

CITY OF RYE

NOTICE

There will be a regular meeting of the City Council of the City of Rye on Wednesday, April 19, 2017, at 7:30 p.m. in Council Chambers at City Hall. *The Council will convene at 6:30 p.m. and it is expected they will adjourn into Executive Session at 6:31 p.m. to discuss attorney client matters.*

AGENDA

1. Pledge of Allegiance.
2. Roll Call.
3. General Announcements.
4. Consideration of the election of the Chiefs of the Rye Fire Department.
5. Approval of the election of one new member to the Rye Fire Department.
6. Issues Update/Old Business.
7. Continuation of the Public Hearing to amend the Rye City Code: (a) local law Chapter 133, "Noise", by amending Section §133-4, "Points and method for measuring intensity of sound" to regulate placement and noise of telecommunication devices; (b) local law Chapter 167, "Streets and Sidewalks", to add a new 196, "Wireless Telecommunications Facilities", by amending Sections §196-3 through §196-8, §196-14, §196-17, §196-18, and §196-22 to regulate wireless facilities and structures regarding size, visual impact and permit process.
8. Continuation of the Public Hearing regarding the request submitted by Crown Castle to amend their agreement with the City and for the installation of additional locations to their existing wireless telecommunications located in the City of Rye.
9. Consideration of a resolution in connection with the request submitted by Crown Castle to amend the Right of Way Use Agreement and the installation of additional locations to their existing wireless telecommunications located in the City of Rye.
10. Residents may be heard on matters for Council consideration that do not appear on the agenda.
11. Authorization for the City Manager to enter into an agreement with BFJ Planning for the completion of a comprehensive update of the City of Rye Master Plan.
Roll Call.
12. Resolution to transfer funds donated to the *Branching out for Rye Campaign* to the General Fund, Shade Tree cost center.
Roll Call.

13. Resolution to authorize expenditure of Police donations reserved for Police Programs for the purchase of items for the Adopt-a-School Program.
Roll Call.
14. Resolution ratifying the appointment of one member to the Emergency Medical Services Committee for a three-year term expiring on June 30, 2020.
15. Consideration of the proposed changes and additions to the Rules and Regulations of the City of Rye Police Department:
 - General Order #102.8 regarding the operational guidelines of the Bicycle Patrol Unit
 - General Order #103.7 regarding the carry and use of Oleoresin Capsicum (O.C.) Spray
 - General Order #103.10 regarding the training, deployment, use and aftercare of Conducted Electrical Weapons
 - General Order #115.3 regarding the procedures for the training of new police officers during post-academy training
 - General Order #116.2 regarding promotions and appointments
 - General Order #118.2 regarding a new performance tracking software program entitled Guardian Tracking
 - General Order #118.10 establishing uniform guidelines on Training and Records
 - General Order #120.10 establishing administrative and operational procedures to regulate the collection, reporting, processing and dissemination of intelligence information.
16. Miscellaneous communications and reports.
17. New Business.
18. Adjournment.

* * * * *

The next regular meeting of the City Council will be held on Wednesday, May 3, 2017 at the **Square House** at 7:30 p.m. A Joint Meeting of the City Council of the City of Rye and the Rye City School District Board of Education will be held on Saturday, April 22, 2017 at 9:00 a.m. in Rye City Hall.

** 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 under "RyeTV Live".

* Office Hours of the Mayor by appointment by emailing jsack@ryeny.gov or contacting the City Manager's Office at (914) 967-7404.



CITY COUNCIL AGENDA

NO. 4

DEPT.: Fire Department

DATE: April 19, 2017

CONTACT: Fire Department

AGENDA ITEM: Approval of the election of the Chiefs of the Rye Fire Department.

FOR THE MEETING OF:

April 19, 2017

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: Approve the election of David Larr as Chief of the Department and Dan Bochicchio as 1st Assistant Chief. The 2nd Assistant Chief position remains vacant.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: At the April 6, 2017 Rye Fire Department Annual Meeting the following Chiefs were elected: David Larr was elected Chief and Dan Bochicchio as 1st Assistant Chief, subject to the approval of the City Council in accordance with Article 13, Section 2 of the Rye City Charter. The 2nd Assistant Chief position remains vacant.



CITY COUNCIL AGENDA

NO. 5

DEPT.: Fire Department

DATE: April 19, 2017

CONTACT: Fire Department

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

FOR THE MEETING OF:

April 19, 2017

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council approve the election of Kevin Ramsey to the Milton Point Engine and Hose Company.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: The Board of Fire Wardens has advised that Ashish Mendiratta was elected into membership to the Milton Point Engine and Hose Company and approved by the Board of Fire Wardens at their April meeting.



CITY COUNCIL AGENDA

NO. 6

DEPT.: City Council

DATE: April 19, 2017

CONTACT: Mayor Joseph A. Sack

AGENDA ITEM: Issues Update/Old Business

FOR THE MEETING OF:

April 19, 2017

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.: City Manager's Office

DATE: April 19, 2017

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Continuation of the Public Hearing to amend the Rye City Code: (a) local law Chapter 133, "Noise", by amending Section §133-4, "Points and method for measuring intensity of sound" to regulate placement and noise of telecommunication devices; (b) local law Chapter 167, "Streets and Sidewalks", to add a new Article IV "Placement of Permanent Facilities in the Rights of Way", Sections §167-66 through §167-71, to regulate placement of devices in the right of way; and (c) local law Chapter 196, "Wireless Telecommunications Facilities", by amending Sections §196-3 through §196-8, §196-14, §196-17, §196-18, and §196-22 to regulate wireless facilities and structures regarding size, visual impact and permit process.

FOR THE MEETING OF:

April 19, 2017

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the City Council continue the Public Hearing to approve the changes in the City Code regarding telecommunications devices.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND: Local law Chapter 196, "Wireless Telecommunications Facilities" was adopted in 1997 with modifications in 2003. Due to the continuing evolution of telecommunications technology and demands, the recommendation is to make changes to Chapters 133, 167 and 196 of the Rye City Code to address telecommunications devices regarding size, visual impact, placement and permit process.

See attached Draft Local Laws revised as of April 3, 2017.

SUMMARY OF MODIFICATIONS TO CODE OF ORDINANCES

Chapter 133: Noise

§ CITY OF RYE

LOCAL LAW NO. 2017

A local law to amend Chapter 133 "Noise" Section 3 "Permissible Intensity of Noise" and Section 4 "Points and method for measuring intensity of sound", Chapter 167 "Streets and Sidewalks" by adding a new Section VI "Placement of permanent facilities in the rights of way" and Chapter 196 "Wireless Telecommunications Facilities" to reflect changes in technology related to the deployment of wireless services, to update the permitting process regarding new technology, and to update the City's land use provisions governing the time, place and manner of these facilities as follows:

Section 1:

Chapter 133: Noise

§133-1 Unnecessary noise prohibited.

Subject to the provisions of this chapter, the creation of any unreasonably loud, disturbing and unnecessary noise is prohibited. Noise of such character, intensity and duration as to be detrimental to the life or health of any individual is prohibited.

§133-2 Prohibited acts. ***

§133-3 Permissible intensity of noise.

[Amended 8-21-1991 by L.L. No. 19-1991]

Except for noise emanating from the operation of motor vehicles, the permissible intensity of noise from any of the foregoing acts, whether such noise is intermittent, impulsive, sporadic or continuous, shall be limited as follows:

A. Maximum sound pressure [db(A)] shall be as follows:

- (1) Fifty-five db(A) for stationary sources and 70 db(A) for outdoor power tools.
- (2) Portable air compressors and their related equipment are limited to 76 db(A).
- (3) Lawn mowers, leaf blowers, and outdoor vacuum cleaners shall have a permitted intensity of 85 db(A); use of this equipment is prohibited between the hours of 8:00 p.m. and 8:00 a.m. on weekdays and between the hours of 6:00 p.m. and 10:00 a.m. on weekends and holidays. The permitted intensity and hours described in this subsection will apply to leaf blowers during months when the use of leaf blowers is permitted.
- (4) Air-conditioning units and pool filters are limited to 60 db(A).

§133-4 Points and method for measuring intensity of sound.

A. Except for noise emanating from the operation of motor vehicles, the point at which the intensity of sound is to be measured shall be at a distance of 50 feet, except that noise from:

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(1) Air-conditioning units and pool filters at a distance of 10 feet.

(2) ~~stationary~~ Stationary utility or communications facilities located on public property shall be measured at a distance of 50 feet, or, if less, the distance from the facility or its supporting ~~Supporting Structure~~ structure to a sidewalk or the nearest private residential property line, but no less than 10 feet. For any such facilities, the measurements should include noise from that facility and all other stationary utility or communications facilities ~~located on or within 10 feet of~~ proximately associated with the stationary utility or communications facility or its Supporting Structure.

B. ~~Measurement~~ Measurement shall be made using a meter capable of measuring decibels and of a type meeting ANSI S1.4-1971, Type 2 standard. The measurement is to be made using a free-field microphone directed at the noise source.

