

## **CITY OF RYE**

### **NOTICE**

There will be a regular meeting of the City Council of the City of Rye on Wednesday, July 9, 2014, at 7:30 p.m. in Council Chambers at City Hall. *The Council will convene at 7:00 p.m. and it is expected they will adjourn into Executive Session at 7:01 p.m. to discuss collective bargaining.*

### **AGENDA**

1. Pledge of Allegiance.
2. Roll Call.
3. Introduction of Police Commissioner William A. Pease, Jr. and recognition of Lt. Scott J. Craig, Sgt. Julio C. Rossi and Police Officer James P. Foti.
4. General Announcements.
5. Draft unapproved minutes of the regular meeting of the City Council held June 11, 2014.
6. Issues Update/Old Business.
7. Continuation of the Public Hearing to change the zoning designation of County-owned property located on Theodore Fremd Avenue and North Street to the RA-5 District to provide for the construction of affordable senior housing.
8. Public Hearing to amend local law Chapter 76, "Dogs", Section §76-5, "Running at large prohibited" and Section §76-6, "When leash required" to establish regulations for the leashing of dogs at Rye Town Park.
9. Public Hearing to amend local law Article 6, "Council" of the Charter of the City of Rye to amend §C6-2 "Powers and duties" to add Section G to provide all Council members with the same authority as the Mayor as outlined in Section C7-1G to "examine the books, papers and accounts of any board, commission, department, office or agency of the city."
10. Authorization for City Manager to enter into a settlement agreement regarding the United Water rate case.
11. Residents may be heard on matters for Council consideration that do not appear on the agenda.
12. Consideration to set a Public Hearing to amend local law Article 6, "Council", Section § C6-2, "Powers and duties", Article 8 "City Manager", Section § C8-2, "Powers and duties of City Manager" and Article 12 "Department of Police", Section § C12-1, "Head of Department; subordinates" of the Charter of the City of Rye to provide the City Council with the authority to approve the appointment, suspension or removal of the Police Commissioner.
13. Consideration to set a Public Hearing to amend local law Chapter 197, "Zoning", of the Rye City Code by adding Section 197-15, "Special Permit for Historic Preservation in the B-2 Central Business District" to permit banks on the first floor of a building when certain conditions are met upon approval of a Special Use Permit by the City Council.

14. Consideration to set a Public Hearing to amend local law Chapter 191, "Vehicles and Traffic", of the Rye City Code by amending Section §191-7, "Speed limits", to lower the speed limit to 25 miles per hour on select roads, including Stuyvesant Avenue, Van Wagenen Avenue, Forest Avenue, Oakland Beach Avenue, and Milton Road, during the Pilot Study recommended by the Traffic and Pedestrian Safety Committee.
15. Consideration to set a Public Hearing to amend local law Chapter 191, "Vehicles and Traffic", of the Rye City Code by amending Section §191-20, "Parking time limited", Subsection (B) "Two-hour limit" to prohibit parking on the north side of Central Avenue from the west side of the bridge over the Blind Brook to Walnut Street and Section §191-21, "Parking, standing or stopping" to prohibit parking on the north side of Central Avenue from the Boston Post Road to the west side of the Blind Brook.
16. Consideration to set a Public Hearing to amend local law Chapter 191, "Vehicles and Traffic", of the Rye City Code by amending Section §191-20, "Parking time limited", Subsection (E) "Fifteen-minute limit" to designate two parking spaces on the south side of Sylvan Road closest to Midland Avenue as fifteen minute parking spaces.
17. Resolution to transfer \$10,000 from the Contingency account to fund the restoration and placement of the City of Rye Mile Markers.
18. Designation of two members to the Boat Basin Nominating Committee.
19. Appeal of denial of FOIL requests by Timothy Chittenden.
20. Miscellaneous communications and reports.
21. New Business.
22. Adjournment.

\* \* \* \* \*

The next regular meeting of the City Council will be held on Monday, August 4, 2014 at 7:30 p.m. *The meeting will include the Presentation of the 2015-2019 Capital Improvement Plan.*

\*\* 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 [jsack@ryeny.gov](mailto:jsack@ryeny.gov) or contacting the City Manager's Office at (914) 967-7404.



# CITY COUNCIL AGENDA

NO. 3

DEPT.: City Council

DATE: July 9, 2014

CONTACT: Mayor Joseph A. Sack

**AGENDA ITEM:** Introduction of Police Commissioner William A. Pease, Jr. and recognition of Lt. Scott J. Craig, Sgt. Julio C. Rossi and Police Officer James P. Foti.

**FOR THE MEETING OF:**

July 9, 2014

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:**

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

**BACKGROUND:**

William A. Pease, Jr. was appointed as Police Commissioner effective June 23, 2014. William Pease previously served the City of Rye as Police Commissioner from March 1993 to December 1999. He had served Rye as a sworn member of the Police Department for twenty-two years, retiring as the lieutenant. Bill has a Masters Degree in Public Administration from Pace University and a Bachelor of Science Degree in Criminal Justice/Behavioral Sciences from the New York Institute of Technology. He is a graduate of the FBI National Academy and several other public safety training programs.

Lt. Scott J. Craig was recently promoted from the rank of Sergeant;

Sgt. Julio C. Rossi was recently promoted from Police Officer;

Police Officer James P. Foti comes to the City of Rye from the Mount Vernon Police Department.



# CITY COUNCIL AGENDA

NO. 5

DEPT.: City Clerk

DATE: July 9, 2014

CONTACT: Dawn Nodarse

**AGENDA ITEM** Draft unapproved minutes of the regular meeting of the City Council held June 11, 2014, as attached.

**FOR THE MEETING OF:**

July 9, 2014

**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 June 11, 2014, as attached.

***DRAFT UNAPPROVED MINUTES*** of the  
Regular Meeting of the City Council of the City of  
Rye held in City Hall on June 11, 2014 at 7:30 P.M.

PRESENT:

JOSEPH A. SACK Mayor  
LAURA BRETT  
KIRSTIN BUCCI  
JULIE KILLIAN  
TERRENCE McCARTNEY  
RICHARD MECCA  
RICHARD SLACK  
Councilmembers

ABSENT:     None

1.     Pledge of Allegiance

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

2.     Roll Call

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

3.     General Announcements

Announcements were made regarding upcoming events and activities that may be of interest to the community.

4.     Presentation by Mayor and City Manager of Certificates of Public Service to members of the City staff who have reached milestone in their service to the City of Rye

This Agenda item will be adjourned until the September meeting.

5.     Draft unapproved minutes of the regular meeting of the City Council held May 21, 2014

Councilman Mecca made a motion, seconded by Councilwoman Brett and unanimously carried, to approve the minutes of the regular meeting of the City Council held on May 21, 2014.

6.     Issues Update/Old Business

Sustainable Playland (SPI) – Mayor Sack announced that County Executive Astorino has rescinded the Asset Management Agreement with SPI. He said the City will wait to hear if any other plans may be proposed for the site and will attempt to insure that all environmental impacts to any plan are fully vetted and appropriately reviewed. He added that he hopes the County will include the City in whatever else is planned going forward.

Affordable Housing Settlement – Mayor Sack said he has been invited to a meeting with County Legislator Kaplowitz regarding potentially amending the Agreement between the Department of Housing and Urban Development (HUD) and the County of Westchester regarding the Affordable Housing Settlement. The Mayor said it is his understanding that HUD wants to have the ability to make their own assessment regarding the impediments to fair and affordable housing, which was the County's responsibility under the original agreement. The Mayor will report back to the Council regarding what happens at the meeting.

Granger Field Sewer Pipe – City Manager Culross reported that the pipe that burst under the field had been fixed.

Sustainability Committee – Councilwoman Killian reported that there have been resident complaints that the plastic bag ban is not being adhered to by some merchants. The Corporation Counsel has been asked to discuss with the Building Inspector the mechanism for issuing warning letters to the merchants. Councilman Mecca was asked to speak to the merchants at a Chamber of Commerce meeting.

Traffic and Pedestrian Safety Committee – Councilwoman Killian reported on the agenda for the next meeting.

7. Presentation on City Financials by Robert Daniele of the auditing firm of O'Connor Davies, LLP

Robert Daniele of O'Connor Davies, LLP presented the audit results for the City for fiscal year 2013. An Unmodified Opinion was issued, which is the highest level of opinion that an entity can receive. The focus of the report was on the General Fund, the main operating account of the City. The original adopted budget for revenue was \$30.9 million - 60.8% of which comes from real property taxes; 8% from non-property taxes; 6% from licenses and permits; and, 8% from State aid. Expenses originally adopted were \$32 million with an expected use of \$1.4 million from Fund Balance. Actual revenues for the year were \$34 million. Total expenses were \$32.2 million. The net earnings for the year were \$1.28 million. The City ended the year with \$12.3 million. Some of these funds are restricted for compensated absences; some funds are assigned for encumbrances; some funds are set aside for tax certiorari settlements and \$1.6 million was used to balance the 2014 budget. The remaining Unassigned Fund Balance is \$5.9 million up about \$1 million from the prior year. The unassigned portion is about 17% of next year's budget. At the end of the current fiscal year the total bonded debt outstanding was \$18 million, broken down into governmental activities (\$16 million) and enterprise funds (\$1.9 million). Total debt service payments over the next few years on governmental activities amount to \$1.7 million, which is about 5% of the General Fund. The City advance refunded certain debt

in 2013 and was able to reduce its total debt service payments over 13 years by about \$415,000. Moody's assigned its highest credit rating (Aaa) to the City's debt.

Mayor Sack asked Mr. Daniele to report on the comments made in the report on control deficiencies in such areas as Capital Projects; Capital Assets; Journal entries; and Procurement and Bidding policy and asked the City Manager to prepare a response with a plan for corrective action.

Mayor Sack said he had asked how the City's losses from the fraud at the Golf Club would be accounted and was told that if it needed to be accounted it would be a footnote in the 2012 audited financials, which would have to be amended.

8. Continuation of the Public Hearing to change the zoning designation of County-owned property located on Theodore Avenue and North Street to the RA-5 District to provide for the construction of affordable senior housing. It is anticipated that the Public Hearing will be held over while documents are reviewed

Mayor Sack announced that he has asked Councilmembers McCartney, Bucci and Slack to act as a City Council working group in connection with this matter. Councilman McCartney reported on what the group had done since the last meeting and explained where the City was in the SEQRA process. He said the working group will work with Tenen Environmental, the professional engineering firm that was hired by the City. Tenen will review all the information in order to determine if the City has enough information to issue a negative or positive declaration in connection with the proposed project. It is hoped that a formal memorandum will be issued prior to the July City Council meeting. City Planner Miller said the memorandum will provide some guidance for the Council, but comments at the public hearing could generate a need for further information.

Councilman McCartney made a motion, seconded by Councilman Mecca and unanimously carried, to continue the public hearing to the July City Council meeting.

9. Public Hearing to amend local law Chapter 191, Vehicles and Traffic, of the Rye City Code by amending Section §191-19, "No parking any time" to prohibit parking on the north side of Mead Place; and Section §191-19-1, "Parking prohibited certain hours" to remove the restriction of no parking on Mead Place Monday through Saturday from 7:00 a.m. to 6:00 p.m.

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

City Manager Culross said that 100% of the neighbors have signed the petition for the change and the YMCA has also agreed to it. Brian Dempsey, Chair of the Traffic and Pedestrian Safety Committee, said that the Committee had recommended this action three years ago but at that time there was not a consensus of the neighbors.

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

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

**RESOLVED** that §191-19 “No parking any time” of the Rye City Code is amended to prohibit parking on the north side of Meade Place; and be it further

**RESOLVED** that §191-19-1 “Parking prohibited certain hours” is amended to remove the restriction of no parking on Mead Place Monday through Saturday from 7:00 a.m. to 6:00 p.m.

**ROLL CALL:**

**AYES:** Mayor Sack, Councilmembers Brett, Bucci, Killian, McCartney, Mecca and Slack

**NAYS:** None

**ABSENT:** None

The Resolution was adopted by a 7-0 vote.

10. Consideration of referral to the Board of Architectural Review and the Planning Commission, the request from the Landmarks Advisory Committee to landmark the Rye Meeting House and the Bird Homestead

Jack Zahringer, Chair of the Landmarks Advisory Committee, said that the Committee would like to landmark both the Rye Meeting House and the Bird Homestead and their properties as well. Mayor Sack asked the Committee to provide a detailed explanation of why the Committee is seeking to have the properties landmarked.

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

**RESOLVED**, that the City Council of the City of Rye hereby refers the request of the Landmarks Advisory Committee to landmark the Rye Meeting House and the Bird Homestead to the Planning Commission and Board of Architectural Review for their comment.

11. Discussion regarding ways to engage in historic preservation and maintain the intrinsic character of Rye’s community by keeping the Smoke Shop as a central meeting place in Rye



Mayor Sack provided background on issues related to the Smoke Shop as a result of a new owner purchasing the property several years ago. The owners would like to find a way to keep the Smoke Shop but also to realize a return on their investment. They have presented a proposal that would bring in another tenant, a bank, for a portion of the building and leave the Smoke Shop. However, for several years, additional banks have been prohibited in the Central Business District. The Mayor suggested three possible options: (1) lift or modify the prohibition on banks; (2) create an incentive for owners who engage in historic preservation; or, (3) request a use variance from the Zoning Board of Appeals. Neil DeLuca, one of the owners of the property, outlined his company's options: (1) ask the Smoke Shop to vacate the premises and renovate the building for another tenant; or, (2) request the City Council to make a zoning change that would allow a bank at that location. He said the bank would be willing to pay an above market rent, which would allow the Smoke Shop to continue at a below market rent. There was a discussion among the members of the Council regarding the merits of the owner's proposals, particularly the second option. Several members of the public including *Tony D'Onofrio, Owen Nee, Lindsey Russell, Bob Zahm, Ted Carroll and Amber Nee* spoke in support of keeping the Smoke Shop in its current location.

12. Discussion of the recommendation by the Traffic and Pedestrian Safety Committee that a Pilot Study be conducted to test the effect of reducing the speed limit to 25 miles per hour on Stuyvesant Avenue, and/or to remove the rocks and Belgian block in the City right of way

Brian Dempsey, Chair of the Traffic and Pedestrian Safety Committee (TPS), summarized the last discussion of this issue based on a TPS recommendation for a pilot study to reduce the speed limit to 25 miles per hour on Stuyvesant Avenue. He additionally reported on TPS evaluations of alternate suggestions provided at that meeting. They felt that converting Stuyvesant and Forest Avenues to one-way would create too much of an impact and do not recommend it. The suggestion of putting a three-foot wide patch on each side of the roadway to create a walkway was studied and would cost about \$150,000 and could have impacts on drainage. The third alternative investigated dealt with rocks and Belgian block on the side of the roads. He said the City does not have an official curb policy but added that TPS has been recommending for ten years that the rocks be removed. *Jennifer Neren* said that, as requested, she has provided the Council with data that backs up the argument she raised last time that speed does matter. *Paul Leand* of Stuyvesant Avenue said that the pilot to reduce the speed limit was a common sense issue and a community issue and the problem on Stuyvesant Avenue is that there is no time for people to move out of the street to avoid a car. There was a lengthy Council discussion which touched on the data provided by Ms. Neren; the TPS recommendation regarding the speed pilot being done at this location; the need for identifying a goal for the pilot; removing the rocks and Belgian block that are in the right-of-ways; the possibility of reducing the speed limit throughout the City; utilizing speed bumps; and the use of signs to reduce speed. The City Manager was asked to provide an estimate of what it would take and cost to widen Stuyvesant Avenue. Corporation Counsel Wilson recommended that the City hold a public hearing on a local law to reduce the speed limit before implementing the proposed pilot. Ms. Wilson was asked to prepare a local law so the Council could set a public hearing at its next meeting.

