FEDER**  
SOLICITORS  
WHITE PLAINS, N.Y. 10601  
(914) 761-1300

RECORDED BY  
LTIC ASSOC., INC.  
32 EAST 39th STREET  
NEW YORK, N.Y. 10018  
899-2170

Record & Return to:  
Kenneth A. Jurist Esq  
Cuddy & Feder Esqs  
90 Maple Avenue  
White Plains NY 10601

UNR8232 PAGE 171



WESTCHESTER COUNTY CLERK RECORDING PAGE  
(THIS PAGE IS PART OF THE INSTRUMENT)

RECEIVED  
WESTCHESTER COUNTY CLERK

1985 OCT -7 11:26

TYPE OF INSTRUMENT DEED DATE \_\_\_\_\_

STATUTORY CHARGE 3 MTGE AMT \_\_\_\_\_

RECORDING CHARGE 21 EXEMPT YES \_\_\_\_\_ NO \_\_\_\_\_

FILING CHARGE 1 REC'D TAX ON ABOVE MTGE \_\_\_\_\_

CROSS REFERENCE \_\_\_\_\_ BASIC \$ \_\_\_\_\_

CERT/RECEIPT \_\_\_\_\_ ADDITIONAL \$ \_\_\_\_\_

SUBTOTAL \$ \_\_\_\_\_

SPECIAL \$ \_\_\_\_\_

TOTAL \$ \_\_\_\_\_

SERIAL NO \_\_\_\_\_

CONSTO 225000

RECEIVED  
\$ 900-  
REAL ESTATE  
OCT - 7 1985  
TRANSFER TAX  
WESTCHESTER  
COUNTY

ANDREW J. SPANO  
WESTCHESTER COUNTY CLERK

02 BEDFORD  
06 CORTLANDT  
09 EASTCHESTER  
11 GREENBURGH  
12 HARRISON  
16 LEWISBORO  
17 MAMARONECK  
19 MT KISCO  
20 MT PLEASANT  
21 MT VERNON  
22 NEW CASTLE  
23 NEW ROCHELLE  
24 NORTH CASTLE  
26 NORTH SALEM  
28 OSSINING  
30 PEEKSKILL  
31 PELHAM  
35 POUND RIDGE  
36 RYE CITY  
37 RYE TOWN  
38 SCARSDALE  
39 SOMERS  
42 WHITE PLAINS  
43 YONKERS  
44 YORKTOWN

TERMINAL NO 8380036 TRANSFER FEES NO

DATE RET'D

67248

02-01-001 10/1/85

27.

			SECTION	BLK	LOT	VILLAGE	TOWN	COUNTY
			RECORD AND RETURN TO:					

THE FOREGOING INSTRUMENT WAS ENDORSED FOR THE RECORD AS FOLLOWS:

THE PROPERTY AFFECTED BY THIS INSTRUMENT IS SITUATE IN THE

☐ TOWN ☒ CITY OF RYE, COUNTY OF WESTCHESTER

N.Y. A TRUE COPY OF THE ORIGINAL DEED RECORDED

IN THE DIVISION OF LAND RECORDS OF THE COUNTY CLERK'S OFFICE OF

WESTCHESTER COUNTY ON OCT. 7, 1985 AT 11:26A M. IN

LIBER 8232 PAGE 165 IN THE BOOK OF Deeds

WITNESS MY HAND AND OFFICIAL SEAL:

Andrew J. Spano  
ANDREW J. SPANO, COUNTY CLERK

**CERTIFICATE OF OCCUPANCY**  
DEPARTMENT OF BUILDINGS  
CITY OF RYE

No. 2200  
1/16, 17  
Block 1  
Lot 1.1

Location 350 Heald Road  
Owner Rye Union Citizens' Cpt. Housing Development  
Address Trust Corporation, 964 Park Ave. East, Rye, N.Y.  
Lessee \_\_\_\_\_  
Address \_\_\_\_\_  
Permitted Occupancy 10 Unit Union Citizen Cpt & Parking  
for 24 Cars - Building Per. No. 5670

Permission is Hereby Granted For The Occupancy Described Above.