~~PURPOSE: CURRENT LAW REQUIRES MEASUREMENT OF NOISE AT A SHORTER DISTANCE WHERE THE DEVICES IS LIKELY TO BE LOCATED IN A WAY THAT NOISE LEVELS WILL REACH PASSERSBY OR NEIGHBORS, AS OPPOSED TO THE RESIDENTS OR OCCUPANTS OF A BUILDING. THIS PROVISION RECOGNIZES THAT SOME UTILITY FACILITIES ARE LIKELY TO LOCATED IN A WAY THAT RAISES THE CONCERNS THAT LED TO THE "10 FOOT" STANDARD UNDER CURRENT LAW, AND SOME WILL NOT. THE AMENDMENTS WOULD ADOPT A SHORTER DISTANCE WHERE THE FACILITY IS NEAR RESIDENTIAL PROPERTIES OR PUBLIC WALKWAYS, AND USES THE LONGER DISTANCE FOR MORE REMOTE FACILITIES.~~

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Section 2:

Chapter 167 – Street and Sidewalks

~~ADD A NEW ARTICLE VI – PLACEMENT OF PERMANENT FACILITIES IN THE RIGHTS OF WAY~~

167-66. Consent required for placement of permanent facilities.

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Except as specifically provided in this Code, or where a consent has been granted by the State, and no consent may be required by the City; any person that wishes to place permanent facilities in the rights of way must have a consent from the City, which consent, if issued after the date of the ordinance, must take the form of a franchise or license. Persons who own or control facilities in the rights of way used to provide cable services to end users must obtain a video franchise from the City as provided in Section 185, but a video franchise under Chapter 185 is not in lieu of the franchise or license described herein if facilities are placed in the rights of way to provide other services.

~~167.67. No waiver of police powers. No franchise or license may waive or restrict the City's exercise of its police powers.~~ The grant of a right to use or occupy rights of way is not a waiver of the City's authority to control the time, place or manner of placement of the facilities or equipment of a licensee or franchisee, or the right to prohibit the placement of certain types of equipment that present a hazard to persons or property, or that may incommode the public or unduly interfere with use of the rights of way. ~~Placement of Wireless Facilities in the rights of way will be subject to Chapter 196.~~

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~~167.67. No waiver of police powers.~~

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~~No franchise or license may waive or restrict the City's exercise of its police powers.~~

167.68. Effect of loss of utility status.

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A person that claims the right to use the rights of way as a utility pursuant to New York law loses its franchise if the status of the company changes, or the particular facility installed is not covered by the relevant provision of New York law.

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167.69. Consent indivisible.

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No person may subdivide, sublease or grant any other person the right to install facilities in the rights of way, including, without limitation, where the other person's facilities are enclosed entirely within the facilities of a person authorized to occupy the rights of way

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167.70. Exceptions to requirement for franchise or license: for Wireless Facilities

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Notwithstanding the foregoing, City may permit a person holding a license or franchise issued by the City under this Section to allow another person who does not hold a franchise or license to place facilities in the rights of way within a ~~base station~~Base Station (as defined in Chapter 196) after the effective date of this provision where:

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(1)A. The ~~base-station~~Base Station is the same as it was previously approved by the City as part of the initial authorization under Chapter 196, and the placement does not involve an increase in the size or total volume of the ~~base-station~~Base Station;

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(2)B. The ~~base-station~~Base Station is wholly under the control and management of a person holding a license or franchise, and that person is liable for all acts or omissions, and all harms associated with the ~~base-stations~~Base Station and all its components whether the same are its acts or omissions, or the acts or omissions of an owner of any component of the ~~base-station~~Base Station;

(3)C. The person holding the franchise or license must warrant and agree that it will not permit the other person to take any action in the rights of way with respect to the ~~base-station~~Base Station or its components, including but not limited to, installing, physically modifying, maintaining the facilities such person owns; all such activities shall be the sole responsibility of the person holding the franchise or license.

(4)D. The person for on whose behalf equipment has been installed must acknowledge and agree, in a form acceptable to the City Attorney:

(i) ~~that~~1) That the City has not granted it a franchise or consent to be in the Rights of Way for any purpose;

(ii) ~~that~~2) That it understand and is bound by Franchisee's representations in the Section 167.70(1)-(3);

(iii) ~~that~~3) That it shall have no rights or claims against the City of any sort related to its facilities, but shall be jointly and severally liable for any acts or omission of the holder of the license or franchise, or its own acts and omissions that result in any harms to the City or to the public;

(iii)4) that City may treat any equipment owned by such entity as if it were owned by the person holding the franchise or license for all purposes (including but not limited to removal and relocation).

(iv) ~~that as long as~~(5). That if its equipment is in the rights of way, in lieu of a franchise or consent fee, it will pay the fee required by Section 167.71, or cause the person holding the franchise or license to pay on its behalf.

167.71. ~~Compensation for use of the rights of way. Unless a franchise or license provides otherwise:~~

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(1) ~~For an A. Unless a franchise or license provides otherwise: for a~~ person that has facilities in the rights of way, except where compensation for that use is provided for under a franchise or license with another person, or is prohibited by New York State law:

(1) ~~For lines or conduit occupying the rights of way, and does not itself hold a franchise or license authorizing placement of facilities~~supporting structures and associated equipment cabinets for the lines or conduit that may be permitted in the rights of

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way to provide those services: 5%, a percentage of gross revenues derived from the operation of ~~its~~the facilities within the City: as defined by the fee schedule;

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- (2) ~~For an entity that operates as a provider of and~~(2) For Wireless Facilities as defined in Chapter 196, a fee per annum for each Wireless Facility as defined by the fee schedule. Where a Wireless Facility contains more than one radio unit, the fee will be assigned per radio unit per Wireless Facility. Where a Wireless Facility includes a new Supporting Structure as defined in Chapter 196 or ground-mounted equipment, an additional rent equal to the square footage affected by the Supporting Structure (taking into account separation distances required from other structures, and including footage occupied by guy wires) times the average value of unimproved property in the City, as determined by the Assessor, except for Supporting Structures subject to the special state franchise tax.

- B.** For an entity which holds a franchise or license authorizing the use of the rights of way to provide that service, the amount specified in the franchise or license, or if no amount is specified, and a fee may be imposed, the amount specified in Section 167.71(1).

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- (3)C.** The fee specified in this section is not in lieu of any other tax, fee or assessment. Without limitation, an applicant shall bear costs associated with negotiating and issuing a franchise or license.

- (4)D.** City may waive the fee or impose a different fee where the fee provided under Section 167.71(1) cannot reasonably be applied or is not reasonable in light of the right of way use.

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Chapter 196

WIRELESS TELECOMMUNICATIONS FACILITIES

GENERAL REFERENCES

~~§ 196-1.~~ 167.72 Registration Requirement.

- A. Whether or not a franchise or license is required, any person placing permanent facilities in the rights of way shall be required to register with the City beginning on October 1, 2017, identifying the nature and location of its facilities in the rights of way, and the location, by section block and lot, of major components associated with those facilities. Wireless Facilities are considered major components, and any powered facility is considered a major component. In addition, by October 1, 2017, any person that is required to register under Chapter 196 must identify the nature and location of its facilities and the location of major components associated with those facilities.
- B. A permanent facility is defined as any structure or equipment, other than a structure or equipment owned by the municipality or an agency or subdivision of the federal or state government, that is (a) physically affixed to the ground, or to any structure affixed to the ground in the rights of way; and (b) intended to remain in place for more than one year.
- C. This provision does not require any person to disclose information it is prohibited from disclosing under state or federal law. However, a person that would otherwise be subject to this provision, but who may not disclose the location or nature of its facilities consistent with state or federal law must register, and shall note the provisions of law which it claims restrict disclosure.
- D. The City shall develop registration forms by July 1, 2017, and may establish requirements for the submission of information in a form that permits the City to locate and identify facilities in its rights of way.
- E. Each registrant shall pay such fees as the City may establish from time to time to recover the cost of the registration system.

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Section 3:

Chapter 196: "Wireless Telecommunications Facilities"

§ 196-1. Purpose and legislative intent.

The Telecommunications Act of 1996 affirmed the City of Rye's authority concerning the placement, construction and modification of wireless telecommunications facilities. The City Council finds that wireless telecommunications facilities and related equipment may pose a unique hazard to the health, safety, public welfare and environment of the City and its inhabitants, and may also have an adverse visual impact on the community, its character and thus the quality of life in the City. The intent of this chapter is to ensure that the placement, construction or modification of wireless telecommunications facilities and related equipment is consistent with the City's land use policies and Zoning Code¹; to minimize the negative and adverse visual impact of wireless telecommunications facilities; to assure a comprehensive review of environmental impacts of such facilities; to protect the health, safety and welfare of the City of Rye; and to encourage shared use of wireless telecommunication facilities.

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§ 196-2. Title.

This chapter may be known and cited as the "Wireless Telecommunications Facilities Siting and Special Use Permit Law for the City of Rye," or may otherwise be known as the "Wireless Facilities Law."

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§ 196-3. Definitions; word usage.

For purposes of this chapter, and where not inconsistent with the context of a particular section, the defined terms, phrases, words, abbreviations and their derivations shall have the meanings given in this section. When not inconsistent with the context, words in the present tense include the future tense, words used in the plural number include words in the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

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ACCESSORY FACILITY OR STRUCTURE — An accessory facility or structure serving or being used in conjunction with a Base Station and located on the same property or lot as the Base Station, whether or not owned by the person who owns or controls the Base Station, including but not limited to utility or transmission equipment storage sheds or cabinets; electric meters; and fencing or shielding.