13. Consideration to set a Public Hearing for July 9, 2013 to amend local law Chapter 76, "Dogs", Section §76-5, "Running at large prohibited" and Section §76-6, "When lease required" to establish regulations for the leasing of dogs at Rye Town Park

Councilwoman Brett summarized the issues regarding dogs being off leash in Rye Town Park, which is currently against the law. There is a conflict between people who want to use the park and not worry about dogs being off leash and the people who want to exercise their dogs in the park off leash. There was discussion at the last Rye Town Park Commission meeting about the City adopting a law that would allow dogs to be off their leashes in certain locations and at certain hours. Ms. Brett said that in order to implement such legislation there would need to be cooperation from the dog owners that they will adhere to the hours restrictions, as well as enforcement on the part of the City. Public comment was made both in favor and against dogs being allowed to be off their leashes in the park. Those speaking included *Patsy Guido, Suki Van Dijk, Linda Wells and Deirdre Curran*.

Councilwoman Brett made a motion, seconded by Councilman McCartney, to adopt the following Resolution:

**WHEREAS**, the Council wishes to consider amending Chapter 76, "Dogs" of the Code of the City of Rye by amending Sections 76-5 to establish regulations to allow dogs to be at large during certain hours at Rye Town Park; 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 July 9, 2014 at 7:30 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**

**A Local Law to amend Chapter 76, "Dogs", §76-5,  
"Running at large prohibited" to establish regulations  
to allow dogs to be at large during certain hours  
at Rye Town Park**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 9th day of July 2014 at 7:30 P.M. at City Hall, Boston Post Road, in said City, at which time interested persons will be afforded an opportunity to be heard concerning a proposal local law to amend Chapter 76, "Dogs", §76-5, "Running at large prohibited" to establish regulations to allow dogs to be at large during certain hours at Rye Town Park.

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

Dawn F. Nodarse

City Clerk

Dated: June 27, 2014

14. Consideration to set a Public Hearing for July 9, 2014 on a proposed local law amending Article 6, "Council" of the Charter of the City of Rye to amend §C6-2 "Powers and duties" to add Section G to provide all Council members with the same authority as the Mayor as outlined in Section C7-1G to "examine the books, papers and accounts of any board, commission, department, office or agency of the city."

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

**WHEREAS**, the Council wishes to consider amending Article C, "Council", of the Charter of the City of Rye by amending §C6-2, "Powers and duties" in order to provide the Council the same authority as the Mayor to examine the books, papers and accounts of any board, commission, department, office or agency of the city ; 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 July 9, 2014 at 7:30 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

**A Local Law to amend Article C, “Council”, §C6-2,  
“Powers and duties” of the Charter of the City of Rye  
by adding §G to provide all Council members with  
the same authority as the Mayor as outlined in  
§C7-1G to “examine the books, papers and  
accounts of any board, commission, department,  
office or agency of the city.”**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 9th day of July 2014 at 7:30 P.M. at City Hall, Boston Post Road, in said City, at which time interested persons will be afforded an opportunity to be heard concerning a proposal local law to amend Article C, “Council, §C6-2, “Powers and duties” of the Charter of the City of Rye by adding §G to provide all Council members with the same authority as the Mayor as outlined in §C7-1G to “examine the books, papers and accounts of any board, commission, department, office or agency of the city.”

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

Dawn F. Nodarse  
City Clerk  
Dated: June 27, 2014

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

*Bob Zahm, 8 Ridgewood Drive*, asked if the meetings of the Traffic and Pedestrian Safety Committee were announced and agendas published prior to the meetings. He was told that the agendas are not published but the meetings are announced on the calendar on the City website. He said he wanted to express his concerns about the intersection of Central Avenue and Boston Post Road and the parking space between the two crosswalks.

16. Presentation of the City of Rye Stormwater Management Program 2013 Annual Report

City Engineer Ryan Coyne presented the 2013 Annual Report on the City’s Stormwater Management Program as required by law. In 2003 the New York State Department of Environmental Conservation (DEC) came out with Phase II regulations which require municipalities to develop a Stormwater Management Program. The MS4 report must be

presented at a public meeting. There are six different tasks required: (1) Public Education and Outreach where the City develops flyers and tries to educate the public on stormwater measures; (2) Public Involvement and Participation, which includes this presentation and the work of the Planning Commission, Board of Architectural Review and Conservation Commission/Advisory Council in reviewing plans; (3) Illicit Discharge Detections and Elimination, which requires that stormwater and sewage are kept separate; (4) and (5) Construction and Post-construction Measures, which involve obtaining Surface Water Control Permits, which require installation of silt fences and other erosion control measures; and (6) Municipal Operations and Good Housekeeping, which is things the City does such as sweep the streets and clean the drains in the Spring.

17. Resolution to revise the Mission Statement for the Finance Committee

This Agenda item was adjourned.

18. Presentation on Smart Parking Technology

Jerome Theunissen, a Rye High School Senior doing an internship with the Sustainability Committee, made a presentation on his research into Streetline, Inc., a company that specializes in Smart Parking. He gave an overview of issues for both shoppers and merchants based on the difficulty in finding parking in the Central Business District at certain hours. He briefly explained the types of technology that are offered by the company, and how it could be used to benefit both shoppers and merchants and also provide data for officials to use in determining the best ways to deal with parking issues in Rye.

19. Resolution ratifying the appointment of one member to the Emergency Medical Services Committee for a three-year term ending June 30, 2017.

Mayor Sack made a motion, seconded by Councilman McCartney and unanimously carried, to adopt the following Resolution:

**RESOLVED**, that the City Council of the City of Rye hereby approves the reappointment of Bart DiNardo, the City of Rye Community Representative to the Emergency Medical Services committee for a three-year term ending on June 30, 2017.

20. Bid Award for the Annual Street Resurfacing contract (Contract #2014-02)

Councilwoman Brett made a motion, seconded by Councilman Mecca, to adopt the following Resolution:

**RESOLVED** that the City Council of the City of Rye hereby awards Contract 2014-02 - Annual Street Resurfacing to Bilotta Construction Corp., the lowest responsible bidder, in the amount

of Four Hundred Eighty-Six Thousand, One  
Hundred Fifty-Six dollars (\$486,156.00).

ROLL CALL:

AYES: Mayor Sack, Councilmembers Brett, Bucci, Killian, McCartney,  
Mecca and Slack  
NAYS: None  
ABSENT: None

The Resolution was adopted by a 7-0 vote.

20A. One appointment to the Board of Architectural Review

Mayor Sack made a motion, unanimously approved by the Council to appoint John Barrett to the Board of Architectural Review for a three-year term expiring on January 1, 2017.

21. Appeal of denial of FOIL requests by Timothy Chittenden

This Agenda item was adjourned until the July Council meeting.

22. Appeal of denial of FOIL request by David McKay Wilson

David McKay Wilson has appealed the response by the City to his FOIL request seeking “the document sent from the state of NY, to the Rye City Assessors Department in 2014, which indicates that more than 400 Rye homeowners should be removed from the list of those receiving an exemption under the state’s STAR program”. Corporation Counsel Wilson said that the request was originally denied under the unlawful invasion of personal privacy exemption. She said she believes it is still applicable, but also believes that Section 425 of the Real Property Tax Law specifically exempts disclosure of this information. The section of the Real Property Tax Law deals with the Enhances Star Exemption. The screenshot that the Assessor must agree to whereby she must confirm that she will not disseminate the information beyond her office also lends weight to the interpretation that the statutory prohibition would apply not only to the Enhanced Star Exemption but also the Regular Star Exemption. Councilwoman Killian said that the list does not indicate that someone is not following the rules regarding Star, but is merely a list of those who do not qualify any longer for the exemption. Councilman Slack said he believed there was a misperception about what the list is, which is driving the idea that it is useful to get it out to the public. He added that the State’s requirement for the Assessor to say that she will not disclose the information, indicates that this information is personal and should be protected from disclosure.

Councilwoman Killian made a motion, seconded by Councilman Slack, to adopt the following Resolution:

**RESOLVED** that City Council of the City of Rye hereby denies the appeal of the response to the FOIL request submitted by David McKay Wilson seeking "the document sent from the state of NY, to the Rye City Assessors Department in 2014, which indicates that more than 400 Rye homeowners should be removed from the list of those receiving an exemption under the state's STAR program. The document includes the names and addresses of those who were deemed ineligible to receive the STAR exemption".

**ROLL CALL:**

**AYES:** Mayor Sack, Councilmembers Brett, Bucci, Killian, McCartney, Mecca and Slack  
**NAYS:** None  
**ABSENT:** None

The Resolution was adopted by a 7-0 vote.

23. Miscellaneous Communications and Reports

There was nothing reported under this Agenda item.

24. New Business

There was nothing reported under this Agenda item.

25. Adjournment

There being no further business to discuss Mayor Sack made a motion, seconded by Councilman McCartney and unanimously carried, to adjourn the regular meeting and go into executive session to discuss a personnel matter and not return into regular session at 12:12 a.m.

Respectfully submitted,

Dawn F. Nodarse  
City Clerk



# CITY COUNCIL AGENDA

NO. 6

DEPT.: City Council

DATE: July 9, 2014

CONTACT: Mayor Joseph Sack

**AGENDA ITEM:** Issues Update/Old Business

**FOR THE MEETING OF:**

July 9, 2014

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That an update be provided on outstanding issues or Old Business.

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

**BACKGROUND:**





# CITY COUNCIL AGENDA

NO. 7

DEPT.: Planning

DATE: July 9, 2014

CONTACT: Christian K. Miller, AICP, City Planner

**AGENDA ITEM:** Continuation of the Public Hearing to change the zoning designation of County-owned property located on Theodore Fremd Avenue and North street to the RA-5 District to provide for the construction of affordable senior housing.

**FOR THE MEETING OF:**

July 9, 2014

**RYE CITY CODE,**

CHAPTER 197  
SECTION 3

**RECOMMENDATION:** That the City Council continue the Public Hearing to amend the zoning designation of the County-owned property on Theodore Fremd Avenue.

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

**BACKGROUND:** The petitioner, Lazz Development/Pawling Holdings, seeks an amendment to the City Zoning Map to change the zoning district designation of an approximately 2.0-acre property located on Theodore Fremd Avenue and North Street. The request would change the zoning of the Westchester County-owned property from the B-6, *General Business*, District and the B-1, *Neighborhood Business*, District to the RA-5, *Senior Citizen's Apartment*, District. The petitioner is seeking to construct fifty-four (54) units of age-restricted housing located in two buildings. The proposal would be limited to those over age 55 and consist of 44 one-bedroom units and 10 two-bedroom units. The proposed units would also be affordable and 27 of these units would count towards Rye's contribution to the 750 units of fair and affordable housing Westchester County is obligated to provide as part of a stipulation of settlement with the U.S. Department of Housing and Urban Development (HUD). It is noted that the proposed zoning change is the same district as adopted by the City Council in the mid-1980s to accommodate the nearly 100 units of affordable senior housing at 300 Theall Road. The matter was referred to the City Planning Commission and a recommendation memo was provided to the City Council. Westchester County has provided its advisory comments on the matter.

(continued)

Additional information has been provided by the petitioner; these documents are available on the City website\* and include the following:

- 1 – Proposed Conceptual Site Plan
  - 2 – Letter from Westchester County Department of Planning / Department of Health
  - 3 – Aerial photos of site: 1925 through 2013
  - 4 – Soil testing results: Ralph G. Mastromonaco, P.E., P.C.
  - 5 – Soil test Technical Report: York Analytical Laboratories, Inc.
  - 6 – Full Environmental Assessment Form
  - 7 – Traffic Analysis and Commentary: Ralph G. Mastromonaco, P.E., P.C.
  - 8 – City of Rye Police Department Incident Reports
  - 9 – Team Environmental Consultants, Inc.: Phase 1 Environmental Site Assessment Report
- Theodore Fremd Property Taxes  
Documents obtained from Westchester County through a FOIL request

\*\* Documents are available at [www.ryeny.gov](http://www.ryeny.gov) under Digital Documents in folder  
“Theodore Fremd Senior Housing Zoning District Change”

Christian K. Miller, AICP  
City Planner  
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Rye, New York 10580



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<http://www.ryeny.gov>

**CITY OF RYE**  
**Department of Planning**

**Memorandum**

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To: Scott Pickup, City Manager

From: Christian K. Miller, AICP, City Planner

cc: Kristen K. Wilson, Esq., Corporation Counsel

Date: March 7, 2014

Subject: **Additional Analysis Related to the Request of Lazz Development/Pawling Holdings to Change the Zoning Designation of County-Owned Property Located on Theodore Fremd Avenue and North Street to the RA-5, *Senior Citizens Apartment*, District to Provide for the Construction of Affordable Senior Housing.**

The Rye City Council as Lead Agency is responsible for the assessment and evaluation of potentially significant adverse impacts pursuant to the requirements of the State Environmental Quality Review (SEQR). During the public hearing there were questions and concerns raised by the public and City Council. To assist the City Council in assessing potential impacts it is recommended that the petitioner provide the following additional information and analysis:

- **Full Environmental Assessment Form.** The petitioner has provided a short Environmental Assessment Form (EAF) with its zoning petition, which is the minimum required by SEQR. Given the nature of the public comment it is recommended that a full EAF be submitted for the Council's review. This will provide a more complete environmental assessment of the proposed zoning change and future senior housing development proposal.
- **Sub-Surface Conditions.** Concerns remain with the status of the sub-surface environmental conditions on the site. It is recommended that the petitioner prepare a Phase II environmental study that includes current testing for potential sub-surface contaminants on the site. Recent clean-up activities in the area and adjacent to the site should also be addressed and their potential impact on the site. The status of the sub-surface environmental conditions is a threshold

## **Additional Analysis Regarding Theodore Fremd Affordable Housing**

March 7, 2014

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question for the City Council as it considers a change in zoning to allow for senior housing on a property that is currently restricted to light-industrial, commercial and other non-residential uses. The City has allowed the redevelopment of properties with prior sub-surface contamination for housing including many former gas station properties. It is anticipated that such redevelopment could be allowed in this case, provided that petitioner gives the Council current and complete information and clearance from the appropriate State and County agencies as to the specific redevelopment proposed by the petitioner.