Fee \$ 1.00 -

RYE, N. Y. 3/16 19 87

CITY CLERK

Alvin K. Conrad

12-9-86

BUILDING INSPECTOR

17551 Alvin K. Conrad



# CITY COUNCIL AGENDA

NO. 13

DEPT.: City Manager

DATE: November 20, 2013

CONTACT: Scott Pickup, City Manager

**AGENDA ITEM:** Authorization for City Manager to enter into a Memorandum of Understanding with the County of Westchester to provide access to Westchester Records Online: the County Clerk's land records and legal files.

**FOR THE MEETING OF:**

November 20, 2013

**RYE CITY CODE,**

CHAPTER  
SECTION

**RECOMMENDATION:** That the Mayor and Council authorize the City Manager to enter into the agreement with Westchester County.

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

**BACKGROUND:** Through a Memorandum of Understanding with Westchester County, the City is provided access to Westchester Records Online: the County Clerk's land records and legal files. Municipalities are given exclusive access to essential abstracts of real estate transactions to assist tax assessors. There is no charge to the City for access to the records.

See attached.



**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE COUNTY OF WESTCHESTER  
AND**

---

**LICENSE AGREEMENT** made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between:

**THE COUNTY OF WESTCHESTER** (hereinafter referred to as the "County"), a municipal corporation of the State of New York, having and office and place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601 and

---

(hereinafter referred to as the "Licensee"), located at

---

---

**WHEREAS**, the County desires to provide a license for remote access to the County Clerk's land records and legal files; and

**WHEREAS**, the Licensee desires a license for the privilege of utilizing such remote access to the County Clerk's record; and

**NOW, THEREFORE**, the parties hereto agree upon the premises, terms and conditions as follows:

1. **Licensed Access:** The County hereby grants to the Licensee a License at no cost for the use of (\_\_\_\_\_) assigned user ID's from the Westchester County Clerk's system that would permit Licensee to connect computer terminal(s) for remote web access to the County Clerk's land records and legal files. Licensee accepts the land records and legal file information on an "as is" basis and the County provides no warranty as to the accuracy of the information. To the extent permitted by law, the County disclaims all liability for the information contained in the files and records.

2. **Confidentiality:** The Licensee agrees that, except in accordance with proper judicial order or as otherwise provided by law, the Licensee and any person employed, or otherwise engaged, by such Licensee who by virtue of such employment or engagement is given access to the County Clerk's Office land and legal records pursuant to this License, shall not divulge or make known in any manner any confidential information, such as social security numbers, contained in such records.

3. **Conduct of Operations:** The Licensee assumes all risk of operation and shall provide, at its sole cost and expense, all equipment and hardware, as determined by the County, necessary to gain access to the County Clerk's records. The County shall not be responsible as a bailee or otherwise for any equipment or hardware or other personal property of the Licensee, or its employees, used to gain remote access. The Licensee hereby waives any claim for loss or damages sustained to any personal property, including, without limitation, theft or other casualty. The Licensee further agrees;

(a) that except for the amount, if any, of damage contributed to, caused by or resulting from the negligence of the County, the Licensee shall indemnify and hold harmless the County, its officers, employees and agents from and against any all liability damage, claims, demands, costs, judgments, fees, attorneys' fees, or loss arising directly or indirectly out of the acts or omissions hereunder by the Licensee and third parties under the direction or control of the Licensee; and

(b) to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of this License and to bear all other costs and expenses related thereto.

4. **Term and Termination:** The term of this License shall be for a period commencing on \_\_\_\_\_ 201\_, and terminating on December 31, 2014, with the County Clerk's option to extend the License for up to four additional one-year periods on the same terms and conditions. This License shall be extended for an additional one year period automatically upon Licensee's receipt of a letter notice from the County Clerk advising Licensee of the County Clerk's decision to exercise its option and extend this License for an additional one year period.

In addition, this License may be terminated by the County upon thirty (30) days written notice to the Licensee when, in its sole discretion, the County deems it in its best interest to do so. Licensee shall have the right to terminate this License upon thirty (30) days written notice to the County when, it is sole discretion, Licensee deems it in its best interest to do so.

5. **No Lease:** It is expressly understood and agreed that no equipment or space is leased to the Licensee. No exclusive rights for remote access (other than the licensed user ID's granted herein) are granted by this License.