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APPLICANT — Includes any individual, corporation, estate, trust partnership, joint-stock company, association of two or more persons, limited liability company or entity submitting an

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¹ 1. Editor's Note: See Ch. 197, Zoning.

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application to the City of Rye for a ~~special-use permit~~**Special Use Permit** for a ~~telecommunications facility~~**Wireless Facility**.

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APPLICATION — The form ~~approved by the Council~~**as may be amended from time to time**, together with all necessary and appropriate documentation that an applicant ~~submits~~**must submit** in order to receive a ~~special-use permit~~**Special Use Permit** for a ~~telecommunications facility~~**Wireless Facility**.

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ANTENNA — A device, dish, array, or similar device used for sending and/or receiving electromagnetic waves for FCC-licensed or authorized wireless communications.

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BASE STATION - A facility or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a Tower as defined herein or ~~any equipment~~**Accessory Facility or Structure** associated with a Tower. The term Base Station includes, without limitation:

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- (1) Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- (2) Radio transceivers, Antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems ("DAS") and small-cell networks); provided that, wireline connections in the rights of way linking Antennas to other elements of a small cell, DAS or similar network will not be treated as part of the Wireless Facility and instead their placement shall be subject to review consistent with applicable provisions of the Rye City Code, the applicable franchise, and New York law.
- (3) Any Supporting Structure, other than a Tower, that, at the time the relevant application is filed with the City under this section, supports or houses equipment described in paragraphs (1)-(2) that has been reviewed and approved for placement of such equipment under this Chapter, or under another State or local regulatory review process, even if the Supporting Structure was not built for the sole or primary purpose of providing that support. For Supporting Structures that support equipment described in paragraphs (1)-(2), including but not limited to the sides of buildings, water Towers, or utility poles, the term includes only that portion of a Supporting Structure specifically approved to support the wireless equipment described in paragraphs (1)-(2), and only relates to activities necessary to permit the installation, maintenance, replacement or collocation of wireless equipment described in the preceding paragraph. The exemption of a Supporting Structure from review is not an approval.

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BREAK POINT — The location on a ~~telecommunications Tower~~**(Tower)** which, in the event of a failure of the Tower, would result in the Tower falling or collapsing within the boundaries of the property on which the Tower is placed.

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CARRIER ON WHEELS or CELL ON WHEELS ("COW") - A portable self-contained facility that can be moved to a location and set up to provide Personal Wireless Services. A COW is normally vehicle-mounted and contains a telescoping boom to support the Antenna.

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CITY — The City of Rye, New York.

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COLLOCATION — The use of an ~~existing~~Existing Tower or Base Station to install additional transmission equipment ~~Antenna~~or Antennas for the provision of wireless services.

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COMMERCIAL IMPRACTICABILITY or COMMERCIALLY IMPRACTICABLE — The meaning in this chapter and any ~~special-use permit~~Special Use Permit granted hereunder as is defined and applied under the United States Uniform Commercial Code (UCC).

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COMPLETED APPLICATION — An application that contains all information and/or data required by the City on application forms, by ordinance or by written practice.

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CONCEALMENT ELEMENT - Any design feature, including but not limited to painting, landscaping, shielding requirements and restrictions on location, proportions, or physical dimensions in relation to the surrounding area or Supporting Structures that are intended to make a Wireless Facility or any Supporting Structure supporting it less visible to the casual observer.

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COUNCIL — The City Council of the City of Rye, which is the officially designated agency or body of the community to whom applications for a ~~special-use permit~~Special Use Permit for a ~~telecommunications facility~~Wireless Facility must be made, and that is authorized to review, analyze, evaluate and make decisions with respect to granting or revoking ~~special-use permits for telecommunications facilities~~Special Use Permits for Wireless Facilities. The Council may, at its discretion, delegate or designate other official agencies of the City to accept, review, analyze, evaluate and make recommendations to the Council with respect to the granting or not granting, recertifying or not recertifying or revoking ~~special-use permits for telecommunications facilities~~Special Use Permits for Wireless Facilities.

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EAF — The Environmental Assessment Form approved by the New York Department of Environmental Conservation.

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~~ELIGIBLE FACILITIES REQUEST — any request for modification of an existing wireless tower or base station that involves: a) collocation of new transmission equipment; b) removal of transmission equipment; or c) replacement of transmission equipment.~~

ELIGIBLE FACILITY PERMIT – The official document or permit by which an applicant meets the criteria for administrative review of a Wireless Facility as granted by the City Engineer and Corporation Counsel.

ENVIRONMENTALLY SENSITIVE AREA (“ESA”) – An area that has an exceptional or unique character with respect to one or more of the following: a) a benefit (or threat) to human health; b) a ~~benefit (or threat) to wildlife~~; c) a natural setting (e.g. fish/wildlife habitat open space, area of important aesthetics of scenic quality); ~~ed~~ agricultural, social cultural, archeological, recreational or educational values. The City Council shall determine what areas qualify as an ESA.

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EXISTING - In place as of the date an application is received for installation or modification of a Wireless Facility.

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FAA — The Federal Aviation Administration or its duly designated and authorized successor agency.

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FCC — The Federal Communications Commission or its duly designated and authorized successor agency.

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HEIGHT, TOWER — When referring to a Tower or Supporting Structure, the distance measured from the preexisting grade level to the highest point on the Tower or Supporting Structure, even if said highest point is an Antenna.

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NIER — Nonionizing electromagnetic radiation.

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PERSON — Any individual, corporation, estate, trust, partnership, joint-stock company, association of two or more persons having a joint common interest or governmental entity.

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PERSONAL WIRELESS SERVICES — Shall have the same meaning as defined and used in the 1996 Federal Telecommunications Act and associated regulations.

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SPECIAL USE PERMIT, TOWER — The official document or permit by which an applicant is allowed to construct and use a ~~telecommunications Tower~~ **Wireless Facility**, as granted ~~or issued~~ by the City.

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STEALTH FACILITY - Any Wireless Facility that is integrated as an architectural feature of ~~a~~ an ~~existing~~ **Existing** Supporting Structure or any new Wireless Facility that is camouflaged or concealed so that the presence of the Wireless Facility is ~~not readily apparent to a casual observer; either:~~ (1) virtually invisible to the casual observer, such as an Antenna behind louvers on a building, or inside a steeple or similar structure; or (2) camouflaged, through stealth design, so as to blend in with its surroundings to such an extent that it is indistinguishable by the casual observer from the structure on which it is placed or the surrounding in which it is located. Examples of Stealth Facilities include Wireless Facilities which are disguised as flagpoles, as indigenous trees, as rocks, or as architectural elements such as dormers, steeples and chimneys. To qualify as "stealth" design, the item in question must match the type of item that it is mimicking in size, scale, shape, dimensions, color, materials, function and other attributes as closely as possible. The elements that make a facility a Stealth Facility are Concealment Elements.

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SUPPORTING STRUCTURE - ~~Excluding a Tower, any~~ Any building, mast, pole, Utility Pole or other facility capable of supporting or housing a Base Station. ~~Except as used in the definition of the term "Tower," the term "Supporting Structure" does not include and is not used to refer to a Tower.~~

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SUBSTANTIAL CHANGE - Substantial change has the same meaning the term "Substantial Change" as defined by Federal Communications Commission regulations, 47 C.F.R. §1.40001(b)(7).

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TELECOMMUNICATIONS — The transmission and reception of audio, video, data and other information by wire, radio frequency, light and other electronic or electromagnetic systems.

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TEMPORARY — In relation to all aspects and components of this chapter fewer than 90 days.

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TOWER – Any ~~Supporting Structures~~ supporting structure built for the sole or primary purpose of supporting any FCC-licensed or authorized Antennas (and ~~their associated facilities, related Base Station and Accessory Facilities or Structures~~), including ~~Supporting Structures~~ supporting structures that are constructed for FCC-licensed or authorized wireless communications ~~services~~ including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. This definition does not include ~~utility poles~~. Utility Poles.

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UTILITY POLE - A Supporting Structure owned and/or operated by a public utility, and regulated by the New York State Department of Public ~~service~~ Service, which is primarily built to support lines, cables, or wires for telephone, cable television, or electricity, or to provide lighting.

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WIRELESS FACILITY — All elements of a facility at a fixed location used in connection with the provision of any FCC-licensed or authorized wireless ~~service~~ communications, including the Base Station (but excluding ~~the any Existing~~ Supporting Structure to which the Base Station is attached or within which it is enclosed), Tower, if any, and Accessory Facilities or Supporting Structures serving that Base Station. The definition does not include facilities used for governmental communications, including public safety.

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§ 196-4. Policy and goals for ~~special-use permits~~ Special Use Permits.

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In order to ensure that the placement, construction and modification of Wireless Facilities conforms to the City's purpose and intent of this chapter, the Council creates a ~~special-use permit~~ Special Use Permit for Wireless Facilities for the purpose of achieving the following goals:

A. Implementing an application process for person(s) seeking a ~~special-use permit~~ Special Use Permit for a Wireless Facility.

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B. Establishing a policy for examining an application for and issuing a ~~special-use permit~~ Special Use Permit for a Wireless Facility that is both fair and consistent.

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C. Establishing reasonable time frames for granting or not granting a ~~special-use permit~~ Special Use Permit for a Wireless Facility, or recertifying or revoking the ~~special-use permit~~ Special Use Permit granted under this chapter.

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D. Promoting and encouraging, wherever possible, and where it will result in the least overall visual impact for residential dwelling units, the collocation of Wireless Facilities.