- **Fiscal Impact Analysis.** Currently, since the County-owned property generates no property tax revenue, but also requires few municipal services. The petitioner should provide a fiscal impact analysis quantifying the anticipated total tax revenue (based on the total rent revenue of the project) and the anticipated municipal service demands. Using the existing senior housing development at 300 Theall Road will provide good comparables for potential service demands. The analysis should also try to quantify anticipated cost/revenue if the site were developed based on the uses permitted by existing zoning.
- **Traffic.** The petitioner should prepare a traffic study quantifying the anticipated trip generation of the full development of the site under the proposed RA-5 District standards and the impact on level of service at area intersections. This analysis should be compared to the anticipated traffic impact associated with development permitted by existing zoning on the property.

Upon receipt of this information the City Council will be in a better position to assess potential impacts and determine the appropriateness of the petitioner's request and whether additional mitigation measures may be necessary.

Nick Everett, Chairman  
Martha Monserrate, Vice Chair  
Laura Brett  
Barbara Cummings  
Hugh Greechan  
Peter Olsen  
Alfred Vitiello



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## **CITY OF RYE Planning Commission**

### **Memorandum**

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To: Rye City Council

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

cc: Scott Pickup, City Manager  
Kristen K. Wilson, Esq., Corporation Counsel

Date: February 5, 2014

Subject: **Recommendation to the Rye City Council Regarding the Petition of Lazz Development/Pawling Holdings to Change the Zoning Designation of County-Owned Property Located on Theodore Fremd Avenue and North Street to the RA-5, *Senior Citizens Apartment*, District to Provide for the Construction of Affordable Senior Housing.**

As requested, this memorandum provides the Planning Commission's recommendation to the Rye City Council regarding the petition of Lazz Development/Pawling Holdings to change the zoning designation of Westchester County-owned property located on Theodore Fremd Avenue and North Street to the RA-5, *Senior Citizens Apartment*, District to provide for the construction of affordable senior housing. This memorandum was prepared by the City Planner and reviewed and unanimously approved by the Planning Commission at its February 4, 2014 meeting.

### **Background**

On or about December 10, 2013, the City Council received a petition from Lazz Development/Pawling Holdings to change the zoning of a property located at 150 North Street. The approximately 2.080-acre property has frontage on North Street, but is commonly referred to by its accessible frontage on Theodore Fremd Avenue rather than its legal address of 150 North Street. The request would change the zoning of the Westchester County-owned property from the B-6, *General Business*, District and the B-1, *Neighborhood Business*, District to the RA-5, *Senior Citizen's Apartment*, District (see Exhibit 1).

## **City Council Recommendation Regarding Theodore Fremd Affordable Housing**

February 5, 2014

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The existing zoning districts applicable to the property do not permit multi-family housing. The proposed zoning change to the RA-5 District would permit (and limit) future construction on the property to affordable senior housing. The petitioner has represented that if the zoning change is granted, he would seek subsequent approvals from the Rye City Planning Commission to construct approximately fifty-four (54) units of affordable age-restricted housing located in two buildings. The proposal would be limited to those over age 55 and consist of approximately 44 one-bedroom units and 10 two-bedroom units.

The proposed RA-5 District for the property is the same district adopted by the City Council in the mid-1980s to accommodate the nearly 100 units of affordable senior housing on an approximately 2-acre site at 300 Theall Road, also known as Rye Manor. The proposed units would be affordable and a minimum of 27 of the units would count towards the 750 units of fair and affordable housing that Westchester County is obligated to provide within 31 eligible municipalities as part of a stipulation of settlement with the U.S. Department of Housing and Urban Development (HUD). Rye has been identified in the housing settlement as one of the 31 eligible Westchester County communities.

The subject property has long been considered for affordable housing by the City of Rye. In the early 1990s a local not-for-profit in partnership with the City of Rye sought to change the zoning of the property to construct 12 two-family units (i.e. 24 total units). That proposal and the required zoning change were never advanced due to the identification of sub-surface contamination on the property in 1993. Since that time the property has been subject to an environmental clean-up, but the City continued to periodically advocate for its use as an affordable housing site (see Exhibit 2).

Unlike the affordable housing proposal twenty years ago the City of Rye is not a partner in the construction, property ownership or administration of the affordable housing units. Westchester County is the property owner and the petitioner is the County's preferred developer for the property. The City of Rye's role is typical of any other land use application, which is to review and consider the land use policy implications of the request.

Westchester County's interest is to advance its obligation under the housing settlement. The property in Rye is unique because there are few (if any) undeveloped County-owned properties within one of the 31 eligible housing settlement communities. It's also unique because the City has a 20-year history of advocating for the development of affordable housing. Rye's historic advocacy for affordable housing does not constitute a commitment or obligation to approve the petitioner's request, but is relevant in terms of the planning context and the City's affordable housing policy.

The petitioner's interest is to develop affordable housing. The petitioner has constructed a number of affordable housing communities in the Sound Shore area,

## **City Council Recommendation Regarding Theodore Fremd Affordable Housing**

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including 27 units in two separate projects on Cottage Street in Rye. Both of those projects required the City's Council's legislative authority to either amend the City Zoning Code or de-map an unused road right-of-way. In an August 9, 2013 letter the Petitioner received authorization from Westchester County "to seek all necessary approvals from the City of Rye..." (see Exhibit 3). This letter was provided to the City and forwarded to the City Council on August 16, 2013. This letter was expected based on a meeting City Council members and staff attended at Westchester County in June 2013. A summary of that meeting was provided to the City Council (see Exhibit 4).

The City's interest is to potentially advance identified affordable housing needs in the area consistent with its land use planning and other policies. The County has only a limited allocation of housing that it can designate as age-restricted towards the 750-unit obligation under the settlement. If that age-restricted allocation is lost to another community, there will continue to be pressure to develop the County-owned property in Rye for affordable housing without the age restriction. Age-restricted housing eliminates the potential for the generation of school-age children and the potential for a land use outcome in which potential municipal and school district service costs from the proposed development exceed anticipated property tax revenue.

### **Zoning Petition Review Process**

Any change to the City Zoning Code or Map is a discretionary action of the City Council. As is typical in most communities, legislative actions involving land use matters are referred to the City Planning Commission for its review and comment. The specific action under consideration is a local law to amend the City Zoning Map to change the zoning district designation of the subject property to the RA-5 District. The minimum legal requirements to implement the local law are as follows:

1. *Local Law and Petition Referral.* The draft local law and petition must be referred to the Westchester County Planning Board pursuant to Section 239-m of the GML and Section 451 of the Westchester County Administrative Code. This information was forwarded to the County on December 24, 2013. The City Council cannot take an action on the petition until it receives a response from the County or until 30 calendar days has passed from the date of such referral. That response was provided on January 30, 2014 (see Exhibit 5).
2. *Public Hearing.* As with any law change a public hearing is required and notification of such hearing must be published in the City's official newspaper. Unlike New York State Town or Village Law, Section 83 of the General City Law does not require any additional notification (e.g. signage on the property, mailing of hearing notice, etc.) to property owners affected by or within the vicinity of the proposed zoning change.

## **City Council Recommendation Regarding Theodore Fremd Affordable Housing**

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3. *SEQR.* Before making a decision on the local law, the City Council must comply with the requirements of State Environmental Quality Review (SEQR) and conduct an environmental assessment of the proposed action. The City Council has already taken the first step in this process by declaring at its December 18, 2013 meeting its intent to be Lead Agency for the environmental review. On December 24, 2013, staff circulated the Council's intent to be Lead Agency to other involved agencies. There has been no objection to the City Council being Lead Agency within the minimum required 30-day objection period. The City Council is therefore the Lead Agency at this time. As Lead Agency, the City Council must review the environmental assessment form (EAF) submitted by the applicant and conduct its own assessment of potentially adverse environmental impacts. If the Council finds that the proposed action does not have any significant adverse environmental impacts and issues a "Negative Declaration" a decision on the local law can be made. If the Council finds that there are potentially significant adverse impacts associated with the proposed action a "Positive Declaration" must be issued requiring a more involved environmental review. This review involves a number of procedural requirements and typically takes at least a year to complete.
4. *Decision.* After conducting and closing the public hearing and completing the SEQR process the City Council can make a decision. A simple majority vote is required for the adoption of the local law. A super majority vote of the Council (i.e. a minimum of three-fourths of the members) is required if twenty percent or more of property owners subject to the zoning change or within 100 feet therefrom submit a written protest to the request. Based on a preliminary review it appears that a written objection by just three property owners within 100 feet of the site would trigger a super majority vote (or 6 of the 7 City Council members) to approve the zoning request.

### **Westchester County HUD Settlement and Its Implications for Rye**

In 2009 Westchester County entered into an agreement with the U.S. Department of Housing and Urban Development (HUD) to settle a lawsuit. The civil lawsuit was initiated by the Anti-Discrimination Center of Metro New York, Inc. The lawsuit alleged that the County failed to affirmatively further fair housing (AFFH) in its administration of federal funds including the Community Development Block Grant (CDBG) program and other federal programs. Specially, the lawsuit alleged that the County did not conduct a meaningful Analysis of Impediments (AI) to fair housing choice and did not take appropriate actions to overcome the effects of any impediments identified through that analysis. The County's failure to comply with that obligation as a recipient of federal funds was alleged to be a violation of the False Claims Act.



## **City Council Recommendation Regarding Theodore Fremd Affordable Housing**

February 5, 2014

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There are many requirements of the stipulation of settlement. One requirement is that the County fund 750 affordable housing units within five years within eligible U.S Census Tracts of 31 municipalities in Westchester County. Eligible census tracts were identified as those having low percentages of minority populations. To date, the County has funded the construction of 27 affordable housing units in the City of Rye that count towards the 750-unit requirement. The City is not bound by the terms of the Settlement and is not required to approve any fair and affordable housing units, but has advanced affordable housing proposals when they were consistent with the land use, planning and housing objectives of the City.

A second significant requirement of the settlement is that the County is responsible for promoting and advancing a model affordable housing ordinance in each of the 31 eligible municipalities. The model ordinance, which was approved by the Monitor in October 2010, includes provisions to promote affordable housing including inclusionary zoning requirements, recommendations to increase multi-family housing zoning and other provisions. Westchester County is aggressively promoting the model ordinance, but no community is required to adopt it. In fact, most communities have not adopted it in full and many communities (including Rye) continue to review the model ordinance for its appropriateness given the existing land use planning and legal context.

A final significant requirement of the settlement relevant to Rye is that the City cannot receive CDBG and other federal funds administered by the County unless it advances fair and affordable housing. The City currently receives no such funding and therefore has no obligation.

The County and the monitor retained by HUD to oversee the implementation of the settlement have identified the County-owned property at 150 North Street as an opportunity to provide additional affordable housing in Rye. There have been conversations with the County and the City over the years both before and after the Settlement to discuss the potential for affordable housing at this location, but there has been no commitment by either party as to a specific development program. It has always been understood that any final action would require City Council approval because the property is not currently zoned for multi-family use.

In March 2013, Rye along with the other the 31 eligible communities identified in the Settlement were surprised to receive a "report card" directly from the Federal Monitor. Westchester County was not aware that report cards were being sent to communities, none of which are not party to the Settlement. The report card included an assessment of each community's existing zoning code.

In many, if not all, cases the report cards were critical of the lack of multi-family zoning in each community and repeatedly stated that more land use changes would be needed to accommodate affordable housing needs. The need was not for the implementation of the 750 units under the Stipulation, but rather the need identified in the 2005 Affordable

## **City Council Recommendation Regarding Theodore Fremd Affordable Housing**

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Housing Allocation Plan prepared by the Westchester County Housing Opportunities Commission. This allocation plan was not adopted by the Westchester County Board of Legislators and is considered an advisory document. That document recommends the need for over 10,000 affordable housing units in Westchester County, which is significantly higher than the 750 units under the stipulation.

In the case of Rye the unadopted report allocates 167 affordable housing units in the City. The monitor's report card uses that number as the basis for his analysis of affordable housing deficiency. He notes that of the 167 units the City has already provided 27 under the Settlement leaving 140 affordable units of "required" allocation for the City. Accommodating this number of units in the City, particularly under the preferred 90/10 inclusionary development scenario recommended by the monitor will require very aggressive land use changes by the City Council.

As the City Council considers the petitioner's request it should be mindful of these non-binding affordable housing allocations. Development of additional affordable housing at this location could significantly advance the City's contribution to meeting affordable housing needs both under the settlement and the advisory housing allocation plan. At this time Westchester County has stated that a minimum of 27 of the proposed affordable housing units at the petitioner's site could be "counted" towards the housing settlement. Providing affordable housing units may help address some of the criticism of the City's land use and affordable housing policies.

### **Planning Analysis**

The City Planning Commission supports the zoning petition and finds that the proposed use is consistent with the City's historic and future planning policies and housing objectives. In reaching this finding the Planning Commission considered the full development potential of the property under existing, planned and proposed zoning, the precedent established by the application of the RA-5 District and the compatibility of the requested change with surrounding land uses.

The petitioner has proposed a specific use and site plan for the property. As with all zone changes, however, the proper planning analysis requires an assessment not of the petitioner's specific proposal, but rather of the full development potential of the site after the zoning request is granted. Plans can and likely will change.

The petitioner's site plan accompanying his request proposes two four-story buildings, where the lowest story is unenclosed parking. The plan submitted shows approximately 75,600 square feet of total development, 90 parking spaces for an estimated 54 units and compliant with all other bulk and dimensional restrictions of the RA-5 District. This plan represents about 83% of the maximum development potential permitted under the proposed zoning. The proposed FAR of 1.0 is slightly higher than the 0.75 FAR permitted in the B-6 District located on the rear portion of the site and the 0.50 FAR

## City Council Recommendation Regarding Theodore Fremd Affordable Housing

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permitted in the B-1 District located on the front of the site. The RA-5 District allows four stories within a maximum building height of 40 feet. The B-6 District allows just two stories, but the same building height of 40 feet. The B-1 District limits maximum building height to 2½ stories and 35 feet. The front yard setback for the proposed RA-5 District is 25 feet, which is greater than the 10-foot requirement for the B-1 and B-6 District. Side yard setback dimensions are also greater for the RA-5 District than the existing districts applicable to the site and the rear yard requirement is generally the same.

The RA-5 District is limited to just one use, which reads as follows:

*Apartments for Senior Citizens and Handicapped. A detached residence for three or more families or housekeeping units or a group of buildings housing three or more families on one lot, undertaken by private nonprofit sponsors with public financial assistance, subject to the requirements of § 197-7.*

In the event the conditions were to change after the zoning were established for the property the future use would continue to be limited to senior multi-family housing including an element of “public financial assistance” (i.e. affordable housing). On the other hand, the existing B-6 District allows a boarder range of uses including automotive uses, storage establishments, public transportation and utilities, service/contractor businesses, bus storage and repair, kennels and veterinary hospitals and limited manufacturing. The B-1 District allows offices, retail and personal service businesses, garages, apartments over stores, lodging houses, service/contractor businesses and social clubs and lodges.