6. **Notices:** All notices of any nature referred to in this License shall be in writing and either sent by regular mail or overnight courier, or sent by facsimile (with acknowledgement received and a copy of the notice sent by overnight courier), to the respective addresses set forth

below or to such other addresses as the respective parties hereto may designate in writing. Notice shall be effective on the date of receipt, or in the case of notices sent by regular mail, notice shall be effective three business days after the date of mailing.

To The County:

Timothy C. Idoni  
Westchester County Clerk  
110 Dr. Martin Luther King Jr. Blvd.  
White Plains, NY 10601

And a copy to:

County Attorney  
Michaelian Office Building, Room 600  
148 Martine Avenue  
White Plains, New York 10601

To the Licensee:

With a copy to:

Such addresses shall be subject to change from time to time as may be specified in writing.

7. **Assignment:** It is understood and agreed that this License and the privileges granted hereunder and exclusively personal in nature and the Licensee may not assign, convey, sell, transfer (including but not limited to an attempt to transfer this License pursuant to a sale or transfer of all or part of this Licensee's assets), or otherwise dispose of this License. Any attempted or purported assignment, subletting, or transfer of this License or any rights granted hereunder without the express written consent of the County is void.

8. **Entire Agreement:** This License and its attachments constitute the entire agreement between the parties hereto with respect to the subject matter hereof and shall not be enforceable until signed by both parties and approved by the Office of the County Attorney.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

**THE COUNTY OF WESTCHESTER**

By: \_\_\_\_\_  
Timothy C. Idoni, County Clerk

**LICENSEE**

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Approved as to form and manner of execution

\_\_\_\_\_  
Assistant County Attorney  
The County of Westchester

*K/g/cc/MEMORANDUM OF UNDERSTANDING Land & Legal Public Viewer 10.21.13*

**ACKNOWLEDGMENT**

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

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 20\_\_ before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Date: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

**CERTIFICATE OF AUTHORITY**

I, \_\_\_\_\_ certify that I am the \_\_\_\_\_  
(Officer other than officer signing contract) (Title)

of the \_\_\_\_\_ (the "Licensee") a corporation duly organized and in good standing  
(Name of Licensee)

under the \_\_\_\_\_ named in the  
(Law under which organized, e.g., New York Business Corporation Law)

foregoing agreement; that \_\_\_\_\_ who signed said agreement on  
(Name of person executing agreement)

behalf of the Licensee as, at the time of execution \_\_\_\_\_ of the Licensee  
(Title of such person)

And I further certify that said agreement was duly signed for and in behalf of said Licensee by authority of its Board of Directors, thereunto duly organized, and that such authority is in full force and effect at the date hereof.

(CORPORATE SEAL)

\_\_\_\_\_  
Signature

STATE OF NEW YORK                    )  
  ) SS.:  
COUNTY OF WESTCHESTER        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me personally came \_\_\_\_\_ to me known and known to me to be the \_\_\_\_\_ of \_\_\_\_\_ the corporation described in and which executed the above certificate, who being by me duly sworn did depose and say that he/she the said \_\_\_\_\_ resides at \_\_\_\_\_ and that he/she is \_\_\_\_\_ of said corporation and knows the corporate seal of the said corporation, that the seal affixed to the above certificate is such corporate seal and that it was affixed to the above certificate by order of the Board of Directors of said corporation, and that he/she signed his/her name thereto by like order.

\_\_\_\_\_  
Notary Public



# CITY COUNCIL AGENDA

NO. 14

DEPT.: City Manager

DATE: November 20, 2013

CONTACT: Scott Pickup, City Manager

**AGENDA ITEM:** Authorization for the City Manager to participate in the reimbursement program with the New York State Bureau of Marine Services for reimbursement of the cost of tow vehicles for Marine Patrol use.

**FOR THE MEETING OF:**

November 20, 2013

**RYE CITY CODE,**

CHAPTER  
SECTION

**RECOMMENDATION:** That the Mayor and Council authorize the City Manager to participate in the New York State Bureau of Marine Services reimbursement program.