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E. Promoting and encouraging, wherever possible, the placement of a Wireless Facility in such a manner as to cause minimal disruption to the land, property, buildings and other facilities adjacent to, surrounding and in generally the same area as the requested location of such a Wireless Facility and to minimize adverse aesthetic impacts to the community.

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§ 196-5. Special use permit ~~Use Permit~~.

A. A person who installs Wireless Facilities pursuant to this section must comply with all safety codes; comply with requirements for RF emissions; and must ~~paint~~tutilize Concealment Elements and maintain facilities to minimize visibility of the Wireless Facilities. Wireless Facilities that require a Special Use Permit or are subject to an exemption under Section 196-2 or 195-4 (or if existing on June 1, 2017 would have required a Special Use Permit or would have been exempt if installed after June 1, 2017); and Wireless Facilities in the rights of way are subject to the registration requirements of Section 167.72.

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B. This Chapter does not apply to any device designed for end-user over-the-air ~~reception~~air reception, not transmission, of television broadcast signals, multi-channel multi-point distribution service, or direct broadcast satellite service; or for end user reception of signals from an Internet service provider and end user transmission of signals to an Internet service provider.

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C. The following Wireless Facilities do not require a ~~special-use permit~~Special Use Permit, except where the same are on or affect a historic property, or an environmentally sensitive area. Requirements that may apply to the underlying Supporting Structure to which a Base Station is to be attached, as well as all other applicable laws and regulations continue to apply.

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(1) Wireless Facilities that are less than 1 cu ft. in size, placed on ~~existing~~Existing Supporting Structures without increasing the physical dimensions of the ~~existing~~Existing Supporting Structures. The "cubic footage" takes into account all the elements of the Wireless Facility (including ~~meters and power supplies required, if any~~Accessory Facilities or Structures).

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2. ~~Wireless Facilities placed on existing, City-approved Towers on private property, or public property off the right of way where the installation does not result in a Substantial Change in the physical dimensions of the Tower as originally approved by City.~~

3.(2) Wireless Facilities placed on the rooftop of non-residential buildings; that are at least 30 feet from any residential unit; and that includes Concealment Elements so that the Wireless Facilities are not visible from the street.

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4.(3) Wireless Facilities within ~~existing~~Existing Supporting Structures (other than historical properties) that are not visible from outside the Supporting Structure and do not change the physical dimensions or appearance of the Supporting Structure within which they are placed.

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6. ~~Wireless Facilities placed on property owned or controlled by the City, other than Rights of Way.~~

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7.(4) Carriers on Wheels where the placement is permitted, and complies with, applicable FCC regulations for temporary placement of Wireless Facilities.

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8.(5) Routine maintenance, or replacement of elements of a Wireless Facility or Supporting Structure that do not change the dimensions or visibility of a Wireless Facility or Supporting Structure.

~~C.D.~~ The City Engineer or his/her designee shall prepare application forms that must be used by persons seeking to place Wireless Facilities in the City and which shall require submission of at least the information required by the City Code, and may require information that the City may consider in acting upon an application. Prior to completion of those forms, persons seeking a Special Use Permit must submit at least the information required by the City Code. The City may seek additional information from a person seeking to place Wireless Facilities in the City even is not required by the application form.

E. For eligible facilities requests, as defined in the Federal Communications regulation 47 C.F.R. §1.40001(b)(3), implementing federal law, 47 U.S.C. §1455 ~~(other than requests exempted by Section 496-5.C.2), a conditional special-use permit will be issued, a Eligible Facility Permit is required prior to installation (including modifications), of Wireless Facilities or modification of Existing Support Structures in connection with the installation of Wireless Facilities.~~

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(1) ~~A conditional special-use permit~~An Eligible Facility Permit may be issued administratively by the ~~Building Inspector~~City Engineer and Corporation Counsel jointly. The ~~conditional-use permit~~Eligible Facility Permit shall specifically provide that it is ~~not~~ being issued at the direction of the federal government and without the consent of the City, and shall be of no further force and effect when the permit for the underlying facility expires, or the federal law changes so that the permit as issued is no longer required.

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(2) ~~An application must be submitted containing such information as the Building Inspector may require.~~ The application for any permit must contain at least the information required to permit the ~~Building Inspector~~City Manager and Corporation Counsel to determine whether the application is an eligible facilities request, including (i) the underlying approval for the existing Tower and ~~base station and~~Base Station; (ii) any approved modifications to the same where the modifications were approved prior to February 22, 2012; and (iii) detailed information about the physical dimensions of Tower and ~~base station~~Base Station as the same exist on the date of the application, and as proposed to be modified.

(3) ~~The application shall be denied if it is not an eligible facilities request. If an application is denied because it is determined that it is not an eligible for a permit under Section 6409 facilities request, the applicant may request that the application be treated as a request for special permit by submitting all the information required for a special permit within ten (10) days of the denial of application submitted under Section 6409.~~

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DE. All other Wireless Facility installations (including modifications), or construction, modification or replacement of Support Structures in connection with the installation of Wireless Facilities require a ~~special-use permit~~ **Special Use Permit**.

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(1) Special ~~use permits~~ **Use Permits** may be granted where applicant shows:

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(a.) The Wireless Facility proposed is not being built speculatively (that is, there is a customer for the Wireless Facility), and it will be built promptly upon approval.

(b.) The applicant and any entity whose equipment would be included in the installations has all the authorizations required to place the Wireless Facilities from the state, or the City, or the owner of the property, and to modify, replace or attach to a Supporting Structure.

(c.) The Wireless Facility is designed and placed to minimize the visual impact on the community.

(d.) The Wireless Facility does not significantly impact the site upon which it will be located or the properties that will be disturbed as a result of its installation.

(e.) If Applicant claims the status of a utility under New York law, it must ~~show~~ **demonstrate** that the Wireless Facility is necessary for the provision of services, ~~which showing must include a showing. As part of that demonstration, the Applicant must show that the proposed installation~~ is the least intrusive alternative for providing service. If ~~the~~ applicant claims a right as a provider of wireless services or facilities under 47 U.S.C. § 332(c)(7), it must show that absent approval, there will be a prohibition in the provision of wireless services within the meaning of federal law.

(2) City may approve a ~~special-use permit~~ **Special Use Permit** without the showing required by Section ~~DE~~ **F**(1)(c) where the facility is not located in or does not affect historic properties or environmentally sensitive areas and the Wireless Facility:

(a.) Is a Stealth Facility that otherwise satisfies the provisions of this ordinance.

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(b.) Contains Concealment Elements, and is to be placed or shielded on an Existing Supporting Structure in such a way such that the Wireless Facility is not readily visible to surrounding properties, and is not subject to modification except at the discretion of the City.

(3.) Notwithstanding the foregoing, City may require the showing under Section ~~DE~~ **F**(1)(c) where the City determines installation or modification of the Wireless Facility substantially alters the size, proportions or dimensions of an Existing Supporting Structure. —

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EG. Demonstration of least intrusive alternative.

- (1) As part of showing that it has proposed the least intrusive alternative for placement, an applicant is required ~~to show that:~~

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(a. ~~It~~) To show that it is installing Stealth Facilities to the extent possible; ~~and~~

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b. ~~It(b)~~ To show that it is otherwise installing facilities in the highest priority locations that are available and necessary to the provision of service or to avoid a prohibition. As part of its application, an applicant must describe in detail its efforts to place a Wireless Facility at a higher priority location, including what properties were contacted, and the reasons why applicant claims the Wireless Facility cannot be placed at a higher priority location.

(c) To submit RF engineering data identifying areas where a Wireless Facility could be placed that would serve the areas where applicant believes that service is required, and describing the Wireless Facility required to provide such services;

(d) To submit a written explanation as to why it claims its proposed Wireless Facility is the least intrusive alternative, considered individually, and as part of any project of which it is a part that involves installation of more than one Wireless Facility.

- (2) The highest priority locations are, in order of priority:

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(a.) Existing Towers serving Rye.

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(b. ~~Existing Supporting Structures off the rights of way that have Wireless Facilities on rooftops~~) Rooftops or on-building exteriors that support Existing Wireless Facilities approved under Chapter 196, including municipally-owned Supporting Structures. (not including

(c) Zoning Areas B-4, B-5 and B-6, where service can be provided using an existing Supporting Structure or a replacement Supporting Structures listed in Section 196-5.B(1)-(2). Structure of similar height and design; or a new Supporting Structure whose height does not exceed 50 feet above ground level provided that the Wireless Facility is at least 50 feet from the nearest residential unit.

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(ed) Other municipally-owned property (other than the rights of way) where service can be provided using an existing Supporting Structure or a replacement Supporting Structure of similar height and design; or a new Supporting Structure whose height does not exceed 40 feet above ground level.

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- (3) An applicant is further required to show that its proposed installation or modification:

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(a. ~~minimizes~~) Minimizes the visual impact of the Wireless Facilities and associated Supporting Structures ~~particularly from upon the community, and in particular upon~~ residential units, as proposed and under any modification that could be made to that installation as of right; and

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(b. ~~is~~) Is designed to be consistent with the overall characteristics of the area where the facilities are located; and

(c. ~~has~~) Has minimized the new Supporting Structures proposed, and the impact of those Supporting Structures.