The City Development Plan (1986) does not cite a specific written recommendation for the property or area, but generally encourages creating additional affordable housing opportunities in the City (see Plan, Chapter 1, *Residential Development*). The future land use plan designates this area for office (see Plan, p. 8-9). Since that time only the property at 350 Theodore Fremd Avenue has been developed as an office building under the B-1 District designation. Since the early 1990s the plan for the subject property has been for the development of the site for affordable housing. The Planning Commission believes that office as recommended in the Development Plan is not an economically viable use as evidenced by the long-standing high vacancy rate of office in the City and County and that a change in use is required. In the last few years the City has seen the conversion of a large office building to medical office and a request to amend the B-4 Office Building District to allow a hotel at 120 Old Post Road.

Residential at this location would be more compatible with the residential properties located opposite the site on Theodore Fremd Avenue than many of the uses permitted under the existing B-6 and B-1 District. The site is in close proximity to other non-residential uses including gas stations, a contractor's yard for a landscape business, the ConEdison property and the Metro-North Railroad and Interstate 95. The Commission

## City Council Recommendation Regarding Theodore Fremd Affordable Housing

February 5, 2014

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notes other multi-family communities (both affordable and market-rate) and other residential neighborhoods located adjacent to transportation corridors that bisect the City.

The use of an existing zoning district classification in the City also is in keeping with the City's land use planning objectives. The RA-5 District specifically provides for the affordable housing needs for seniors. Expanding that district to other appropriate locations in the City is considered a desirable planning objective.

### SEQRA Considerations

The Planning Commission has reviewed the environmental assessment form submitted with the zoning petition. As Lead Agency the City Council should consider the following potential impacts and mitigation measures associated with the project prior to making a determination of environmental significance.

- *Sub-surface Conditions.* As the City Council considers the petitioner's request it is recommended that it secure written confirmation from Westchester County Health Department regarding the status of the sub-surface contamination on the site and the status of the environmental clean-up. The Planning Commission understands based on the petitioner's representations that the County Health Department will require that future development at the site require elevating the first habitable story above grade. The Health Department should conduct a review of the proposed plan including all proposed surface and sub-surface improvements such as utilities, stormwater drainage measures and sewer connections.
- *Sanitary Sewer Service.* There is an existing sanitary sewer line that extends from Nursery Lane under I-95 and MNR tracks through the site to an existing connection in Theodore Fremd Avenue. The existing line is compromised and is difficult to service and maintain due to the high volume, high speed vehicular and rail traffic on a major regional transportation corridor. The City does not want to continue to maintain this existing sewer line through the site and accommodate the additional sewage flow from the petitioner's development. The Commission recommends that the existing public sewer line be abandoned and that the future development on the property be required to provide a new sewer connection from Nursery Lane to an existing sewer connection in North Street. This project has been identified in the City's Capital Improvement Program (CIP) for some time at a preliminary project cost of \$150,000. This is a substantial off-site improvement and may challenge the fiscal feasibility of the project depending on the availability of funding to the petitioner. The sewer modification and extension may also require securing easements from Nursery Lane property owners and Westchester County approval of the sewer design.

## City Council Recommendation Regarding Theodore Fremd Affordable Housing

February 5, 2014

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- *Drainage/Wetland Impacts.* On its site inspection of the property, the Planning Commission noted a drainage pipe that extends from Theodore Fremd Avenue and discharges stormwater runoff from this roadway onto the site. It appears that this runoff has created what may be considered a wetland under the City's Wetlands and Watercourses Law<sup>1</sup>. The proposed development appears that it will result in the wetland loss of a relatively low-functioning wetland and require a drainage plan to replace the stormwater quantity and quality functions of this on-site wetland. If the area is considered a wetland a wetland permit from the Planning Commission will be required as part of a future site plan review process.
- *Municipal Services.* The existing property is County-owned and therefore generates no property tax revenue. The proposed zoning change to allow senior development will generate tax revenue based on the income approach (as opposed to the value of construction approach used for single-family residences). The income approach would be based on the total value of the below market rents after project completion. Since the project is age-restricted there will be no school-age children costs. There would be City expenditures for some municipal services including for sanitation, emergency medical, police, fire and recreation services.
- *Community Character and Aesthetics.* The proposed RA-5 District with a floor area ratio (FAR) of 1.0 would result in development at a greater intensity than the existing B-6 (FAR 0.75) District and B-1 (FAR 0.5) District currently on the property. Existing zoning permits buildings at or close to the same overall 40-foot building height as the proposed RA-5 District. Existing zoning is limited to commercial/general business, which is consistent with existing commercial and transportation uses abutting the site, but potentially inconsistent with the single-family residential character across the street. Overall, the bulk and scale of development under the proposed RA-5 District would likely be greater than development under existing zoning for the site, but not necessarily inconsistent with the character of the surrounding area. Reducing the scale of the building is complicated by the restriction that there can be no units located on the ground level due to the sub-surface contamination on the site. The lowest floor will be used for parking, which counts as a story under the City's Zoning Code but not towards the maximum permitted floor area since the parking is not enclosed.
- *Traffic.* The proposed RA-5 District would generate additional traffic associated with a future senior housing project. The relatively low anticipated trip generation would not adversely impact the relatively high intersection levels of service (LOS). The ITE Trip Generation Manual (ninth edition) provides trip generation

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<sup>1</sup> Question 13 of the petitioner's EAF indicates that there are no wetlands on the property. This petitioner should provide additional information supporting this conclusion.

## City Council Recommendation Regarding Theodore Fremd Affordable Housing

February 5, 2014

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rates for two different types of senior housing units. The following was calculated by Brian Dempsey (Traffic and Pedestrian Safety Chair and NYS licensed traffic engineer) assuming a 60-unit senior housing development:

### **Senior Adult Housing Detached: Land Use 251**

- Peak AM Hour of Adjacent Street: ranges from 5 in and 8 out to 14 in and 26 out
- Peak PM Hour of Adjacent Street: ranges from 10 in and 6 out to 19 in and 12 out
- Peak AM Hour of Generator: ranges from 7 in and 10 out to 15 in and 20 out
- Peak PM Hour of Generator: ranges from 11 in and 9 out to 31 in and 24 out
- Saturday Peak Hour of Generator: 7 in and 7 out (limited studies)

### **Senior Adult Housing Attached: Land Use 252**

- Peak AM Hour of Adjacent Street: ranges from 4 in and 8 out to 4 in and 8 out
- Peak PM Hour of Adjacent Street: ranges from 8 in and 7 out to 9 in and 7 out
- Peak AM Hour of Generator: ranges from 11 in and 12 out to 11 in and 13 out
- Peak PM Hour of Generator: ranges from 10 in and 9 out to 12 in and 9 out
- Saturday Peak Hour of Generator: 11 in and 8 out (limited studies)

A recent traffic study conducted in connection with the sustainable Playland proposal shows that the Theodore Fremd Avenue/North Street intersection operates at the highest levels of service (i.e. "A" or "B"). This level of service is maintained in a 2016 future "build" scenario in the event the sustainable Playland project moves forward. It is also noted that the property is located along an existing bus route, which could potentially reduce trip generation. Given the relatively low trip generation rates associated with senior housing and existing intersection level of service adverse traffic impacts are not anticipated with the proposed change to the RA-5 District.

- *Reduction in Impacts.* As with any project potential impacts can be reduced or minimized by either the implementation of mitigation measures or the reduction in project scope. In considering impacts, the City Council should be mindful of the fact that the proposed RA-5 District requires that future development be affordable senior housing so project and off-site improvement costs and density are a significant consideration to make such projects economically viable, particularly given the incomes proposed to be served. The RA-5 District provides for a reasonable future development intensity that can create the opportunity to advance the City's affordable housing objectives.



# City of Rye, New York



Zoning Districts - Theodore Fremd Area





At a regular meeting of the City Council held March 30, 2005, Councilwoman Larr made a motion, seconded by Mayor Otis and Councilman Chu, to adopt the following resolution:

**WHEREAS**, The Rye Commission on Human Rights commissioned a survey in 2003 to ascertain existing and projected affordable housing needs for residents and those who serve the community; and

**WHEREAS**, the survey was conducted during the summer of 2004 and the results presented to the Council at its regular meeting held March 9, 2005; and

**WHEREAS**, the Chairman of the Rye Commission on Human Rights made a request to the Council that it take action on several specific recommendations; now, therefore, be it

**RESOLVED**, that the Council strongly and unequivocally restates its interest in using the Theodore Fremd and North Street site, currently owned by the County, but in a state of contamination, to create 24 affordable housing units; and be it further

**RESOLVED**, that the Council urges the County to develop a complete and quick remediation plan for the Theodore Fremd and North Street site, and be it further

**RESOLVED**, that the City Manager urge the State Department of Environmental Conservation (DEC) to move meaningfully and expediently to develop a plan to decontaminate the Theodore Fremd and North Street site, and be it further

**RESOLVED**, that the Planning Commission specifically address the need for affordable housing among City employees, volunteer fire fighters and public and private school employees, as made clear from the response to the survey.

**ROLL CALL:**

**AYES:** Mayor Otis, Councilmen Chu, Cypher, Fahey, Larr and Seitz

**NAYS:** None

**ABSENT:** Councilman Hennes

**STATE OF NEW YORK )**

**COUNTY OF WESTCHESTER )**

**CITY OF RYE )**

**THIS IS TO CERTIFY** that I have compared the foregoing resolution with the original thereof, duly passed and adopted at a regular meeting of the Council of the City of Rye held on the 30th of March, 2005 by the affirmative vote of at least a majority of all members of said Council then in office, present and voting thereon, the vote upon passage thereof having been taken by recording the ayes and nays and duly entered in the minutes of said meeting of said Council and on file in this office, and **I DO HEREBY CERTIFY** said resolution to be a correct transcript thereof and of the whole of such original.

**IN TESTIMONY WHEREOF**, I have hereunto subscribed my name and affixed the official seal of the City of Rye this 16th day of January 2016.

**SEAL**

  
**DAWN F. NODARSE**  
**CITY CLERK**





Robert P. Astorino  
County Executive

August 9, 2013

Mr. Louis Larizza  
211 South Ridge Street  
Rye Brook, New York 10573

**Subject:      Proposed Theodore Fremd Senior Housing Development  
                  150 North Street, Rye New York**

Dear Mr. Larizza:

Please allow this correspondence to serve as formal authorization from the County of Westchester (the "County") for you to seek all necessary approvals from the City of Rye, New York (the "City") for the development of approximately twenty-five (25) to fifty (50) affordable affirmatively furthering fair housing units (the "AFFH Units") on the County-owned property located at 150 North Street in Rye, New York (the "Proposed Development").

At this time, it is anticipated that the AFFH Units will be available for seniors earning at or below 50% and 60% of the Westchester County Area Median Income for fifty (50) years. These AFFH Units are expected to further the County's efforts to create new fair and affordable housing units under the 2009 lawsuit titled *United States of America ex rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County, New York*.

Please note, that upon receipt of all approvals from the City, the Development and any related County funding shall be subject to all necessary County approvals, including but not limited to, approvals from the County Board of Legislators, and from the County's Board of Acquisition and Contract. Further be advised that the County makes no commitment for funding at this time, and all costs incurred in connection with the Proposed Development and any required local approvals shall be your sole responsibility, whether or not said approvals are ultimately granted by the City, whether or not the County grants or denies any necessary or related approvals, or if the County, in its sole discretion, determines not to proceed with or fund the Proposed Development. This letter shall not bind the County in any respect.

Please also be aware that, although formal plans have not yet been reviewed by the County that the Proposed Development must be consistent with Westchester County affordable housing policies and guiding principles:



- It will be compliant with the Westchester County Consolidated Plan submitted to HUD for the Westchester Urban County Consortium, of which the City of Rye is a member.
- It will be consistent with and reinforce *Westchester 2025 – Policies to Guide County Planning*, the County Planning Board’s adopted long-range land use and development policies, by contributing to the development of “a range of housing types” affordable to all income levels and by channeling development to centers where infrastructure can support growth and where public transportation can be provided.
- As noted above, it will consistent with the housing settlement reached in the case of *United States of America ex rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County, New York* and will contribute toward the County’s requirement to ensure the development of seven hundred fifty (750) new affordable affirmatively furthering fair housing units in communities that meet certain demographic criteria.

We are available to discuss any questions you may have regarding this authorization and look forward to reviewing your proposal.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin J. Plunkett", written over a horizontal line.

Kevin J. Plunkett  
Deputy County Executive

cc: Mary Mahon, Esq., Special Assistant to the County Executive  
Robert F. Meehan, Esq., County Attorney  
Edward Buroughs, AICP, Commissioner of Planning

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



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

**CITY OF RYE**  
**Department of Planning**

**CONFIDENTIAL – Memorandum**

---

To: Scott Pickup, City Manager

From: Christian K. Miller, AICP, City Planner

cc: Kristen K. Wilson, Esq., Corporation Counsel

Date: June 14, 2013

Subject: **Summary of Meeting with Westchester County to discuss the Potential Development of Affordable Housing at County-owned Property located on Theodore Fremd Avenue near the Intersection of North Street.**

As requested, this memorandum provides a summary of our meeting today with Westchester County officials regarding the potential development of affordable housing at the approximately 2.07-acre County-owned property located on Theodore Fremd Avenue near the intersection of North Street. The meeting was requested by Westchester County and was held at the County Executive's Office. For approximately 20 years the City has advocated for the development of affordable housing at this location and has periodically had meetings with the County to discuss development possibilities.

Today's meeting was attended by the Mayor, Laura Brett, you and I as representatives from the City. From the County were representatives from the County Executive's office (Kevin Plunkett and Mary Mahon), Planning Department (Commissioner Ed Burroughs and Norma Drummond) and a representative from the County Attorneys office. Also in attendance was Lou Larriza who may be the County's preferred developer for the potential development of the site.

**Summary**

- *Sub-surface Environmental Conditions.* NYSDEC continues to monitor the site for the status of the environmental contaminants on the site. The last test was conducted in 2011 showed elevated levels from previous tests, but that additional tests are at the discretion of NYSDEC. The City requested that additional tests

## Summary of Meeting with Westchester County

June 14, 2013

Page 2 of 2

be conducted and that it preferred that the site be clean before development occurs. Ms. Drummond stated that the County Health Department is not concerned with potential future housing development on the property provided that there is no enclosed habitable space below grade or on the first floor. The City was advised that there is currently no on-going remediation on the property.

- *Development and Land Use Review Process.* The County stated that it would select a preferred developer for the development of housing on the property. The County stated that the City would not need to be in the chain of title for the property and would not need to select a developer or eligible not-for-profit to develop the property. The City would act as it does for all land use applications, including former affordable housing applications on Cottage Street, by requiring approvals from all relevant City land use boards. As with the applications on Cottage Street, the City noted that the property is not currently zoned for the proposed development and that changes in the zoning code or variances would be required. The County understands that the City has local land use authority.
- *Development Scenario.* Mr. Larriza discussed his development concept for the site. He stated that he is seeking 48 units of senior (i.e. age 55 and over) housing on the property. The number of units is dictated by the desire to use tax credit financing for the property, which limits household income to 50% and 60% of Area Median Income (AMI). He stated that the unit mix would be one- and two-bedroom units. The project would total approximately 50,000 square feet within two 4- or 5-story buildings on the rear half of the 2.07-acre property. Parking would be located at grade level under the building to comply with the Health Department requirement that there be no habitable space below grade or on the first floor.