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

**BACKGROUND:** The New York State Bureau of Marine Services has enhanced the State Aid reimbursement program to allow for 50% reimbursement for tow vehicles purchased in 2014. Vehicles must be purchased on State contract or by competitive bid, and must be kept in service for a minimum of five years. The program is available to counties operating a Marine Patrol and actively participating in the State Aid reimbursement program. The vehicle currently assigned to the Marine Unit is more than ten years old and is in excess of 100,000 miles. The Council is asked to authorize the City Manager to participate in the reimbursement program to obtain a vehicle for the Marine Unit at considerable savings to the City.

See attached.



William R. Connors  
Police Commissioner

## POLICE DEPARTMENT

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



November 4, 2013

Memorandum for: Scott D. Pickup, City Manager  
Ryan Coyne, P.E., City Engineer  
William A. Micalizzi, Garage Foreman

Subject: **STATE AID TOW VEHICLE REIMBURSEMENT**

The attached correspondence has been received from the New York State Bureau of Marine Services. It advises that the Bureau will reimburse fifty percent (50%) of the cost of tow vehicles for Marine Patrol use. Requirements are summarized in the memo; essentially, the State will fund four wheel drive pickup trucks that are capable of towing all vehicles operated by a Marine Patrol Unit. Vehicles must be purchased on State contract or by competitive bid, and must be kept in service for a minimum of five years.

The vehicle currently assigned to the Marine Unit is more than ten years old and has in excess of 100,000 miles on its odometer. This program may warrant further examination as a means of obtaining a vehicle that would be capable not only of daily use by the Marine Unit, but also of operating in hazardous weather conditions, at a considerable savings.

Submitted for your consideration.

WRC/wrc

William R. Connors  
Police Commissioner



# Memo

To: Marine Law Enforcement State Aid Recipients  
From: Matt Fish  
CC: Brian Kempf  
Date: November 4, 2013  
Re: State Aid Tow Vehicle Reimbursement

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In accordance with 9NYCRR §446.25 the Bureau of Marine Services is allowing for tow vehicle reimbursement. This 50% reimbursement will be available to counties operating a Marine Patrol and actively participating in the State Aid reimbursement program. This addition to the reimbursement program will commence with tow vehicles purchased in 2014 with reimbursements to be made the following year as part of the State Aid Package.

- All requests for tow vehicle approval must be made in writing and in advance of the purchase to the Bureau of Marine Services for consideration. Requests should include vehicle needs, number of vessels operated by the county, size of vessels to be towed and locations that the vessels would be trailered to on a regular basis.
- SUV's will not be considered for reimbursement. Only four wheel drive pickups will be eligible.
- The vehicle must be used primarily for the transport of Marine Patrol vessels to and from launching, maintenance and storage facilities.
- The tow vehicle must be capable of towing all trailerable boats operated by the Agency.
- The tow vehicle must be purchased off of an existing OGS contract or a competitive bid if no contract exists.
- The tow vehicle must be kept in service and maintained for a minimum of 5 years from the date of purchase.
- Only one tow vehicle will be approved for reimbursement by any participating Agency within a five year period.
- This reimbursement will continue annually pending the availability of sufficient state funding.

Providing this opportunity will expand the capabilities of local enforcement by providing the necessary assets to effectively provide greater on-water coverage. This effort along with those already provided by OPRHP will better ensure recreational boating safety by expanded patrolling and providing for quicker response times.



# CITY COUNCIL AGENDA

NO. 15

DEPT.: Police Department

DATE: November 20, 2013

CONTACT: William R. Connors, Police Commissioner

**AGENDA ITEM:** Acceptance of donation to the Rye Police Department of a twenty-foot overseas shipping container from Vincent Service Station, Inc. of Mamaroneck, New York.

**FOR THE MEETING OF:**

November 20, 2013

**RYE CITY CODE,**

CHAPTER  
SECTION

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

Whereas, Vincent Service Station, Inc. desires to donate a twenty-foot overseas shipping container to the Rye Police Department; and

Whereas, the container will be used for the storage of equipment that has been acquired as part of the Police Department's emergency preparedness efforts; and

Whereas, the donation will enhance the Police Department's emergency management capabilities; now, therefore be it

Resolved, that the City Council of the City of Rye accepts the aforementioned donation.