(d.) In considering the visibility of ~~facilities~~ Wireless Facilities, City may consider the mass and size of the facilities, the scale of the facilities (or the effect of the placement on the mass, size and scale of Supporting Structures to which or within which the Wireless Facilities may be attached or concealed) , and any other factor that may affect the impact on the community. It may consider the elements of a Wireless Facility separately, or collectively, and may require a showing the visibility of each element of the Wireless Facility, and the effect on any Supporting Structure to which the Wireless Facility will be attached, has been minimized.

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- (5) ~~4~~ The City may approve or require placement in a location that is not the highest priority where the record shows a proposed installation at a different location will result in less impact on the community, considering the specific installation that is proposed and any project of which it is a part that involves installation of more than one Wireless Facility.

- (6) ~~5~~ In considering whether a proposal represents the least ~~restrictive~~ intrusive alternative, the City will consider the impact of a planned project as a whole, and may consider taking into account the impact if it is likely that others factors specified above, and the rights granted by virtue of approval.

H. Demonstration of need.

As part of its showing of necessity or effective prohibition applicant shall:

- (1) Submit information verified by the wireless providers of that have agreed to utilize the proposed Wireless Facilities or Facility with respect to necessity or effective prohibition, as applicable.
- (2) Specifically identify the geographic areas that are to be served by the proposed installation, and explain why the proposed installation is necessary.

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(3) Describe any deficiencies in service it claims exists in the area to be served; and the signal levels across all frequencies used by the wireless providers identified in subsection H(1) for the geographic area. Without limiting the obligation under subsection H(2), if there is coverage within the area to be served, applicant must explain what wireless services may require similar facilities, if any, cannot be provided given the existing coverage.

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§ 196-6. Special use permitUse Permit, and Special Conditional UseEligible Facility. Permit Application Requirements.

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A. All applicants for a ~~special use permit~~Special Use Permit for a Wireless Facility or any modification of such facility shall comply with the requirements set forth in this section. In addition to the information required by Section 196-5-~~C~~(E), an applicant for a special conditional use permit must comply with the requirements of subsections 196-6-(B-D; E (2)-(6),(10), (14)-(18) and (22); G; H₂); and where the Wireless Facilities that are being modified are Stealth Facilities or subject to Concealment Elements, the visual impact analysis required by subsections I-J so that the City may determine whether the Concealment Elements or Stealth Facility characteristics are defeated.

B. An application ~~for a special use permit for a Wireless Facility~~ shall be signed on behalf of the applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information. The landowner, if different than the applicant, shall also sign the application. At the discretion of the Council, any false or misleading statement in the application may subject the applicant to denial of the application without further consideration or opportunity for correction, or to revocation of the permit if the permit is issued.

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C. Applications not meeting the requirements stated herein or which are otherwise incomplete may be rejected by the Council.

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D. The applicant shall include a statement in writing that:

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(1) The applicant's proposed Wireless Facility will be maintained in a safe manner and in compliance with all conditions of the ~~special use permit~~Special Use Permit, without exception, unless specifically granted relief by the Council in writing, as well as all applicable and permissible local codes, ordinances and regulations, including any and all applicable county, state and federal laws, rules and regulations.

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(2) The construction of the Wireless Facility is legally permissible, including but not limited to the fact that the applicant is authorized to do business in New York State.

E. ~~No Wireless Facility Towershall be installed or constructed until~~Each application shall include a complete plan ~~offor~~ for the site proposed, and if the application is submitted as part of a larger project that will include multiple sites, a description of that project, and the number and type of installations required. For Special Use Permits, the site plan shall be reviewed and approved by the Council ~~and, in situations involving Towers, until the site~~

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~~plan prior to issuance of the permit. Where a certification is reviewed and approved by the Planning Commission. All applications for the construction or installation of a new Wireless Facility shall be accompanied by required, the certification shall be in the form of a report containing the information hereinafter set forth. The report shall be signed by a licensed professional engineer registered in the state and shall contain the following information. Where this section calls for certification, such certification shall be by a qualified New York State licensed professional engineer acceptable to the City, unless otherwise noted. The application shall include, in addition to the other requirements for the special use permit~~Special Use Permit, the following information:

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- (1) Documentation that shows applicant satisfies the requirements of Section 196-5.D ~~E. Wireless Facility~~-(H), as applicable.
- (2) Name and address of the ~~person preparing~~engineer or engineers submitting any ~~certifications, and to whom questions regarding the report~~certification should be ~~submitted.~~
- (3) Name and address of the property owner, operator and applicant, to include the legal form of the applicant. Name and address of any person who will own equipment associated with the Wireless Facility.
- (4) Postal address and Tax Map parcel number of the property.
- (5) Zoning district or designation in which the property is situated.
- (6) Size of the property stated both in square feet and lot line dimensions and a diagram showing the location of all lot lines where the facility is proposed to be located outside of the right of way, and within the rights of way, the location of the proposed facility in relation to the right of way, pedestrian and non-motorized vehicle pathways and cross-walks, and the location in relation to driveways ~~and residential structures~~ on the same right of way and within 750 feet.
- (7) Location of all residential structures within 750 feet.
- (8) Location of all habitable structures within 750 feet.
- (9) Location of all structures on the property which is the subject of the application, or for the right of way, within 250 feet of the proposed facility.
- (10) Location, size and height of all proposed and ~~existing or~~Existing Wireless Facilities ~~and Supporting Structures at the proposed site.~~
- (11) Type, size and location of all proposed and existing landscaping.
- (12) The number, type and design of the Wireless Facility(s) ~~Antenna(s)~~ proposed and the basis for the calculations of the Wireless Facility's capacity to accommodate multiple users.

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(13) The make, model and manufacturer of each of the elements of the Wireless Facility and Antenna(s).

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(14) A detailed description of each element of the proposed Wireless Facility and all related fixtures, any Existing Support Structure which will be utilized, which description shall include, but not be limited to, a description of the Supporting Structures, appurtenances and apparatus, including height above preexisting grade, materials, color and lighting. For a modification to a facility, applicant must describe precisely any change in physical dimensions to any portion of the facility Wireless Facility or and describe in detail any additional equipment installed as part of the modification and any modifications required to the Supporting Structure (including, but not limited to, modifications to meters, powerpowers supplies, cabling, and guys).

(15) The frequency, modulation and class of service of radio or other transmitting equipment.

(16) Transmission and maximum effective radiated power of the Antenna(s).

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(17) Direction of maximum lobes and associated radiation of the Antenna(s).

(18) Certification by a qualified RF engineer that NIER levels at the proposed site are within the threshold levels adopted by the FCC. The certifying engineer need not be approved by the City.

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(21)(19) A copy of the FCC license applicable for the use of the Wireless Facility, if any, and a copy of any certificate issued by the State of New York for the facility; and proof that applicant and any person who will own facilities associated with the proposed Wireless Facility are authorized to place the facilities at the location proposed.

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(2220) For a Tower, certification that a topographic and geomorphologic study and analysis has been conducted and that taking into account the subsurface and substrata, and the proposed drainage plan, that the site is adequate to assure the stability of the proposed s Tower on the proposed site. The certifying engineer need not be approved by the City.

(2321) Propagation studies of the proposed site and all adjoining proposed or in-service or existing sites.

(2422) The applicant shall disclose, in writing, any agreement in existence prior to submission of the application that would limit or preclude the ability of the applicant to share any new Wireless Facility that it constructs.

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(2524) The applicant shall provide a notarized affidavit that either the proposed installation meets all laws, codes and ordinances or that it meets the same except as specifically listed on said affidavit.

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F. In the case of a new Wireless Facility, the applicant shall be required to submit a report demonstrating its efforts to secure shared use of existing Wireless Facility(s). Copies of written requests and responses for shared use shall be provided to the Council.

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G. Certification that the Wireless Facility and ~~attachments, if applicable, the Existing Supporting Structure~~ both are designed and constructed ("as built") to meet all county, state and federal structural requirements for loads, including wind and ice loads.

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H. After construction and prior to receiving a certificate of compliance, certification that the Wireless Facility and related facilities are grounded and bonded so as to protect persons and property and installed with appropriate surge protectors.

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I. The applicant shall submit a completed long form EAF and a completed Visual EAF addendum. The Council may require submission of a more detailed visual analysis based on the results of the Visual EAF addendum. Applicants are encouraged to seek pre-application meetings with the City Council to address the scope of the required visual assessment.

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J. A visual impact assessment shall be provided with each application which shall include:

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(1) A Zone of Visibility Map, which shall be provided in order to determine locations where the facility may be seen.

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(2) Pictorial representations of before and after views from key viewpoints ~~to be determined by Council or the City's Board of Architectural Review~~, including but not limited to state highways and other major roads; state and local parks; other public lands; historic districts; environmentally sensitive areas; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors or travelers. The City will provide guidance concerning the appropriate key sites at a ~~preapplication~~ pre-application meeting.

(3) An assessment of the visual impact of the facility base, guy wires and accessory buildings from abutting and adjacent properties and streets.

(4) Scaled and dimensioned photo simulations of the before and after images of the project and project site from at least three different angles and showing the maximum silhouette, viewshed analysis, color and finish palette and proposed screening for the Wireless Facility.

K. The applicant shall identify any ~~concealment elements~~ Concealment Elements proposed for the Wireless Facility, and ~~Supporting Structure~~ for a Stealth Facility, shall specifically show that the proposed Wireless Facility qualifies as a Stealth Facility.