The County stated that County infrastructure bond money would also be used to assist with the project funding. The County confirmed that the proposed senior tax credit units would count towards the 750-unit obligation under the Housing Settlement. The County stated that only 187 out of the 750 units can be senior and that Rye would be using the last of that limited allocation.

- *Next Steps.* The County will complete its process to select a preferred developer and the City can expect an application for affordable housing development potentially in the fall. At that point, or sooner if it desires, the City will need to undertake a zoning analysis and determine what, if any, land use modifications it would like to implement to accommodate affordable development on this or potentially other properties in the City.

Robert P. Astorino  
County Executive

County Planning Board

January 30, 2014

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

**Subject: Referral File No. RYC 14 - 001 – The Courtyard at Theodore Fremd  
Zoning Map Amendment and Site Plan  
Lead Agency**

Dear Mr. Miller:

The Westchester County Planning Board has received a notice of intent to serve as Lead Agency pursuant to the NYS Environmental Quality Review Act (SEQR), as well as a one-sheet preliminary site plan (dated December 9, 2013) and related materials for the above referenced application. The applicants are petitioning the City to rezone a 2.08-acre site, currently owned by Westchester County with frontage on Theodore Fremd Avenue (County Road 54) and North Street (County Road 73), from B-6 General Business and B-1 Neighborhood Business to RA-5 Senior Citizens Apartment District. The zone change would permit the development of up to 58 units of housing on the site. If successfully rezoned, the applicant intends to apply for a site plan approval to construct a 54-unit apartment building with 95 parking spaces. All of the proposed units would be age-restricted to seniors over the age of 55 and would be affordable affirmatively furthering fair housing (AFFH) units. The unit mix would consist of 44 one-bedroom units and 10 two-bedroom units.


We have no objection to the Rye City Council assuming Lead Agency status for this review. Since this proposal involves the disposition of County-owned land as well as potential funding administered by Westchester County, we recommend that the County Board of Legislators be included as an Involved Agency with respect to SEQR.

Because we have not received full site plans, we will reserve full comment on this matter under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code for a later date. At this time we offer the following preliminary comment:

**Fair and affordable housing – development of affordable AFFH units.** We support the concept of this proposal as it will add to the supply of affordable AFFH units in Westchester County. We look forward to working with both the City and the applicant as this application moves forward. We recommend that the applicant consider adding an apartment within the proposed building for a building superintendant, which is typical for a development of this size.

Thank you for calling this matter to our attention.

Respectfully,  
WESTCHESTER COUNTY PLANNING BOARD

For:  
By:   
Edward Burroughs, AICP  
Commissioner

EEB/LH

622 STILES AVENUE MAMARONECK, NEW YORK 10543 TEL 914-698-8207 FAX 914-698-8208  
chnarch@yahoo.com

## **Clark Neuringer Architect**

CONNECTICUT  
DELAWARE  
FLORIDA  
MARYLAND  
NEW YORK

December 10, 2013

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

Re: Proposed Zoning Amendment;  
The Courtyard at Theodore Fremd

Dear Mayor French and Members of the City Council,

On behalf of our client, Lazz Development / Pawling Holdings, we are pleased to submit this request for an amendment to the Zoning Code of the City of Rye with respect to a proposed fifty four (54) unit rental development located at the corner of Theodore Fremd Avenue and North Street, adjacent to the existing Con Edison operations and equipment facility. The proposed development will advance a long-term planning objective of the City to provide affordable housing on this Westchester County-owned property. The proposed development would consist of 44 one-bedroom units and 10 two-bedroom units all of which will be restricted to those over age 55.

The approximately 2.1-acre property is currently within both the B-6 General Business District and B-1 Neighborhood Business District. Our proposal is to re-zone the entire property to the RA-5 Senior Citizen's Apartment District, which is the same district adopted by the City Council in the 1980s to provide for the construction of the approximately 100 units of senior affordable housing at 300 Theall Road. Current uses permitted within the B-6 District are limited to light manufacturing; garages, parking lots, and filling stations; small boat facilities; and kennels and veterinary hospitals. The portion of the property located in the B-1 District allows for business, professional office, retail, single-family dwellings and two-family residences.

The Honorable Douglas French  
Page 2  
December 10, 2013

Multi-family is not currently permitted in either district. We respectfully request that the City Council amend the Zoning Map to change the zoning district classification of this property to the RA-5 Senior Citizens Apartment District.

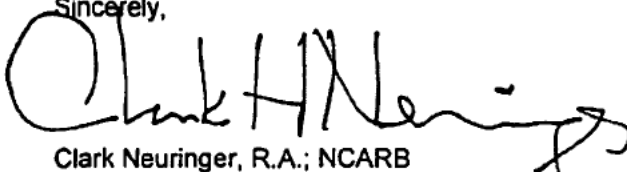
Our proposed senior citizen residential development meets or exceeds the requirements of the RA-5 District and would be a beneficial addition to the City in general and to the particular neighborhood. Our proposal represents a lower intensity of use of the property compared to what could be developed under the current limited zoning. Even under the RA-5 District requirements, our proposed residential development has several distinct positive attributes as follows:

- Area of the lot is more than double the size of minimum required.
- Total amount of buildable floor area proposed to be constructed is 17% less than permitted.
- Total amount of parking proposed is almost seven times more than minimum required.
- Total amount of open space proposed is more than double amount required.

As a result, the requested amendment would allow a residential development that would act as a transition between existing residential uses to the south and commercial uses otherwise surrounding the property. The design of our proposed site development results in a separation between the closest existing neighborhood residential building and one of our apartment buildings of a distance in excess of approximately 250 feet. As such, there would be no adverse impact on any of the existing residential areas to the south of the site. Compared to other uses that would be permitted on the site, we believe the proposed residential community would be a more attractive and beneficial use to the neighborhood.

We look forward to further reviews and discussions with you regarding the requested zoning amendment.

Sincerely,

A handwritten signature in black ink, appearing to read "Clark Neuringer". The signature is fluid and cursive, with a large initial "C" and a long, sweeping underline.

Clark Neuringer, R.A.; NCARB

Cc: Louis Larizza, Lazz Development // Pawling Holdings



DRAFT

Formatted: Left: 72 pt, Right: 72 pt

LOCAL LAW  
CITY OF RYE NO. \_\_\_\_ -2014

**A Local Law to Amend the “Zoning Map of the City for Rye, New York” to Change the Zoning Designation of a Property Known on the City of Rye Tax Map as Section 146.10, Block 1, Lot 66 from B-6, *General Business*, District and B-1, *Neighborhood Business*, District to RA-5, *Senior Citizens Apartment*, District.**

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

**Section 1.**     **The Zoning Map of the City of Rye, New York is hereby amended to change the zoning district designation of a property known on the City of Rye Tax Map as Section 146.10, Block 1, Lot 66 from B-6, *General Business*, District and B-1, *Neighborhood Business*, District to RA-5, *Senior Citizens Apartment*, District.**

**Section 2.**     **Severability**

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

**Section 3.**     **Effective Date**

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

**617.20**  
**Appendix B**  
**Short Environmental Assessment Form**

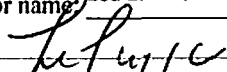
**Instructions for Completing**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

|   |                                     |              |   |    |     |                                     |                                     |
|---|-------------------------------------|--------------|---|----|-----|-------------------------------------|-------------------------------------|
| <b>Part 1 - Project and Sponsor Information</b>   |                                     |              |   |    |     |                                     |                                     |
| City of Rye Affordable Senior Housing   |                                     |              |   |    |     |                                     |                                     |
| Name of Action or Project:<br>The Courtyard at Theodore Fremd   |                                     |              |   |    |     |                                     |                                     |
| Project Location (describe, and attach a location map):<br>Theodore Fremd Avenue and North Street, Rye, NY  |                                     |              |   |    |     |                                     |                                     |
| Brief Description of Proposed Action:<br><br>1. Construct 54 units of senior affordable housing units with parking areas for 95 cars on 2.08 acres in the City of Rye, NY.<br>2. Approval of a City of Rye zoning text amendment to permit certain residential types in the B6 (Business) zone.   |                                     |              |   |    |     |                                     |                                     |
| Name of Applicant or Sponsor:<br>Pawling Holdings, LLC  |                                     | Telephone:   |   |    |     |                                     |                                     |
|   |                                     | E-Mail:      |   |    |     |                                     |                                     |
| Address:<br>211 South Ridge Street, Suite 3R  |                                     |              |   |    |     |                                     |                                     |
| City/PO:<br>Rye Brook   |                                     | State:<br>NY | Zip Code:<br>10573  |    |     |                                     |                                     |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?<br>If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.  |                                     |              | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> | NO | YES | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| NO  | YES                                 |              |   |    |     |                                     |                                     |
| <input checked="" type="checkbox"/>   | <input type="checkbox"/>            |              |   |    |     |                                     |                                     |
| 2. Does the proposed action require a permit, approval or funding from any other governmental Agency?<br>If Yes, list agency(s) name and permit or approval:<br>City of Rye Planning Commission, City of Rye Council, the Home Fund, HIF, AHC agencies, County of Westchester DPW   |                                     |              | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table> | NO | YES | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| NO  | YES                                 |              |   |    |     |                                     |                                     |
| <input type="checkbox"/>  | <input checked="" type="checkbox"/> |              |   |    |     |                                     |                                     |
| 3.a. Total acreage of the site of the proposed action?  |                                     | 2.08 acres   |   |    |     |                                     |                                     |
| b. Total acreage to be physically disturbed?  |                                     | 2.08 acres   |   |    |     |                                     |                                     |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?  |                                     | 2.08 acres   |   |    |     |                                     |                                     |
| 4. Check all land uses that occur on, adjoining and near the proposed action.<br><input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)<br><input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): Railroad, Interstate Highway 95<br><input type="checkbox"/> Parkland |                                     |              |   |    |     |                                     |                                     |

|  |   |  |                                     |
|--|---|--|-------------------------------------|
| 5. Is the proposed action,<br>a. A permitted use under the zoning regulations?   | NO<br><input checked="" type="checkbox"/>                           | YES<br><input type="checkbox"/>            | N/A<br><input type="checkbox"/>     |
| b. Consistent with the adopted comprehensive plan?   | <input type="checkbox"/>  | <input type="checkbox"/>                   | <input checked="" type="checkbox"/> |
| 6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?  | NO<br><input type="checkbox"/>                                      | YES<br><input checked="" type="checkbox"/> |                                     |
| 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?<br>If Yes, identify: _____  | NO<br><input checked="" type="checkbox"/>                           | YES<br><input type="checkbox"/>            |                                     |
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels?   | NO<br><input checked="" type="checkbox"/>                           | YES<br><input type="checkbox"/>            |                                     |
| b. Are public transportation service(s) available at or near the site of the proposed action?  | <input type="checkbox"/>  | <input checked="" type="checkbox"/>        |                                     |
| c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?   | <input type="checkbox"/>  | <input checked="" type="checkbox"/>        |                                     |
| 9. Does the proposed action meet or exceed the state energy code requirements?<br>If the proposed action will exceed requirements, describe design features and technologies: _____  | NO<br><input type="checkbox"/>                                      | YES<br><input checked="" type="checkbox"/> |                                     |
| 10. Will the proposed action connect to an existing public/private water supply?<br>If No, describe method for providing potable water: _____  | NO<br><input type="checkbox"/>                                      | YES<br><input checked="" type="checkbox"/> |                                     |
| 11. Will the proposed action connect to existing wastewater utilities?<br>If No, describe method for providing wastewater treatment: _____   | NO<br><input type="checkbox"/>                                      | YES<br><input checked="" type="checkbox"/> |                                     |
| 12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?   | NO<br><input checked="" type="checkbox"/>                           | YES<br><input type="checkbox"/>            |                                     |
| b. Is the proposed action located in an archeological sensitive area?  | <input checked="" type="checkbox"/>                                 | <input type="checkbox"/>                   |                                     |
| 13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?   | NO<br><input checked="" type="checkbox"/>                           | YES<br><input type="checkbox"/>            |                                     |
| b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?<br>If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____  | <input checked="" type="checkbox"/>                                 | <input type="checkbox"/>                   |                                     |
| 14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:<br><input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional<br><input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban |   |  |                                     |
| 15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?   | NO<br><input checked="" type="checkbox"/>                           | YES<br><input type="checkbox"/>            |                                     |
| 16. Is the project site located in the 100 year flood plain?   | NO<br><input checked="" type="checkbox"/>                           | YES<br><input type="checkbox"/>            |                                     |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources?<br>If Yes,<br>a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES   | NO<br><input checked="" type="checkbox"/>                           | YES<br><input type="checkbox"/>            |                                     |
| b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?<br>If Yes, briefly describe: _____<br>Existing Culvert beneath Metro North Rail Lines  | <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES |  |                                     |

|   |   |  |
|---|---|--|
| 18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?<br>If Yes, explain purpose and size: _____<br>Three subsurface detention vaults to be constructed beneath the parking areas. Size is generally 1000 square feet per system. The purpose is to limit flows to current levels. | NO<br><input type="checkbox"/>            | YES<br><input checked="" type="checkbox"/> |
| 19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?<br>If Yes, describe: _____   | NO<br><input checked="" type="checkbox"/> | YES<br><input type="checkbox"/>            |
| 20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?<br>If Yes, describe: _____<br>NYS DEC database has no record of remediation 1978 to present.   | NO<br><input type="checkbox"/>            | YES<br><input checked="" type="checkbox"/> |
| <b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b><br>Applicant/sponsor name: <u>Lou Larizza</u> Date: <u>11/6/2013</u><br>Signature: <u></u>  |   |  |

**Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2.** Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

|  | No, or small impact may occur       | Moderate to large impact may occur  |
|--|-------------------------------------|-------------------------------------|
| 1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 2. Will the proposed action result in a change in the use or intensity of use of land?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 3. Will the proposed action impair the character or quality of the existing community?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?                      | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 7. Will the proposed action impact existing:<br>a. public / private water supplies?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b. public / private wastewater treatment utilities?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

|   | No, or<br>small<br>impact<br>may<br>occur | Moderate<br>to large<br>impact<br>may<br>occur |
|---|---|--|
| 10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                       |
| 11. Will the proposed action create a hazard to environmental resources or human health?                        | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                       |

**Part 3 - Determination of significance.** The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

2. The project will increase the intensity of use since the development of 54 apartments for seniors will occur on vacant land. Mitigation is proposed by providing sufficient stormwater controls to prevent flooding, and water quality treatment to reduce impacts to water courses. Traffic mitigation is considered to be mitigated by limiting occupancy to an over-55 years age group. Excess on-site parking is provided to eliminate off-street parking impacts. The site is on the County Bus route which affords opportunity to mitigate traffic. New local street sidewalks to be constructed will also help to mitigate traffic. The proposed landscaping, consisting of landscaped buffers, new trees, shrubs and decorative fencing throughout, will mitigate visual impacts. An erosion control plan in conformance with the NYS Stormwater Design Manual will be used to offset temporary impacts of erosion.