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

**BACKGROUND:**

Vincent Service Station, Inc., by letter dated October 29, 2013, advised the Police Department that they would like to donate a twenty-foot overseas shipping container. The Police Commissioner recommends acceptance of this donation.

See attached.



William R. Connors  
Police Commissioner

## POLICE DEPARTMENT

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



November 1, 2013

Memorandum for: Scott D. Pickup, City Manager

Subject: **PROPOSED DONATION OF OVERSEAS SHIPPING CONTAINER  
BY VINCENT SERVICE STATION, INC.**

Vincent Service Station of Mamaroneck, New York, has expressed its intention to donate a twenty-foot overseas shipping container to this Department.

The container is a serviceable item of surplus equipment no longer utilized by the corporation. It will be used for the storage of equipment that has been acquired as part of the Department's emergency preparedness efforts.

I recommend acceptance of this donation, which will enhance the Department's emergency management capabilities. I will forward an acknowledgement letter to Mr. Anthony Paniccia, Jr., General Manager, upon approval of the donation.

Submitted for your consideration.

WRC/wrc

William R. Connors  
Police Commissioner

***Vincent Service Station, Inc.***

*Established 1963 Mamaroneck, NY*

**914.698.5252**



October 29, 2013

Re: Container Donation

To whom it may concern,

Please accept our donation of a 20' overseas container on behalf of Vincent Service Station, Inc. located in Mamaroneck, NY. We take pride in participating with our local municipalities and we know that the department can put this container to good use. Please let me know if you have any further questions and/or concerns. As always, thank you very much for allowing us to be involved with your department, it is truly an honor.

Sincerely,

Anthony Paniccia, Jr.

General Manager

Cell: (914)522-3788

Email: antpaniccia@vincentgarage.com



# CITY COUNCIL AGENDA

NO. 16

DEPT.: City Council

DATE: November 20, 2013

CONTACT: Mayor French

**AGENDA ITEM:** One appointment to the Technology Committee for a three-year term, by the Mayor with Council approval.

**FOR THE MEETING OF:**

November 20, 2013

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council approve the appointment of Arthur Henderson.

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

## BACKGROUND

Current Committee Members

Expiration Date

Peter Esler

1-1-16

Edmund Szamborski

1-1-16



# CITY COUNCIL AGENDA

NO. 17

DEPT.: City Manager

DATE: November 20, 2013

CONTACT: Scott Pickup, City Manager

**AGENDA ITEM:** Appeal of denial of FOIL requests by Timothy Chittenden.

**FOR THE MEETING OF:**

November 20, 2013

**RYE CITY CODE,**

CHAPTER  
SECTION

**RECOMMENDATION:** That the Council make a decision on the two FOIL appeals.

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

**BACKGROUND:** The following FOIL response has been appealed by the requestor:

FOIL Appeal #1: Tracking Number 6701651603

Requested "All records of all salary increases and bonuses received by Rye City Manager Pickup since January 1, 2009, and all W-2 issued to Pickup since January 1, 2009" Appealed the absence of some requested records indicating salary increases or bonuses paid.

FOIL Appeal #2: Tracking Number 6697211340

Requested "Copies of all employee calendars for Police Officer Incalcaterra and Compagnone during their careers" Appealed the fact that he was only provided with one side of the records.

See attached documentation.

# Work Order Form

## FOIL

Tracking Number: 6701651603  
Date Time Received: 9/26/2013 4:03PM  
Created By: Timothy Chittenden (Citizen)

## Contact Information

First Name: Timothy  
Last Name: Chittenden  
Business Name:  
Email: [REDACTED]  
Daytime Phone: [REDACTED]  
Fax:  
Address: [REDACTED]  
City: Rye  
State: NY  
Zip: 10580  
Country:

## Issue Location

Street:  
Unit:  
City: Rye  
State: NY  
Zip: 10580  
Comments:

## Request Details

Is this a request for commercial purposes?  
No

Describe records being sought - One request per submission.

Kindly consider this an e-mail FOIL Request for all records of all salary increases and bonuses received by Rye City Manager Pickup since January 1, 2009, and all W-2 issued to Pickup since January 1, 2009.