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L. Where possible, for Wireless Facilities located outside of the rights of way wiring and other components shall be located within buildings. Wireless Facilities installed on the exterior of ~~existing~~Existing buildings/Supporting Structures shall be integrated into the design of such buildings/Supporting Structures. The intent of this provision is to make the installation invisible or indistinguishable from other existing architectural features. Both the Wireless Facility and any and all accessory or associated facilities shall maximize the use of building materials, colors and textures designed to blend with the Existing Supporting Structure to which it may be affixed and with the natural surroundings. Where possible, for facilities in the rights of way, when existing Utility Poles are replaced, the Wireless Facility will be placed within a pole approved by the City and the utility.

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M. An access road and parking to assure adequate emergency and service access shall be provided, should such be deemed necessary by the Council. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and vegetation cutting. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.

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N. Every Wireless Facility, ~~and the Existing Support Structures to which Wireless Facilities are attached~~ shall be constructed, operated, maintained, repaired, modified or restored ~~Wireless Facility~~ in strict compliance with the then-current version of all technical, safety and safety-related codes adopted by the City, county, state or United States, including but not limited to the most recent editions of the National Electrical Safety Code and the National Electrical Code, as well as accepted and responsibly workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health and land use codes. ~~The applicant is responsible for ensuring compliance with the foregoing for the Wireless Facility and any portion of an Existing Supporting Structure affected by the Wireless Facility.~~ In the event of a conflict between or among any of the preceding, the more stringent shall apply.

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O. Every person constructing or owning a Wireless Facility shall obtain, at its own expense, all permits and licenses required by applicable law, rule, regulation or law and must maintain the same, in full force and effect, for as long as required by the City or other governmental entity or agency having jurisdiction over the applicant.

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P. The Council intends to be the lead agency, pursuant to SEQRA. The Council shall conduct a review of the proposed project in combination with its review of the application under this chapter.

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Q. An applicant shall submit to the ~~Building Inspector~~City Engineer the number of completed applications determined to be needed at the pre-application meeting. A copy of the notification of application shall be provided to the legislative body of all adjacent municipalities and to the Westchester County Planning Board.

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R. If the applicant is proposing the construction of a Tower or installation on an ~~existing building/Supporting Structure~~Existing Tower or building, the applicant shall

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examine the feasibility of designing the installation to accommodate future demand for at least two additional commercial applications, e.g., future collocations. The scope of this examination shall be determined by the Council. The Wireless Facility shall be structurally designed to accommodate at least two additional Antenna arrays equal to those of the applicant and located as close to the applicant's Antenna as possible without causing interference. This requirement may be waived, provided that the applicant, in writing, demonstrates that the provisions of future shared usage of the Wireless Facility is not technologically feasible, or is commercially impracticable and creates an unnecessary and unreasonable burden, based upon:

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- (1) The number of FCC licenses foreseeably available for the area.
- (2) The kind of Wireless Facility ~~and Tower~~proposed, or Existing Supporting Structure ~~proposed that would be utilized~~.
- (3) Available space on existing and approved ~~telecommunications~~-Towers.

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S. Unless waived by the Council, there shall be a ~~preapplication~~pre-application meeting required for every ~~special-use permit~~Special Use Permit. The purpose of the ~~preapplication~~pre-application meeting will be to address issues which will help to expedite the review and permitting process. Where the application is for the shared use of an ~~existing~~Existing Tower/ ~~or~~ Supporting Structure, the applicant can seek to waive any application requirements that may not be applicable. At the ~~preapplication~~pre-application meeting, the waiver requests, if appropriate, will be decided by the City. Costs of the City's consultants to prepare for and attend the ~~preapplication~~pre-application meeting will be borne by the applicant.

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~~Wireless Facility~~

T. Without limiting the foregoing, except where it is demonstrated that denial would result in a prohibition of the provision of wireless services within the meaning of federal law:

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- (1.) In the rights of way, no Towers are permitted except as part of a Stealth Facility.
- (2.) No Wireless Facilities are permitted within underground areas except Stealth Facilities.
- (3.) A new or replacement Supporting Structure, other than a Stealth Facility, street lighting or traffic control structure may not be approved that is greater in height from ground level than the average height of existing distribution utility poles in the same area. No extension of an existing Supporting Structure (other than street lighting or traffic control structures) to permit installation of a Wireless Facility may be approved that unless the addition complies with subsection 5 and increases the height of the supporting structure by the lesser of 20% or six feet.
- (4.) Except for cabling within a conduit, the lowest edge of any component of the Wireless Facility (including meters) on a Utility Pole must be 8 feet above the ground unless concealed within the pole.

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(5:) All Wireless Facilities mounted to the side of a Supporting Structure in the right of way, other than in the communications space, must be flush-mounted, sized and painted so that the facility to the extent possible the facility is concealed;

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(6:) All ~~facilities~~Wireless Facilities mounted to the top of a pole must be designed so that the facilities form a continuous line with the pole, and as a Concealment Element, are no more than 10% greater in diameter than the pole itself.~

(7:) Any indicator lights should be recessed or otherwise designed so that they present no hazard to traffic or interfere with enjoyment of properties from which the lights may be visible.~

(8) In placing ~~facilities~~Wireless Facilities, following rules apply:

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(a.~) Wireless Facilities should be at least ~~2530~~ feet from any residential structure, and located so that the facilities are not directly in front of any front window or door of a residential ~~Structure~~structure.

(b:) Locations that are less visible from a residential structure are preferred over locations that are more visible.

§ 196-7. Failure to pursue an application.

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Applicants shall respond to all requests or notices from the City with respect to an application promptly, so that City may meet any applicable deadlines for action on an application. Where an applicant fails to promptly respond, the Corporation Counsel is authorized to notify an applicant that its application is denied for failure to pursue that application, without prejudice to resubmittal of an application. Without limiting the foregoing, if an applicant is notified that its application is incomplete, and there is fails to complete the application within sixty (60) days of the date of the notice, the Corporation Counsel is authorized to notify an applicant that its application is denied for failure to pursue that application, without prejudice to resubmittal of an application even if there is no deadline applicable to action on the application.

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§ 196-8. Height of wireless telecommunications facilities.

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~~A. The applicant must submit documentation justifying to the Council the total height of any Wireless Facility and/or Antenna and the basis therefor. Such justification shall be to provide service within the City, to the extent practicable, unless good cause is shown.~~

~~B.A. Wireless telecommunications facilities~~Facilities shall be no higher than the minimum height necessary. ~~Unless waived an area variance for height is granted by the Council upon good cause shown~~Board of Appeals, the maximum height of ~~facilities~~Wireless Facilities located outside the rights of way shall be 90 feet, based on three collocated Antenna arrays and ambient tree height of 70 feet. Height shall be measured from ground level, to the highest point on the Wireless Facility, or if higher, the highest point on any extension to an Existing Supporting Structure required to support the Wireless Facility.

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C.B. The maximum height of any Wireless Facility ~~and attached Antennas~~ constructed after the effective date of this chapter shall not exceed that which shall permit operation without artificial lighting of any kind in accordance with municipal, county, state and/or any federal law and/or regulation.

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§ 196-9. Visibility of facilities.

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- A. ~~Wireless telecommunications facilities~~ Excluding indicator lights satisfying the requirements of Section 196-6, Wireless Facilities shall not be artificially lighted or marked, except as required by law.
- B. Except where inconsistent with concealment elements, Towers shall be of a galvanized finish, or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings as approved by the Council and the Board of Architectural Review, and shall be maintained in accordance with the requirements of this chapter.
- C. ~~If~~ Excluding indicator lights satisfying the requirements of Section 196-6, if lighting is required, the applicant shall provide a detailed plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under state and federal regulations, and an artist's rendering or other visual representation showing the effect of light emanating from the site on neighboring habitable structures within 1,500 feet of all property lines of the parcel on which the Wireless Facility is located.

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§ 196-10. Security of facilities.

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All ~~wireless telecommunications facilities~~ Antennae ~~Wireless Facilities~~ shall be ~~located, fenced or otherwise~~ secured in a manner which prevents unauthorized access: to hazardous components. Specifically:

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- A. Where possible, Wireless Facilities ~~Antennas, Towers and other~~ modifications to Existing Supporting Structures, including guy wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or run into; ~~and Towers will be fenced and shielded to prevent unauthorized access to the structure unless the Tower is a Stealth Facility or the fencing or shielding is inconsistent with required Concealment elements; and~~
- B. To the extent possible, Wireless Facilities shall be installed so that powered elements are readily accessible only to persons authorized to operate or service them.

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§ 196-11. Signage.

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~~Unless~~ For Towers, unless the City determines that the signage required under this section would be inconsistent with minimizing visual impact, ~~wireless telecommunications facilities~~ Wireless Facilities shall contain a sign no larger than four square feet to provide adequate notification to persons in the immediate area of the presence of an Antenna that has transmission capabilities. The sign shall contain the name(s) of the owner(s) and operator(s) of the Antenna(s) as well as emergency phone number(s). The sign shall be located so as to be visible from the access point of the site. No other signage, including advertising, shall be permitted on any ~~wireless~~

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~~telecommunications facilities, Antennas, Antenna Supporting Structures or Antenna Towers~~ ~~Wireless Facilities~~, unless required by law, or unless the signage is part of a concealment element. Signs shall be approved by the Board of Architectural Review. Nothing in this section affects rules with respect to signage that may apply to Existing Support Structures.