7a. Water supply: The water demand for the project of 54 units with average of a two-person occupancy is about 10,800 gallons per day. United Water Westchester provides 7.6 million gallons per day and the increase is nominal due to this project and should not impact the facilities. Mitigation of water use is provided in limiting the occupancy to an over-55 age group.

7b. Wastewater Treatment: The project is in the County's Blind Brook Sewer District and sewage flow will be treated at the Blind Brook Treatment Plant which has a capacity of 5 mgd and is currently operating at 3.3 mgd. City-owned sewers at the site are adequately sized to handle the increased flow from this project. Therefore, given the reduced water use and in turn sewage generation, the project should not adversely impact these facilities.

Long term impacts are the same as short term impacts described above.

Cumulative impacts of the development are limited due to the lack of other new projects of this type in the area.

|  |  |
|--|--|
| <input type="checkbox"/>   | Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required. |
| <input type="checkbox"/>   | Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.   |
| <div> <div>Name of Lead Agency</div> <div>Date</div> </div>  |  |
| <div> <div>Print or Type Name of Responsible Officer in Lead Agency</div> <div>Title of Responsible Officer</div> </div>                         |  |
| <div> <div>Signature of Responsible Officer in Lead Agency</div> <div>Signature of Preparer (if different from Responsible Officer)</div> </div> |  |

**PRINT**



# CITY COUNCIL AGENDA

NO. 8

DEPT.: City Manager's Office

DATE: July 9, 2014

CONTACT: Frank J. Culross, City Manager

**ACTION:** Public Hearing to amend Local Law Chapter 76, "Dogs", Section 76-5, "Running at large prohibited" and Section 76-6, "When Leash Required", to establish regulations for the leashing of dogs at Rye Town Park.

**FOR THE MEETING OF:**

July 9, 2014

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:**

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

**BACKGROUND:** A recommendation was made to amend Chapter 76 "Dogs" of the Rye City Code to permit dogs to be "at large" in Rye Town Park from 6:00 a.m. to 9:00 a.m. Coupled with the amendment is the suggestion that signage should be placed in the park advising early morning park visitors of the policy to allow dogs off leash until 9 a.m. After 9:00 a.m. all dogs must remain leashed in all areas of the park.

See attached draft Local Law.

**CITY OF RYE  
LOCAL LAW NO. 2014**

**A local law to amend Chapter 76 “Dogs” of the  
Code of the City of Rye to allow dogs to be at large during certain hours at Rye Town Park  
as follows:**

**Section 1: Chapter 76, Dogs**

**§ 76-5. Running at large prohibited.**

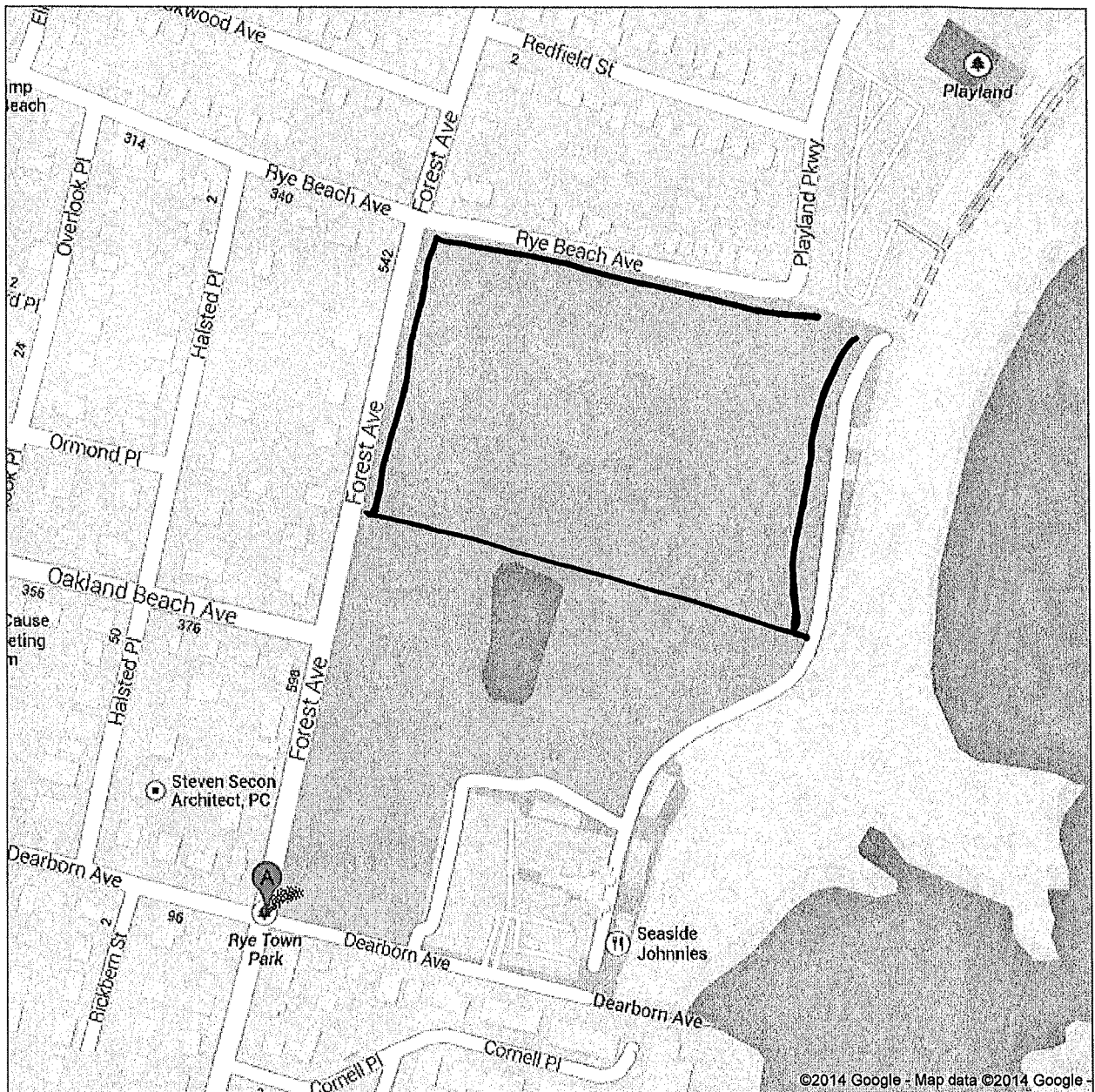
- A. Except as permitted in § 76-5(B), no person owning, harboring or having the custody and control of a dog shall permit such dog to be at large in the City of Rye, elsewhere than on the premises of the owner, except if it is on the premises of another person with the knowledge and assent of such other person.**
- B. During the hours of 6 a.m. to 9 a.m., a person owning, harboring or having the custody and control of a dog visiting Rye Town Park shall be permitted to allow the dog to be at large. After 9 a.m., all dogs must be leashed in accordance with this Chapter.**

**§ 76-6. When leash required.**

The owner, harbinger or person having the custody and control of a dog in the City of Rye which is not on the premises of the owner or upon the premises of another person with the knowledge and assent of such person shall control and restrain such dog by a chain or leash not exceeding eight feet in length.

**Section 2:** This local law will take effect immediately on filing in the office of the Secretary of State.

Google



- A. **Rye Town Park**  
95 Dearborn Ave, Rye, NY  
(914) 967-0965  
3 reviews





# CITY COUNCIL AGENDA

NO. 9

DEPT.: City Council

DATE: July 9, 2014

CONTACT: Mayor Joseph A. Sack

**AGENDA ITEM:** Public Hearing to amend local law Article 6, "Council" of the Charter of the City of Rye to amend §C6-2 "Powers and duties" to add Section G to provide all Council members with the same authority as the Mayor as outlined in Section C7-1G to "examine the books, papers and accounts of any board, commission, department, office or agency of the city."

**FOR THE MEETING OF:**

July 9, 2014

**RYE CITY CODE,**

CHARTER

SECTION C6-2

**RECOMMENDATION:** That the City Council hold a Public Hearing to approve the changes to the City Charter as outlined.

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

**BACKGROUND:** A proposal has been put forward to amend Article 6, "Council" of the Charter of the City of Rye to amend §C6-2 "Powers and duties" to add Section G to provide all Council members with the same authority as the Mayor as outlined in Section C7-1G to "examine the books, papers and accounts of any board, commission, department, office or agency of the city." The City Council is asked to hold a Public Hearing regarding the proposed amendment.

See attached Draft Local Law.

## Chapter C. CHARTER

### Article 6. Council

#### § C6-2. Powers and duties.

- A. The legislative power of the city and the determination of all matter of policy shall be vested in the Council.
- B. It shall be the duty of the Council to require that all city officers faithfully perform their duties, maintain peace and good order within the city, and cause the laws, local laws and ordinances to be enforced within the city.
- C. The Council shall appoint the City Manager as hereinafter provided and shall appoint a Corporation Counsel or hire an attorney as an independent contractor. Such Counsel or attorney shall be engaged in the practice of law in this state for at least five years immediately preceding his appointment or hiring.

**[Amended 7-15-1981 by L.L. No. 4-1981]**

- D. The Council shall supervise the work of the boards, commissions and officers appointed by the Council or the Mayor with the approval of the Council and such boards, commissions and officers shall be responsible directly to the Council.
- E. The Council may require any officer or employee to render to it a verified account of all moneys received or disbursed by him and to appear and submit to an examination under oath by the Council or any committee thereof as to any matter in connection with his official duties. A willful refusal or neglect to obey any such order shall be deemed sufficient cause for a fine not to exceed \$100, suspension without pay for a period not exceeding two months or removal from office or employment.
- F. The Council shall award all contracts for public work and all purchase contracts, requiring competitive bidding under the General Municipal Law.
- G. The Council shall have the authority at all times to examine the books, papers and accounts of any board, commission, department, office or agency of the city.



# CITY COUNCIL AGENDA

NO. 10

DEPT.: City Manager's Office

DATE: July 9, 2014

CONTACT: Frank J. Culross, City Manager

**ACTION:** Authorization for the City Manager to enter into a settlement agreement regarding the United Water rate case.

**FOR THE MEETING OF:**

July 9, 2014

**RYE CITY CODE,**

**CHAPTER**

**SECTION**

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

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

**BACKGROUND:**

United Water filed a request with the New York State Public Service Commission for a 27% water rate increase in customer bills, as well as the merger of United Water Westchester and United Water New Rochelle (UWNR) to operate as United Water New Rochelle going forward. Working collaboratively with the Village of Rye Brook and the Village of Port Chester, a three-year agreement on a settlement has been reached. The increase in rates for Port Chester, Rye and Rye Brook would be approximately 2% the first year and 3% in years two and three. The increase would take effect on November 1, 2014. The Village of Port Chester and the Village of Rye Brook have both agreed to the settlement.



# CITY COUNCIL AGENDA

NO. 12

DEPT.: City Council

DATE: July 9, 2014

CONTACT: Mayor Joseph A. Sack

**AGENDA ITEM:** Consideration to set a Public Hearing to amend local law Article 6, "Council", Section § C6-2, "Powers and duties", Article 8 "City Manager", Section § C8-2, "Powers and duties of City Manager" and Article 12 "Department of Police", Section § C12-1, "Head of Department; subordinates" of the Charter of the City of Rye to provide the City Council with the authority to approve the appointment, suspension or removal of the Police Commissioner.

**FOR THE MEETING OF:**

July 9, 2014

**RYE CITY CODE,**

CHARTER

SECTION

C6-2, C8-2,  
C12-1

**RECOMMENDATION:** That the City Council set a Public Hearing to approve the changes to the City Charter as outlined.

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

**BACKGROUND:** A proposal has been put forward to amend Article 6, "Council" of the Charter of the City of Rye to amend §C6-2 "Powers and duties", Article 8 "City Manager", Section § C8-2, "Powers and duties of City Manager" and Article 12 "Department of Police", Section § C12-1, "Head of Department; subordinates" to provide the City Council with the authority to approve the appointment, suspension or removal of the Police Commissioner. The City Council is asked to set a Public Hearing regarding the proposed amendment.

See attached Draft Local Law.

**CITY OF RYE  
LOCAL LAW NO. 2014**

**A local law to amend the City Charter of the City of Rye Article 6 “Council”, Article 8 “City Manager”, and Article 12 “Department of Police” to provide the City Council with the authority to approve the appointment, suspension or removal of the Police Commissioner as follows:**

**Section 1: Chapter C. Charter.**

**Article 6. Council**

**§ C6-2. Powers and duties.**

C. The Council shall appoint the City Manager as hereinafter provided and shall appoint a Corporation Counsel or hire an attorney as an independent contractor. Such Counsel or attorney shall be engaged in the practice of law in this state for at least five years immediately preceding his appointment or hiring. **The Council shall also have approval authority over the appointment, suspension or removal of the Police Commissioner.**

**Section 2.**

**Article 8. City Manager**

**§ C8-2. Powers and duties of City Manager.**

B. **Subject to Article 12, Section C.12-1.A**, he shall appoint a City Comptroller, City Clerk, City Engineer, City Assessor, Building inspector, City Marshal, registrar of Vital Statistics and the heads of such other departments as may hereafter be created by the Council. All such officers shall in the performance of their duties be subject to the directions and supervision of the City Manager. Except for the Police Department, he may also appoint all subordinates in the departments headed by such officers, or he may authorize any administrative officer who is subject to his direction and supervision to exercise such power, subject to his approval, with respect to subordinates in that officer’s department, office or agency.

C. **Subject to Article 12, Section C.12-1.A**, he shall, when he deems it necessary for the good of the service, suspend or remove any city officer or employee whom he may appoint or employ, except as otherwise provided by law.

I. He may, during the absence or disability of the City Comptroller, City Clerk, City Assessor or the head of any other office or department under his direction and supervision, all of all the powers of such office or department; and also, **with the exception of the Police Commissioner**, he may designate one of the employees

in such office or department as a deputy who shall have the powers and duties of the City Comptroller, City Clerk, City Assessor or the head of such other office or department, as the case may be, during the absence or disability of such officer or during a vacancy in such office or department. **With respect to the Police Commissioner, the Manager shall obtain the consent of the Mayor and City Council.**

### **Section 3.**

## **Article 12. Department of Police**

### **§ C12-1. Head of Department; subordinates.**

- A. There shall be a Department of Police, the head of which shall be the Commissioner of Police, who shall be appointed by the City Manager, and he shall serve at the pleasure of the City Manager **except that the City Manager shall obtain the consent of the Mayor and City Council when appointing, suspending or removing the Police Commissioner.** The Commissioner of Police shall have at least the qualifications and experience specified by the Council.

### **Section 4:** Severability clause

**Section 5:** This local law will take effect immediately on filing in the office of the Secretary of State.



# CITY COUNCIL AGENDA

NO. 13

DEPT.: City Manager's Office

DATE: July 9, 2014

CONTACT: Frank J. Culross, City Manager

**AGENDA ITEM:** Consideration to set a Public Hearing to amend local law Chapter 197, "Zoning", of the Rye City Code by adding Section 197-15, "Special Permit for Historic Preservation in the B-2 Central Business District" to permit banks on the first floor of a building when certain conditions are met upon approval of a Special Use Permit by the City Council.