Please indicate your preference:  
Electronic Copies

Please note, if more than two hours are spent in preparing records, the requestor will be charged for the additional time at the hourly rate of the lowest paid employee who has the skill level required to accomplish the task. You will be informed of any charges exceeding \$10.00. Any charges due must be paid within five (5) business days of the City notifying you. If you fail to pay fees from prior FOILs, any future FOIL requests will not be processed until all outstanding fees are paid. By submitting this request, I agree to pay costs related to this FOIL request up to \$10 without further notification.

## Request Activity

10/31/2013 3:46 PM -- Rye Foil - RESOLVED

-----Note to Citizen: Records responsive to your FOIL request have been located and can be found by accessing this link:

# Work Order Form

## FOIL

Tracking Number: 6701651603  
Date Time Received: 9/26/2013 4:03PM  
Created By: Timothy Chittenden (Citizen)

<https://ryeny.sharefile.com/d/sde515c0f18e40809>

Redactions have been made pursuant to POL 87(2)(b). The records will be available for one month and you will be allowed to download them three times.

-----Internal Note: This FOIL is complete. The requestor has been forwarded a link to access the records.

10/31/2013 9:43 AM -- IT Foil - INPROGRESS

-----Internal Note: Dawn - here is the Sharefile link:

<https://ryeny.sharefile.com/d/sde515c0f18e40809>  
<br /> This item has been re-assigned to Rye Foil.

10/29/2013 1:41 PM -- Rye Foil - INPROGRESS

-----Internal Note: Records responsive to this FOIL request are in FINANCEFOIL and ready to be uploaded to Share File. See note from Corporation Counsel regarding number of pages. Please provide link.<br /> This item has been re-assigned to IT Foil.

10/29/2013 12:26 PM -- Preflight Foil - INPROGRESS

-----Internal Note: Ready to be uploaded - upload the redacted version - 4 pages. Redactions were made pursuant to POL 87(2)(b).<br /> This item has been re-assigned to Rye Foil.

10/21/2013 3:44 PM -- Finance Foil - INPROGRESS

-----Internal Note: Kristen,

Per our conversation, the responsive documents are in the Finance foil drive for redaction. Thank you.<br /> This item has been re-assigned to Preflight Foil.

9/26/2013 4:05 PM -- Rye Foil - INPROGRESS

-----Note to Citizen: Your FOIL request has been forwarded to the pertinent department for response.

-----Internal Note: Please respond to this FOIL request.<br /> This item has been re-assigned to Finance Foil.

9/26/2013 4:03PM -- Timothy Chittenden (Citizen) - SUBMITTED



**From:** Timothy Chittenden  
**Sent:** Friday, November 01, 2013 10:59 AM  
**To:** Nodarse, Dawn; Council&Manager; Council&Manager  
**Cc:** Leon Sculti; Leon Sculti; Chris Falcone; Falcone Chris; ashley@hometwn.com; Liz Button  
**Subject:** FOIL Appeal Re: Pickup salary increases and bonuses

Dear Dawn and the Rye City Council:

I respectfully appeal Nodarse's response to my e-mail FOIL Request for all records of all salary increases and bonuses received by Rye City Manager Pickup since January 1, 2009 and all W-2's issued to Pickup since January 1, 2009.

Although I was provided with Pickup's W-2's, I was not provided with any records indicating what the salary increases were or what any bonuses paid were. Amongst other records, I was not provided with any documentation of whether these salary increases and bonuses were authorized, any communications about them, any City Council resolutions, or any other records.

Kindly provide me with all of the records for all of the salary increases and bonuses paid to Pickup since January 1, 2009.

Thank you.