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§ 196-12. Lot size and setbacks. [Amended 10-1-2003 by L.L. No. 7-2003]

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- A. All proposed Towers shall be set back from abutting parcels, recorded rights-of-way and road and street lines a distance sufficient to substantially contain on site all ice-fall or debris from a Tower or Tower failure and to preserve the privacy and sanctity of any adjoining properties.
- B. Towers, other than Towers placed on an existing Supporting Structure shall be setback from any property line at least a distance equal to the height of the facility plus 10 feet, or the existing setback requirement of the underlying zoning district, whichever is greater. Further, any ~~accessory Supporting~~ ~~Accessory Facility or~~ Structure shall be located so as to comply with the minimum zoning setback requirements for the principal building on the property on which it is situated.
- C. Where a Wireless Facility involves an attachment to an ~~existing~~ ~~Existing~~ building or Supporting Structure other than a Supporting Structure in the rights of way, the facility, including but not limited to Antennas, accessory Supporting Structures, and/or other appurtenances, shall be setback from any property line the distance of the setback requirement of the underlying zoning district.

§ 196-13. Retention of expert assistance and reimbursement by applicant.

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- A. The Council may hire any consultant and/or expert necessary to assist the Council in reviewing and evaluating the application and any requests for recertification.
- B. An applicant shall deposit with the City funds sufficient to reimburse the City for all reasonable costs of consultant and expert evaluation and consultation to the Council in connection with the review of any application. The initial deposit shall be \$7,500 for a facility application and \$5,000 in the case of collocation. These funds shall accompany the filing of an application, and the City will maintain a separate escrow account for all such funds. The City's consultants/experts shall bill or invoice the City no less frequently than monthly for its services in reviewing the application and performing its duties. If at any time during the review process the balance of this account falls below \$2,500, additional funds must be submitted to the City to bring the balance of the account to \$5,000, or in the case of collocation, \$5,000, or upon request from the applicant, a lesser amount to be set by the City Council, before any further action or consideration is taken on the application. In the event that the amount held in escrow by the City is more than the amount of the actual billing or invoicing, the difference shall be promptly refunded to the applicant.
- C. The total amount of the funds set forth in Subsection B of this section may vary with the scope and complexity of the project, the completeness of the application and other information as may be needed by the Council or its consultant/expert to complete the necessary review and analysis. Additional funds, as required, shall be paid by the

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applicant. The initial amount of the escrow deposit shall be established at a ~~preapplication~~pre-application meeting with the City. Notice of the hiring of a consultant/expert shall be given to the applicant at or before this meeting.

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§ 196-14. Existing Facilities.

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All wireless telecommunications facilities existing on or before the effective date of this chapter shall be allowed to continue as they presently exist; provided, however, that any modification to existing facilities must comply with this chapter.

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§ 196-15. Public hearing required for ~~special-use permit~~Special Use Permit.

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A. Public hearing and public notification by applicant. Before the City Council acts on any application for a ~~special-use permit~~Special Use Permit, it shall hold a public hearing thereon in accordance with the General City Law. To facilitate notification of the public, a public notification list shall be prepared by the applicant, using the most current City of Rye Tax Maps and Tax Assessment Roll, showing the Tax Map sheet, block and lot number, the owners name and owner's mailing address for each property located wholly or partially within 750300 feet of the perimeter of the property ~~that is linearly measured along the subject right of the application way.~~ If a property on the public notification list is also listed as a cooperative or an apartment on a list entitled "Apartment List City of Rye," maintained by the City Assessor's office, the notice shall only be mailed to the property owner of record. When the public hearing is required by the City Council, the applicant shall deliver a copy of the public notice provided by the City Planner to all of the property owners contained on the public notification list by certified mail with certificate of mailing.

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The above mailing and posting notice requirements must be performed in accordance with the following requirements:

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1. (1) The delivery of mailing shall be limited solely to the public notice provided by the City Planner.
2. (2) The public notice shall be mailed to all property owners ~~by certified mail~~ with a certificate of mailing (no return receipt necessary) at a post office or official depository of the Postal Service, at least ~~40~~14 calendar days prior to the date of the public hearing.
3. (3) At least five business days prior to the public hearing, the applicant shall provide to the City Planner all certificates of mailing.
- At
4. (4) ~~For Towers,~~ at least one week preceding the date of the public hearing, at least one sign, a minimum of two feet by three feet in size and carrying a legend prescribed by the City Council announcing the public hearing, shall be posted on the property. The height of the lettering on the sign shall be no less than two inches, except that the words "PUBLIC NOTICE" appearing at the top of the sign shall have no less than five-inch-high lettering. The sign shall be in full public view from

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the street and not more than 30 feet therefrom. The sign shall be removed from the property within two days after the public hearing.

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~~B.~~ In cases of review by the Board of Architectural Review or the Planning Commission, the notice rules for these bodies shall apply for the properties within the seven hundred fifty foot perimeter as previously set forth.

~~C.B.~~ The Council shall schedule the public hearing referred to in Subsection A of this section once it finds the application is complete. The Council, at any stage prior to issuing a ~~special use permit~~ Special Use Permit, may require such additional information as it deems necessary.

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~~D.C.~~ Council may waive any requirement hereof and of Section 196-16 as required to comply with state or federal law.

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~~§ 196-16.~~ Action on application for ~~special-use permit~~ Special Use Permit.

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A. The Council will undertake a review of an application pursuant to this chapter in a timely fashion and shall act within a reasonable period of time given the relative complexity of the application and the circumstances, with due regard for the public's interest and need to be involved, and the applicant's desire for a timely resolution.

B. The Council shall refer any application or part thereof to the Board of Architectural Review (BAR) and may refer any application or part thereof to the Planning Commission for their advisory review and comment prior to the public hearing. This referral shall not preclude any final approvals of these or other City boards or departments required by this chapter or other law.

C. After the public hearing and after formally considering the application, the Council may approve and issue or deny a ~~special-use permit~~ Special Use Permit. Its decision shall be in writing and shall be based on substantial evidence in the record. The burden of proof for the grant of the permit shall always be upon the applicant.

D. If the Council approves the ~~special-use permit~~ Special Use Permit for a Wireless Facility, then the applicant shall be notified of such approval, in writing, within 10 calendar days of the Council's action, and the ~~special-use permit~~ Special Use Permit shall be issued within 30 days after such approval.

E. If the Council denies the ~~special-use permit~~ Special Use Permit for a Wireless Facility, then the applicant shall be notified of such denial, in writing, within 10 calendar days of the Council's action.

F. The City's decision on an application for a ~~special-use permit~~ Special Use Permit for a Wireless Facility shall be supported by substantial evidence contained in a written record.

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§ 196-17. Recertification of ~~special-use permit~~Special Use Permit.

A. At any time between 12 months and six months prior to the five-year anniversary date after the effective date of the permit and all subsequent fifth anniversaries of the original ~~special use permit~~Special Use Permit for a Wireless Facility, the holder of a ~~special-use permit~~Special Use Permit for such Tower shall submit a written request for recertification. In the written request for recertification, the holder of such ~~special-use permit~~Special Use Permit shall note the following:

1. (1) The name of the holder of the ~~special-use permit~~Special Use Permit for the Wireless Facility.

2. (2) If applicable, the number or title of the ~~special-use permit~~Special Use Permit.

3. (3) The date of the original granting of the ~~special-use permit~~Special Use Permit.

4. (4) Whether the Wireless Facility has been moved, relocated, rebuilt, repaired or otherwise modified since the issuance of the ~~special-use permit~~Special Use Permit.

5. (5) If the Wireless Facility has been moved, relocated, rebuilt, repaired or otherwise modified, then whether the Council approved such action, and under what terms and conditions, and whether those terms and conditions were complied with and abided by.

6. (6) Any requests for waivers or relief of any kind whatsoever from the requirements of this chapter and any requirements for a ~~special-use permit~~Special Use Permit.

7. (7) That the Wireless Facility is in compliance with the ~~special-use permit~~Special Use Permit and compliance with all applicable codes, laws, rules and regulations.

8. (8) Whether the facility is still being used; and whether it can be reduced in sized, combined with or replaced by other facilities or otherwise altered to make it less visible.

9. (9) Whether it complies with then applicable requirements of the City Code for placement of Wireless Facilities.

10. (10) Whether there have been any changes in the legal status of the applicant or any entity whose facilities are part of the Wireless Facility; and whether all required authorizations and consents are still in full force and effect.