**FOR THE MEETING OF:**

July 9, 2014

**RYE CITY CODE,**

|         |     |
|---------|-----|
| CHAPTER | 197 |
| SECTION | 15  |

**RECOMMENDATION:** That the City Council set a Public Hearing to amend to add a new section to Chapter 197, "Zoning".

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

**BACKGROUND:** Council is asked to consider the addition of a new Section to the Zoning Law, 197-15, "Special Permit for Historic Preservation in the B-2 Central Business District" to permit banks on the first floor of a building when certain conditions are met upon approval of a Special Use Permit by the City Council.

See attached Draft Local Law.

**CITY OF RYE  
LOCAL LAW NO. 2014**

**A local law to amend the City Code of the City of Rye Chapter 197 “Zoning” by adding Section 197-15 “Special Permit for Historic Preservation in the B-2 Central Business District” to permit banks on the first floor of a building when certain conditions are met upon approval of a Special Use Permit by the City Council as follows:**

**Section 1:**

**Article IV, *Use Regulations*, of the Code of the City of Rye is hereby amended to add the following:**

**§ 197-15. Banks in the B-2, Central Business District.**

- A. The Council creates this incentive-based special use permit in order to maintain the historic elements and convenience retail storefronts the contribute to the character of the City’s Central Business District. As such, the Council adopts a policy to incentivize the preservation of the character of the Central Business District by allowing in the B-2 Central Business District banks to be located on the first floor of a building located on the condition that the historic nature of the building or its contributing elements, are preserved and maintained. The purpose of this law is to advance the following goals:**
  - 1. Promoting the preservation of buildings that enhance and define the historic nature of Rye over the past decades.**
  - 2. Balancing the desire for historic preservation of certain buildings with the need to allow for financially viable uses of buildings.**
  - 3. Furthering the City’s goal to provide incentive zoning techniques for development projects that meet a defined community need and desire such as historic preservation and maintaining community character.**
- B. Procedures for Special Use Permits – permit applications.**
  - a. Applications for a permit shall be made to the City Clerk on forms furnished by the City Clerk’s office.**
  - b. An application for a permit shall not be deemed complete if it does not include all of the following information:**
    - i. The application fee;**
    - ii. Complete plans for the building(s), or portions thereof, that the applicant believes furthers the intent of this Section and for the bank or other uses of the building(s) on the property.**
    - iii. Full environmental assessment form in accordance with the State Environmental Quality Review Act, except that a short**



environmental assessment form may be submitted at the discretion of the City Council.

- iv. A narrative from the applicant setting forth the reasons why the proposed building(s) to be preserved would further the intent of this Section and what specific measures would be implemented to preserve the community character that the City wishes to maintain.
- v. The City Council may require additional information as needed, such as the proposed plan to maintain the historic nature of the building(s).
- vi. By filing an application, the applicant thereby consents to the entry onto his land by the City Council or other agents designated by the City Council for the purpose of undertaking any investigation, examination, survey or other activity necessary for the purposes of this chapter.

**C. Special Use Permit Requirements; determining historic significance of development plan.**

1. The Council will undertake a review of an application pursuant to this Section in a timely fashion and shall act within a reasonable period of time given the complexity of the application and the circumstances.
2. The Council may, at its sole discretion, refer any application for this Special Permit for Historic Preservation to the Landmarks Committee for its review and comment.
3. If the application is referred to the Landmarks Advisory Committee, the Committee shall provide any comments to the Council within thirty (30) days of the referral.
4. The City Council shall then review the development plan to determine if it furthers the goals and intent of this Section. The Applicant shall bear the burden of establishing why its building(s), or portions thereof, are an integral part of the historic nature of the B-2 Central Business District and that its application should be considered for the special use permit.
5. If the Council finds that the application furthers the intent of this Section, it shall simultaneously consider the application for the Special Use Permit and Site Development Plan in accordance with Rye City Code § 197-7. The City Council shall hold a public hearing to consider the approval of both the Special Use Permit and Site Development Plan.
6. As part of any approval of the Special Use Permit and Site Development Plan, the City Council shall consider the following conditions as part of its approval:
  - a. A restrictive covenant that preserves the building(s), or portions thereof, in its current state and any modifications to such restrictive covenant shall be reviewed and approved by the City Council; and/or
  - b. A deed restriction that preserves the building(s), or portions thereof, in its current state and any modifications to such deed restriction can only be approved by the City Council; and/or

- c. A façade easement or other restrictive easement that preserves the building(s), or portions thereof, in its current state and any modifications to such easement can only be approved by the City Council; and
- d. All covenants, restrictions, and/or easements shall be recorded in the County Clerk's office.
- e. A maintenance plan that ensures the continued upkeep of the preserved building(s), or portions thereof.
- f. A community amenity such as landscaping or other improvement to further enhance the community character in the area near the proposed development.
- g. Any other condition that the City Council deems necessary to preserve the historical nature of the building(s) and to ensure that such preservation will continue into the future regardless of the owner.

### **Section 3.**

Section 197-86, Table of Regulations: Table B, Business Districts-Use Regulations, Column 1, Permitted Main Uses, B-2 Central Business Districts, of the Code of the City of Rye, New York is hereby amended to amend subsection (1) to read as follows:

- (1) Nonresidence main uses permitted in B-1 Districts without restrictions as to location and conversions of existing buildings, except that offices for clerical, administrative, professional and agency uses shall not be located on the first floor of a building within the A Parking District, and banks shall not be permitted on the first floor of a building in the B-2 Central Business District, **except where approved by the City Council pursuant to §197-15.**

### **Section 2.**

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

NOTE: Proposed additions are shown in **underline and bold** and proposed deletions are shown in ~~strikethrough~~.



# CITY COUNCIL AGENDA

NO. 14

DEPT.: City Manager's Office

DATE: July 9, 2014

CONTACT: Frank J. Culross, City Manager

**AGENDA ITEM:** Consideration to set a Public Hearing to amend local law Chapter 191, "Vehicles and Traffic", of the Rye City Code by amending Section §191-7, "Speed limits", to lower the speed limit to 25 miles per hour on select roads, including Stuyvesant Avenue, Van Wagenen Avenue, Forest Avenue, Oakland Beach Avenue, and Milton Road, during the Pilot Study recommended by the Traffic and Pedestrian Safety Committee.

**FOR THE MEETING OF:**

July 9, 2014

**RYE CITY CODE,**

|         |        |
|---------|--------|
| CHAPTER | 191    |
| SECTION | 20, 21 |

**RECOMMENDATION:** That the City Council set a Public Hearing to lower the speed limit to 25 miles per hour on the roads outlined during the Pilot Study recommended by the Traffic and Pedestrian Safety Committee.

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

**BACKGROUND:** The Traffic and Pedestrian Safety Committee has been reviewing the speed limits in the Stuyvesant Avenue corridor at the request of residents. The recommendation is to conduct a Speed Limit Modification Pilot Study whereby the speed limit would be reduced to 25 mph on Stuyvesant Avenue, Van Wagenen Avenue, Forest Avenue, Oakland Beach Avenue, and Milton Road. The Pilot Period would be for a one year period with speed measurements performed during the club season and during the off-season.

See attached Draft Local Law and information from the Traffic and Pedestrian Safety Committee.

**CITY OF RYE  
LOCAL LAW NO. 2014**

**A local law to amend the City Code of the City of Rye Chapter 191 “Vehicles and Traffic” Part 1, Article II “Traffic Regulations” Section 191-7 “Speed limits” to reduce the speed limit down to twenty-five miles per hour on roads, or portions thereof, for a pilot study as follows:**

**Section 1:**

**Article IV, *Traffic Regulations*, of the Code of the City of Rye is hereby amended:**

**§ 191-7. Speed Limits.**

It shall be unlawful for any person to operate any motor vehicle or motorcycle in any street in the City at a speed in excess of 30 miles per hour, except **as indicated in subsection A** and where otherwise indicated by signs erected by the Police Department of the City.

- A. The speed limit shall be 25 miles per hour for the block bordered by Stuyvesant Avenue, Van Wagenen Avenue, Forest Avenue, Oakland Beach Avenue and Milton Road. The 25 miles per hour limit shall be posted along each of the streets indicating what sections are governed by the 25 miles per hour speed limit.**

**Section 2.**

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

NOTE: Proposed additions are shown in **underline and bold** and proposed deletions are shown in ~~strike through~~.



Address **Van Wagenen Ave**  
**Rye, NY 10580**



**CITY OF RYE  
MEMORANDUM**

TO: Mayor Sack and City Council  
ALSO TO: S. Pickup, C. Miller, R. Coyne, RPD  
FROM: Traffic and Pedestrian Safety Committee  
SUBJECT: Speed Limit Modification Pilot Study – Stuyvesant Avenue  
DATE: February 10, 2014

The Traffic and Pedestrian Safety Committee (TPS) has been reviewing the speed limits on Stuyvesant Avenue at the request of some residents who live on or near Stuyvesant Avenue.

Background

Over the years, the TPS has received requests from various residents to adjust speed limits on certain streets from the City's speed limit of 30 mph to 25 mph. In 2003, the TPS along with the City Council reviewed the lowering of speed limits and were not in favor of it due to the opinion that it would be difficult to enforce and would have limited impact.

The change was also reviewed at times by the TPS and the Assistant City Manager as well as the City Attorney and based upon an interpretation of State Law from the City Attorney at those times, it did not appear that the roadways in the City could be reduced to 25 mph. The latest version of the State Law is provided below. The requests have come for various locations such as the entire Greenhaven area, Kirby Lane, and others, with the latest coming from initially one resident who live on a side street of Stuyvesant Avenue. There is a safety benefit if vehicles actually drive slower.

As Rye is a City, the New York State Vehicle and Traffic Law (V&T) states that the City-wide Speed Limit has to be 30 mph. If Rye was a Town, then the Town-wide Speed Limit could be 25 mph. The (V&T) states,


**Effective: August 17, 2012**

McKinney's Consolidated Laws of New York Annotated Currentness

Vehicle and Traffic Law (Refs & Annos)

Chapter Seventy-One. Of the Consolidated Laws (Refs & Annos)

 Title VIII. Respective Powers of State and Local Authorities

 Article 39. Regulation of Traffic by Cities and Villages (Refs & Annos)

**➡➡ § 1643. Speed limits on highways in cities and villages**

The legislative body of any city or village with respect to highways (which term for the purposes of this section shall include private roads open to public motor vehicle traffic) in such city or village, other than state highways maintained by the state on which the department of transportation shall have established higher or lower speed limits than the statutory fifty-five miles per hour speed limit as provided in section sixteen hundred twenty of this title, or on which the department of transportation shall have designated that such city or village shall not establish any maximum speed limit as provided in section sixteen hundred twenty-four of this title, subject to the limitations imposed by section sixteen hundred eighty-four of this title may by local law, ordinance, order, rule or regulation



establish maximum speed limits at which vehicles may proceed within such city or village, within designated areas of such city or village or on or along designated highways within such city or village higher or lower than the fifty-five miles per hour maximum statutory limit. No such speed limit applicable throughout such city or village or within designated areas of such city or village shall be established at less than thirty miles per hour; except that in the city of Long Beach, in the county of Nassau, speed limits may be established at not less than fifteen miles per hour on any portion of the following highways in such city: Cleveland avenue, Harding avenue, Mitchell avenue, Belmont avenue, Atlantic avenue, Coolidge avenue, Wilson avenue and Taft avenue. No such speed limit applicable on or along designated highways within such city or village shall be established at less than twenty-five miles per hour, except that school speed limits may be established at not less than fifteen miles per hour, for a distance not to exceed one thousand three hundred twenty feet, on a highway passing a school building, entrance or exit of a school abutting on the highway and except that within the cities of Buffalo and Rochester speed limits may be established at not less than fifteen miles per hour for any portion of a highway within a city park.

Over the years, TPS has obtained various interpretations on the full meaning of the above (or earlier versions of the law as the wording was confusing) as the request to change speed limits to 25 mph has been brought up before. The latest interpretation indicates that selective roadways can be changed to a 25 mph.

While some TPS members are strongly in favor of this change in speed limit, there are also those on the TPS who feel that changing the speed limit on Stuyvesant Avenue will not have any significant effect as people drive at the speed that they are comfortable at and thus will not have the desired impact. Another concern is if one street is made 25 mph, then others may request the same, such as Forest Avenue. Logically, why would a collector street like Stuyvesant Avenue have a lower speed limit than a smaller purely residential street like Halls Lane?

The United States Department of Transportation – Federal Highway Administration in its Study entitled “Effects of Rising and Lowering Speed Limits on Selected Roadway Sections” states that “neither raising nor lowering the speed limit had much effect on vehicle speeds. The mean speeds and the 85<sup>th</sup> percentile speeds did not change more than 1 or 2 mph”. It further states that the percent compliance decreased when the speed limits were lower.

Thus, the TPS has decided that Stuyvesant Avenue be utilized as a Pilot Study to see if changing the speed limit has any true impact.

Aside from the requests from residents, Stuyvesant Avenue was determined to be an appropriate road for the test due to its unique nature of different factors including:

- No sidewalks (sidewalks would be difficult to install)
- Narrow lanes
- Horizontal and vertical curvature
- Side streets and residential driveways
- Old growth trees
- Significant number of pedestrians and joggers
- Significant number of bicyclists
- Number of children in area
- Limited areas for enforcement
- Sight distance around curves and vegetation
- Proximity to Milton School and ability to walk to
- Mix of uses – residential and the clubs
- Seasonal fluctuation in traffic

- Serves as an emergency and evacuation route
- General support of residents in area based upon informal poll

### Speed Studies

The City Engineering Department has performed speed studies on Stuyvesant Avenue during the past year to measure the existing speeds. The speeds were measured both when the clubs were fully operating and during the off-season for the clubs. The speed measurements taken during the summer actually showed lower speeds than during the off-season measurements. This could be the result of two factors, (1) the speed measurements were taken at two different locations and (2), during the summer, there are more people walking and bicycling which slows up the traffic somewhat. During this time (August), the 85<sup>th</sup> percentile speed, the speed that speed limits are generally to be set at, was approximately 31 mph (Average speed 25-26 mph) and thus the speed limit of 30 mph appears appropriate. The speed studies taken during the off-season (November) indicated an 85<sup>th</sup> percentile speed of 34-35 mph (Average speed 27 mph). Thus, a higher percentage of vehicles were exceeding the 30 mph speed limit. It should also be noted that during the summer, the speed counts showed that there is about twice the amount of traffic than during the other parts of the year (approximately 3,000 vehicles per day versus 1,500).