Timothy Chittenden  
Rye taxpayer

Begin forwarded message:

**From:** "Donahue, Kerry P." <[kdonahue@ryeny.gov](mailto:kdonahue@ryeny.gov)>  
**Date:** November 1, 2013 10:35:55 AM EDT  
**To:** Timothy Chittenden - mac mail <[timothychittenden@mac.com](mailto:timothychittenden@mac.com)>  
**Subject:** RE: Update: FOIL (re: Action Line Request)

[Here you go Tim - let me know how this works....](#)

[Kerry](#)

---

**From:** Timothy Chittenden [mailto:[timothychittenden@mac.com](mailto:timothychittenden@mac.com)]  
**Sent:** Friday, November 01, 2013 10:36 AM  
**To:** Donahue, Kerry P.  
**Subject:** Fwd: Update: FOIL (re: Action Line Request)

Begin forwarded message:

**From:** "City of Rye (E-Gov Website)" <[noreply@eclink.com](mailto:noreply@eclink.com)>

**Date:** October 31, 2013 3:46:41 PM EDT

**To:** [timothychittenden@mac.com](mailto:timothychittenden@mac.com)

**Subject: Update: FOIL (re: Action Line Request)**

This automated message was sent by the City of Rye Action Line. Do not reply to this message. Please follow the instructions below for inquiries regarding this email.

The status of your request has been updated, or new information has been added.

**TICKET STATUS:** 'RESOLVED'

**LATEST ACTIVITY:**

Records responsive to your FOIL request have been located and can be found by accessing this link: <https://ryeny.sharefile.com/d/sde515c0f18e40809>

Redactions have been made pursuant to POL 87(2)(b). The records will be available for one month and you will be allowed to download them three times.

**DETAILS:**

**Is this a request for commercial purposes?**

No

**Describe records being sought - One request per submission.**

Kindly consider this an e-mail FOIL Request for all records of all salary increases and bonuses received by Rye City Manager Pickup since January 1, 2009, and all W-2 issued to Pickup since January 1, 2009.

**Please indicate your preference:**

Electronic Copies

**Please note, if more than two hours are spent in preparing records, the requestor will be charged for the additional time at the hourly rate of the lowest paid employee who has the skill level required to accomplish the task. You will be informed of any charges exceeding \$10.00. Any charges due must be paid within five (5) business days of the City notifying you. If you fail to pay fees from prior FOILs, any future FOIL requests will not be processed until all outstanding fees are paid.**

**By submitting this request, I agree to pay costs related to this FOIL request up to \$10 without further notification.**

**FORM:** FOIL

**TRACKING NUMBER:** 6701651603

**SUBMITTED:** 9/26/2013 4:03:38 PM

# Work Order Form

## FOIL

Tracking Number: 6697211340  
Date Time Received: 9/25/2013 1:40PM  
Created By: Timothy Chittenden (Citizen)

## Contact Information

First Name: Timothy  
Last Name: Chittenden  
Business Name:  
Email: [REDACTED]  
Daytime Phone: [REDACTED]  
Fax:  
Address: [REDACTED]  
City: Rye  
State: NY  
Zip: 10580  
Country:

## Issue Location

Street:  
Unit:  
City: Rye  
State: NY  
Zip: 10580  
Comments:

## Request Details

Is this a request for commercial purposes?  
No

Describe records being sought - One request per submission.  
Copies of all employee calendars for Police Officer Incalcaterra and Compagnone during their careers.

Please indicate your preference:  
Electronic Copies

Please note, if more than two hours are spent in preparing records, the requestor will be charged for the additional time at the hourly rate of the lowest paid employee who has the skill level required to accomplish the task. You will be informed of any charges exceeding \$10.00. Any charges due must be paid within five (5) business days of the City notifying you. If you fail to pay fees from prior FOILs, any future FOIL requests will not be processed until all outstanding fees are paid. By submitting this request, I agree to pay costs related to this FOIL request up to \$10 without further notification.

## Request Activity

11/14/2013 10:18 AM -- Rye Foil - RESOLVED  
-----Note to Citizen: Records responsive to your FOIL request have been located and can found by accessing this link:  
<https://ryeny.sharefile.com/d/s6dc348c6cc14beca> The records will be available for one month and you will be allowed to

# Work Order Form

## FOIL

Tracking Number: 6697211340  
Date Time Received: 9/25/2013 1:40PM  
Created By: Timothy Chittenden (Citizen)

download them three times. Documents regarding Police Officer Incalcaterra were forwarded to you previously in connection with a another FOIL request.

-----Internal Note: This FOIL is complete. The requestor has been forwarded a link to access the records.