### Other Measures

The TPS and City Engineer have reviewed other measures in regards to speeds along Stuyvesant Avenue and received input from some of the residents. Preliminary discussions were held with the City's Emergency Service Departments. The City has installed measures at the intersection of Stuyvesant Avenue and Milton Road/Old Milton Road including a median. This was previously attempted with bollards but they did not last. Consideration was also given to stop signs (not desired), raised crosswalks/speed humps (these would violate the City Speed Hump Policy as Stuyvesant is classified as an Emergency Road), standard crosswalks (not recommended due to no sidewalks).

Before the Pilot Study is enacted, this policy should be reviewed by the City Council as well as the Police Department.

### Pilot Study Methodology

The first portion of the Pilot Study would consist of, upon approval of City Council, Corporate Council and the Police Department, to lower the speed limit on Stuyvesant Avenue to 25 mph for a one year period. Speed Measurements would be performed at the two previous locations during the club season and during the off-season.

After the one year period, speed radar signs would then be installed in each direction alerting drivers of their speed. Speed measurements would again be taken and compared to the previous measurements to study the changes and whether this should be pursued further.

This Pilot Study could be used as the basis for other locations in the future.





# CITY COUNCIL AGENDA

NO. 15

DEPT.: City Manager's Office

DATE: July 9, 2014

CONTACT: Frank J. Culross, City Manager

**AGENDA ITEM:** Consideration to set a Public Hearing to amend local law Chapter 191, Vehicles and Traffic, of the Rye City Code by amending Section §191-20, "Parking time limited", Subsection (B) "Two-hour limit" to prohibit parking on the north side of Central Avenue from the west side of the bridge over the Blind Brook to Walnut Street and Section §191-21, "Parking, standing or stopping" to prohibit parking on the north side of Central Avenue from the Boston Post Road to the west side of the Blind Brook.

**FOR THE MEETING OF:**

July 9, 2014

**RYE CITY CODE,**

|         |        |
|---------|--------|
| CHAPTER | 191    |
| SECTION | 20, 21 |

**RECOMMENDATION:** That the City Council set a Public Hearing to approve the changes on Central Avenue as outlined by the Traffic and Pedestrian Safety Committee.

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

**BACKGROUND:** The Traffic and Pedestrian Safety Committee has made the recommendation to make the following changes regarding parking on Central Avenue:

- Amend Section §191-20, "Parking time limited", Subsection (B) "Two-hour limit" to prohibit parking on the north side of Central Avenue from the west side of the bridge over the Blind Brook to Walnut Street.
- Amend Section §191-21, "Parking, standing or stopping" to prohibit parking on the north side of Central Avenue from the Boston Post Road to the west side of the Blind Brook.

Currently parking is prohibited from 30 feet west of Boston Post Road on the north side of Central Avenue; the proposed change will prohibit parking on the Central Avenue Bridge.

See attached Draft Local Law.

§ 191-20. Parking time limited.

- B. Two-hour limit. The parking of vehicles is hereby prohibited in the following street locations for a period longer than two hours between the hours of 7:00 a.m. and 6:00 p.m., except on Sundays:

| Name of Street        | Side      | Location   | Formatted Table          |
|-----------------------|-----------|--|--------------------------|
| Blind Brook Lane      | Both      |  |                          |
| Central Avenue        | North     | From <del>the west side of the bridge over the Blind Brook</del> 30 feet west of Boston Post Road to Walnut Street | Formatted: Strikethrough |
| First Street          | East      | Parking area between Commuter Parking Area and Purdy Avenue  |                          |
| Highland Road         | North     | From Purchase Street to Club Road  |                          |
| Milton Road           | West      | From Cross Street to Rectory Street  |                          |
| Natoma Street         | North     |  |                          |
| New Street            |           | (Except also on Saturday)  |                          |
| Orchard Avenue        | North     | From 300 feet from the intersection of Boston Post Road west to Theodore Fremd Avenue                              |                          |
| Purchase Street       | Both      | From Natoma Street to Ridge Street   |                          |
| Rectory Street        | South     | From Milton Road to Boston Post Road   |                          |
| Theodore Fremd Avenue | North     | First 4 parking spaces of the parking area commencing at intersection with Blind Brook                             |                          |
| Theodore Fremd Avenue | Southeast | From its intersection with Central Avenue northeasterly for 155 feet   |                          |
| Wappanocca Avenue     | Both      |  |                          |

## Chapter 191. VEHICLES AND TRAFFIC

### § 191-21. Parking, standing or stopping.

The parking, standing or stopping of vehicles is hereby prohibited in the following locations: of Central Avenue from the Boston Post Road to the west side of the Blind Brook.

| Name of Street   | Side       | Location   |
|--|------------|--|
| Billington Court<br>[Added 8-16-1995]                  | North      |  |
| Central Avenue<br>[Added 10-20-1982]                   | North      | <del>30 feet west of</del> From the Boston Post Road to the west side of the Blind Brook   |
| Central Avenue<br>[Added 10-20-1982]                   | South      | From Loewen Court to the Boston Post Road  |
| Cornell Place<br>[Amended 1-7-1976 by Ord. No. 3-1976] | Both       |  |
| Dearborn Avenue<br>[Added 1-7-1976 by Ord. No. 3-1976] | Both       | East of Forest Avenue, including the turnaround at the easterly end thereof*   |
| Forest Avenue<br>[Added 12-2-1981]                     | East       | From Redfield Street to Playland Parkway   |
| Franklin Avenue<br>[Added 11-19-2008]                  | North-east | From a point approximately 30 feet north of Sonn Drive   |
| Hewlett Avenue<br>[Added 2-28-2001]                    | East       | Between the crosswalks extending from Robert Crisfield Place to the fire lane driveway exit, when school is in session, from 8:00 a.m. to 9:00 a.m. and 2:30 p.m. to 3:30 p.m. |

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# CITY COUNCIL AGENDA

NO. 16

DEPT.: City Manager's Office

DATE: July 9, 2014

CONTACT: Frank J. Culross, City Manager

**AGENDA ITEM:** Consideration to set a Public Hearing to amend local law Chapter 191, "Vehicles and Traffic", of the Rye City Code by amending Section §191-20, "Parking time limited", Subsection (E) "Fifteen-minute limit" to designate two parking spaces on the south side of Sylvan Road closest to Midland Avenue as fifteen minute parking spaces.

**FOR THE MEETING OF:**

July 9, 2014

**RYE CITY CODE,**

|         |     |
|---------|-----|
| CHAPTER | 191 |
| SECTION | 20  |

**RECOMMENDATION:** That the City Council set a Public Hearing to approve the changes on Sylvan Road as outlined by the Traffic and Pedestrian Safety Committee.

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

**BACKGROUND:** The Traffic and Pedestrian Safety Committee has made the recommendation to make the following changes regarding parking on Sylvan Road:

- Amend Section §191-20, "Parking time limited", Subsection (E) "Fifteen-minute limit" to designate two parking spaces on the south side of Sylvan Road closest to Midland Avenue as fifteen minute parking spaces.

See attached Draft Local Law.

# Chapter 191. VEHICLES AND TRAFFIC

## Part 1. General Regulations

### Article III. Parking Regulations

#### § 191-20. Parking time limited.

- E. Fifteen-minute limit. The parking of vehicles is hereby prohibited in the following locations for a period longer than 15 minutes between the hours of 7:00 a.m. and 7:00 p.m., except on Sundays:

| Name of Street     | Side         | Location   |
|--------------------|--------------|--|
| Boston Post Road   | East         | From Central Avenue to Rectory Street                                |
| Elm Place          | North        | 3 spaces on the north side closest to Theodore Fremd Avenue          |
| Forest Avenue      | West         | From the southwest driveway of the service station to Elmwood Avenue |
| Purchase Street    | East         | From Elizabeth Street southerly for 140 feet                         |
| Purdy Avenue       | North        | From the east side of the post office property to Third Street       |
| <u>Sylvan Road</u> | <u>South</u> | <u>2 spaces on the south side closest to Midland Avenue</u>          |
| Third Street       | East         | From Purdy Avenue to the post office driveway                        |
| Third Street       | West         | From Purdy Avenue to a point 100 feet north thereof                  |



# CITY COUNCIL AGENDA

NO. 17

DEPT.: Finance

DATE: July 9, 2014

CONTACT: Joseph S. Fazzino, Deputy City Comptroller

**AGENDA ITEM:** Resolution to transfer \$10,000 from the Contingency account to Street Maintenance to fund the restoration and placement of the City of Rye Mile Markers.

**FOR THE MEETING OF:**  
July 9, 2014

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

WHEREAS, City staff has determined that the amounts required for the cost of restoration and placement of the City of Rye Mile Markers were not anticipated and were not provided for in the adopted 2014 budget, and;

WHEREAS, the General Fund Contingent Account has a balance of \$150,000, now therefore be it;

RESOLVED, that the City Comptroller is authorized to transfer \$10,000 from the General Fund Contingent Account to the Street Maintenance Account.

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

**BACKGROUND:** Use and status of the Contingent Account:

|  |                  |
|--|------------------|
| 01/01/2014 Beginning balance                               | \$300,000        |
| 01/29/2014 Transfer to Public Works for Salt               | (50,000)         |
| 05/21/2014 Transfer to Legal Department for legal services | (100,000)        |
| 07/09/2014 Transfer to Street Maintenance for Mile Markers | <u>(10,000)</u>  |
| 07/09/2014 Balance   | <u>\$140,000</u> |



# CITY COUNCIL AGENDA

NO. 18

DEPT.: Boat Basin

DATE: July 9, 2014

CONTACT: Peter T. Fox, Boat Basin Supervisor

**ACTION:** Designation of two members to the Boat Basin Nominating Committee.

**FOR THE MEETING OF:**

July 9, 2014

**RYE CITY CODE,**

CHAPTER  
SECTION

**RECOMMENDATION:** That the Council designate the individuals elected to serve on the Boat Basin Nominating Committee.

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

**BACKGROUND:**

See attached memorandum of Boat Basin Supervisor dated June 30, 2014.

**City of Rye Marina  
Memorandum**

**Memo To:** Frank J. Culross, City Manager  
Rye City Council

**From:** Peter T. Fox, Boat Basin Supervisor

**Subject:** 2014 Nominating Committee

**Date:** June 30, 2014

The Following names have been appointed for the Boat Basin Nominating Committee for the 2014 Boat Basin Commission Elections:

1. George Szczerba, Commission Member not up for re-election.
2. Alan Caminiti – Permit holder elected to Nominating Committee in last election August 2013.

Please submit to the City Council for approval, call me if any further information is needed.

Thank you for your consideration.

Peter T. Fox, Supervisor  
City of Rye Marina





# CITY COUNCIL AGENDA

NO. 19

DEPT.: City Manager

DATE: July 9, 2014

CONTACT: Frank J. Culross, City Manager

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

**FOR THE MEETING OF:**

July 9, 2014

**RYE CITY CODE,**

CHAPTER  
SECTION

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

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

**BACKGROUND:** The following ten FOIL Requests were appealed by the requestor:

- 1) **7164550928:** All correspondence, including e-mails, to and from Kristen Wilson and any member of the Rye City Council and any other employee, official or agent of the City of Rye with regard to the City of Rye insurance claim filed on or about August 15, 2013.  
**FOIL Status:** Responsive records sent to requestor; other responsive records were withheld pursuant to POL 87(2)(e)(iii) and (g). Requestor did not receive the response as his email was entered incorrectly into the FOIL application, the link was provided to requestor on 7/9/14.
- 2) **7220841622:** All car to car computer transmissions, HQ to car and car to HQ computer transmissions, all license plates run through on any car or HQ computer, all video or digital recordings of in and outside of HQ, all recordings of the HQ phones from 4 p.m. to midnight (B-Tour) on March 18, 2014.  
**FOIL Status:** The request was denied for the following reasons:  
All Car to Car transmissions and HQ to Car transmissions under 87(2)(g);  
All license plates run through on any car - Rye PD does not have any responsive documents;  
All video or digital recordings of in and outside HQ under 87(2)(e);  
All recording of the HQ phones from 4 pm to midnight under 87(2)(b)
- 3) **7306681424:** All letters, memorandums, correspondence and all other documents concerning the suspension, resignation and reinstatement of Rye Police Auxiliary Police Officer John Holmes since 1/1/2009.  
**FOIL Status:** Responsive records sent to requestor; Redactions were made pursuant to 87(2)(b)

- 4) **7306701431**: All e-mails to and from William Connors, Robert Falk and any City of Rye official including but not limited to the Rye City Council, City Manager, Corporation Counsel and the City Clerk concerning the arrest of John Holmes, the suspension of John Holmes, the reinstatement of John Holmes and any uniforms provided by John Holmes since 1/1/2013.  
**FOIL Status**: The records requested are denied as being intra-agency documents under 87(2)(g) and do not become "Foitable" under any of the subsections as follows:  
(g) are inter-agency or intra-agency materials which are not:  
i. statistical or factual tabulations or data;  
ii. instructions to staff that affect the public;  
iii. final agency policy or determinations; or  
iv. external audits, including but not limited to audits performed by the comptroller and the federal government
- 5) **7349411204**: All records of the Motor Vehicle Accident that occurred on the night of May 2, 2014, on Boston Post Road at or near the intersection with Sonn Drive including but not limited to all incident reports, all accident reports, photos and diagrams from all agencies, all cad dispatch reports, all reports and cad dispatch reports for all other involved agencies dispatched and all supplementary reports.  
**FOIL Status**: The request was denied; the record responsive to this FOIL request is exempt under POL, Sec:87(2) (e) (i).
- 6) **7388371133**: All names of all attorneys and all invoices for all legal fees and expenses from all attorneys for all litigation, including but not limited to, any litigation involving Cosimo Panetta vs the City of Rye, any agent of the City of Rye and any boards and commissions.  
**FOIL Status**: Response is being processed
- 7) **7456921031**: All video/digital recordings from the Locust Avenue firehouse on May 25, 2014, from 6 p.m. to midnight. I understand that these recordings at the Locust Avenue firehouse are automatically deleted after about (2) weeks. I respectfully request that the recordings I am requesting be preserved as soon as possible to prevent them from being deleted.  
**FOIL Status**: Response provided to requestor: "The tape you requested is in the possession of the City but it was unable to be copied due to an equipment malfunction. As a result, we are not able to provide you with the requested tape."
- 8) **7457361057**: All records since January 1, 2011, of all e-mails, cell phone calls and text messages to and from Robert Falk and: Jill Donovan, Franco Compagnone, Christine Incalcaterra, Richard Runes, Louis Olivier.  
**FOIL Status**: Requestor was notified on 7/8/14 that an additional 20 days is needed to process the response
- 9) **7498800856**: All documents, all building department records (including but not limited to building permits and statements of final costs), all formulas used, all industry standards used and any other records used by the City of Rye to raise Manursing Island Club's property assessment from \$274,875 to \$334,875 in 2010 or 2011.  
**FOIL Status**: Responsive records sent to requestor; requestor believes there are more records
- 10) **7539311620**: All records from 1/1/2008 thru 12/31/2010 of all emails, cell phone calls and text messages to and from Robert Falk and: Jill Donovan, Franco Compagnone, Christine Incalcaterra, Richard Runes, Louis Olivier  
**FOIL Status**: Requestor was notified on 7/8/14 that an additional 20 days is needed to process the response