11/13/2013 9:36 PM -- IT Foil - INPROGRESS

-----Internal Note: Dawn - here is the Sharefile link:

<https://ryeny.sharefile.com/d/s6dc348c6cc14beca>  
<br /> This item has been re-assigned to Rye Foil.

11/08/2013 4:37 PM -- Rye Foil - INPROGRESS

-----Internal Note: Records responsive to this FOIL are in POLICEFOIL and ready to be uploaded to Share File. Please provide link.<br /> This item has been re-assigned to IT Foil.

11/08/2013 2:49 PM -- Preflight Foil - INPROGRESS

-----Internal Note: The responsive documents are ready to be released. Other responsive documents were provided as part of a prior request.<br /> This item has been re-assigned to Rye Foil.

11/07/2013 7:02 PM -- Police Foil - INPROGRESS

-----Note to Citizen: Request has been referred for internal review.

Responsive documents are attached regarding Police Officer Compagnone. Additional documents regarding Police Officer Incalcaterra were provided under a prior FOIL request, C 13 2, April 26, 2013.

-----Internal Note: Responsive documents are attached regarding Police Officer Compagnone. Additional documents regarding Police Officer Incalcaterra were provided under a prior FOIL request, C 13 2, April 26, 2013. <br /> This item has been re-assigned to Preflight Foil.

9/25/2013 3:42 PM -- Rye Foil - INPROGRESS

-----Note to Citizen: Your FOIL request has been forwarded to the pertinent department for response.

-----Internal Note: Please respond to this FOIL request.<br /> This item has been re-assigned to Police Foil.

9/25/2013 1:40PM -- Timothy Chittenden (Citizen) - SUBMITTED

**From:** Timothy Chittenden

**Sent:** Thursday, November 14, 2013 11:02 PM

**To:** Nodarse, Dawn; Council&Manager; Council&Manager; Sack, Joe; Brett, Laura; Parker, Catherine F.; Killian, Julie P.; Sack, Joseph A.

**Subject:** FOIL Appeal Re: Compagnone Calendars

Dear Rye City Council:

I respectfully appeal what was provided to me by Nodarse in response to my e-mail FOIL Request for all of Compagnone's employee calendars.

All of these employee calendars have (2) sides. I was only provided with one side and no reason for denying the other side of the employee calendars. The side I was not provided with contains running totals and balances of vacation days, personal days, sick days, etc.

Thank you.

Timothy Chittenden

Rye taxpayer

Begin forwarded message:

**From:** "City of Rye (E-Gov Website)" <[noreply@eclink.com](mailto:noreply@eclink.com)>

**Date:** November 14, 2013 10:18:04 AM EST

**To:** [timothychittenden@mac.com](mailto:timothychittenden@mac.com)

**Subject:** Update: FOIL (re: Action Line Request)

This automated message was sent by the City of Rye Action Line. Do not reply to this message. Please follow the instructions below for inquiries regarding this email.

The status of your request has been updated, or new information has been added.

**TICKET STATUS:** 'RESOLVED'

**LATEST ACTIVITY:**

Records responsive to your FOIL request have been located and can be found by accessing this link: <https://ryeny.sharefile.com/d/s6dc348c6cc14beca>. The records will be available for one month and you will be allowed to download them three times. Documents regarding Police Officer Incalcaterra were forwarded to you previously in connection with another FOIL request.

**DETAILS:**

**Is this a request for commercial purposes?**

No

**Describe records being sought - One request per submission.**

Copies of all employee calendars for Police Officer Incalcaterra and Compagnone during their careers.

**Please indicate your preference:**

Electronic Copies

**Please note, if more than two hours are spent in preparing records, the requestor will be charged for the additional time at the hourly rate of the lowest paid employee who has the skill level required to accomplish the task. You will be informed of any charges exceeding \$10.00. Any charges due must be paid within five (5) business days of the City notifying you. If you fail to pay fees from prior FOILs, any future FOIL requests will not be processed until all outstanding fees are paid.**

**By submitting this request, I agree to pay costs related to this FOIL request up to \$10 without further notification.**

**FORM: FOIL**

**TRACKING NUMBER: 6697211340**

**SUBMITTED: 9/25/2013 1:40:03 PM**

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