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- B. If, after such review, the Council determines that the permitted Wireless Facility is in compliance with the ~~special-use-permit~~Special Use Permit and all applicable codes, laws and rules; that it continues to be used in the provision of wireless services; that all relevant entities continue to have all necessary authorizations; and that the facility cannot be modified or replaced so that it is less visible, then the Council shall issue a recertification ~~special-use-permit~~Special Use Permit for the Wireless Facility, which may include any new provisions or conditions that ~~are mutually agreed upon~~may be lawfully imposed, or ~~that are~~ required by codes, law or regulation. -
- C. If the Council does not complete its review, as noted in Subsection B of this section, prior to the five-year anniversary date of the ~~special-use-permit~~Special Use Permit, or subsequent fifth anniversaries, then the applicant for the permitted Wireless Facility shall receive an extension of the ~~special-use-permit~~Special Use Permit for up to six months, in order for the Council to complete its review.
- D. If the holder of a ~~special-use-permit~~Special Use Permit for a Wireless Facility does not submit a request for recertification of such ~~special-use-permit~~Special Use Permit within the time frame noted in Subsection A of this section, or if the Council finds that the Wireless Facility has been moved, relocated, rebuilt, or otherwise modified without approval of such having been granted by the Council under this chapter, or that the conditions for recertification have not been met, then such ~~special-use-permit~~Special Use Permit and any authorizations granted thereunder shall cease to exist on the date of the fifth anniversary of the original granting of the ~~special-use-permit~~Special Use Permit, or subsequent fifth anniversaries, unless the holder of the ~~special-use-permit~~Special Use Permit adequately demonstrates to the Council that extenuating circumstances prevented a timely recertification request. If the Council agrees that there were legitimately extenuating circumstances, then the holder of the ~~special-use-permit~~Special Use Permit may submit a late recertification request. Council may also recertify subject to additional conditions that it establishes, and contingent on satisfaction of those conditions.

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§ 196-18. ~~Extent and parameters of special-use-permit~~Special Use Permit and ~~special-conditional-use-permits. APPLY TO SPECIAL USE PERMITS AND CONDITIONAL SPECIAL USE PERMITS~~Eligible Facility Permit.

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The extent and parameters of a ~~special-use-permit~~Special Use Permit or an Eligible Facility Permit for a Wireless Facility shall be as follows:

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- A. Such ~~special-use~~ permit shall be nonexclusive.
- B. Such ~~special-use~~ permit shall not be assignable or transferable without the express written consent of the Council.
- C. Such ~~special-use~~ permit may be revoked, canceled or terminated for a violation of the conditions and provisions of the ~~special-use-permit~~Special Use Permit for a Wireless Facility, or for a material violation of this chapter or applicable law.

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D. Such permit shall be valid for a period of five (5) years, or such longer period as is required by state law, but the permit may be recertified upon application, which application must demonstrate:

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(1) The Wireless Facility is still in use; and for facilities where a demonstration of need or effective prohibition was required, that the facility remains necessary or that recertification is required to avoid an effective prohibition; and

(2) The impact of the Wireless Facility cannot reasonably be further minimized.

§ 196-19. Application fee.

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A. At the time that a person submits an application for a ~~special-use permit~~ Special Use Permit for a new Wireless Facility, such person shall pay an application fee to the City of Rye of \$5,000 as set forth in the fee schedule. If the application is for a ~~special-use permit~~ Special Use Permit for collocating on an ~~existing~~ Existing Wireless Facility, the ~~fee applicant~~ shall be \$3,000 also pay a fee as set forth in the fee schedule.

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B. No application fee is required in order to recertify a ~~special-use permit~~ Special Use Permit for a Wireless Facility, unless there has been a modification of the Wireless Facility since the date of the issuance of the existing ~~special-use permit~~ Special Use Permit for which the conditions of the ~~special-use permit~~ Special Use Permit have not previously been modified. In the case of any modification, the fees provided in Subsection A shall apply.

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§ 196-20. Performance security.

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The applicant and the owner of record of any ~~proposed portion of a~~ Wireless Facility, and the owner of real property ~~site on which the Wireless Facility is located (unless the property is publicly owned)~~ shall be jointly required to execute and file with the City a bond, or other form of security acceptable to the City as to type of security and the form and manner of execution, in an amount and with such sureties as are deemed sufficient by the Council to assure the faithful performance of the terms and conditions of this chapter and conditions of any ~~special-use permit~~ Special Use Permit issued pursuant to this chapter. The full amount of the bond or security shall remain in full force and effect throughout the term of the ~~special-use permit~~ Special Use Permit and/or until the removal of the Wireless Facility and any necessary site restoration is completed. The failure to pay any annual premium for the renewal of any such security shall be a violation of the provisions of the ~~special-use permit~~ Special Use Permit and shall entitle the Council to revoke the ~~special-use permit~~ Special Use Permit after prior written notice to the applicant and holder of the permit.

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§ 196-21. Reservation of authority to inspect ~~wireless telecommunications facilities~~ Wireless Facilities.

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A. In order to verify that the holder of a ~~special-use permit~~ Special Use Permit for a Wireless Facility and any and all lessees, renters and/or licensees of a Wireless Facility place and construct such facilities, including Towers and Antennas, in accordance with all applicable technical, safety, fire, building and zoning codes, laws, ordinances and regulations and other applicable requirements, the City may inspect all facets of said permit holder's, renter's, lessee's or licensee's placement, construction, modification and maintenance of

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such facilities, including but not limited to Towers, Antennas and buildings or other Supporting Structures constructed or located on the permitted site.

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- B. The City shall pay for costs associated with such an inspection, except for those circumstances occasioned by said holder's, lessee's or licensee's refusal to provide necessary information, or necessary access to such facilities, including Towers, Supporting Structures, Antennas and ~~appurtenant or associated facilities~~ Accessory Facilities and Structures, or refusal to otherwise cooperate with the City with respect to an inspection, or if violations of this chapter are found to exist, in which case the holder, lessee or licensee shall reimburse the City for the cost of the inspection.
- C. Payment of such costs shall be made to the City within 30 days from the date of the invoice or other demand for reimbursement. In the event that the finding(s) of violation is (are) appealed in accordance with the procedures set forth in this chapter, said reimbursement payment must still be paid to the City, and the reimbursement shall be placed in an escrow account established by the City specifically for this purpose, pending the final decision on appeal.

§ 196-22. NIER certification.

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- A. Every Wireless Facility must meet FCC RF emission standards as the same may be amended from time to time.

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~~In addition to the certifications and information required~~ B. ~~Except as part of an application, the prohibited by law, City shall may~~ require any person ~~installing~~ controlling a Wireless Facility to provide: proof that the Wireless Facility satisfies FCC RF emission standards.

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- C. An applicant for a special use or Eligible Facility Permit, shall:

(1) At the time of an application provide information sufficient to show that the facility will comply with FCC RF standards; and

~~(2) Immediately after installation, submit~~ field test measurements sufficient to show compliance with FCC RF standards at full operational power. ~~Measurements should be cumulative, and not just based on facilities that a particular person may own or install at a location.~~

- B. ~~In addition to complying with generally applicable safety codes, every Wireless Facility must meet FCC RF emission standards as the same may be amended from time to time.~~

1. ~~The City shall require any person installing Wireless Facilities to provide:~~
2. ~~At the time of an application for installation, information sufficient to show that the facility will comply with FCC RF standards; and~~
3. ~~After installation, field test measurements sufficient to show compliance with FCC RF standards at full operational power; and~~

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4. Measurements should be cumulative, and not just based on facilities that a particular person may own or install at a location.

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§ 196-23. Liability insurance.

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- A. A holder of a ~~special-use permit~~Special Use Permit for a Wireless Facility shall secure and at all times maintain public liability insurance, property damage insurance and umbrella insurance coverage for the duration of the ~~special-use permit~~Special Use Permit in amounts as set forth below:

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- (1) Commercial general liability: \$1,000,000 per occurrence, \$2,000,000 aggregate.
(2) Automobile coverage: \$1,000,000 per occurrence, \$2,000,000 aggregate.

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- B. The commercial general liability insurance policy shall specifically include the City and its officials, employees and agents as additional insureds.
- C. The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the state.
- D. The insurance policies shall contain an endorsement obligating the insurance company to furnish the City with at least 30 days' written notice in advance of the cancellation of the insurance.
- E. Renewal or replacement policies or certificates shall be delivered to the City at least 15 days before the expiration of the insurance which such policies are to renew or replace.
- F. Before construction of a permitted Wireless Facility is initiated, but in no case later than 15 days after the grant of the ~~special-use permit~~Special Use Permit, the holder of the ~~special-use permit~~Special Use Permit shall deliver to the City a copy of each of the policies or certificates representing the insurance in the required amounts.

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§ 196-24. Indemnification.

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Any ~~special-use permit~~Special Use Permit issued pursuant to this chapter shall contain a provision with respect to indemnification. Such provision shall require the holder of the ~~special-use permit~~Special Use Permit, to the extent permitted by the law, to at all times defend, indemnify, protect, save, hold harmless and exempt the City, officials of the City, its officers, agents, servants, and employees from any and all penalties, damage or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, which might arise out of, or are caused by, the construction, erection, modification, location, products performance, operation, maintenance, repair, installation, replacement, removal or restoration of a Wireless Facility within the City: (including, by way of example and not limitation, the same resulting from modification to an Existing Supporting Structure). With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the City.

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§ 196-25. Penalties for offenses.

- A. Civil sanctions. Any person who violates any of the provisions of this chapter shall be liable for a civil penalty of not more than \$3,000 for every such violation. Each consecutive day of violation will be considered a separate offense. Such civil penalty may be released or compromised by the City Council. In addition, the City Council shall have power, following a hearing, to direct the violator to comply with the provisions of this chapter.
- B. Criminal sanctions. Any person, firm or corporation who or which willfully violates any of the provisions of this chapter or permits promulgated thereunder, excluding provisions set forth in the rules and regulations promulgated thereunder, upon conviction thereof of the first offense, shall be guilty of a violation punishable by a fine of not less than \$500 and not more than \$1,000 and, for a second offense and each subsequent offense, shall be guilty of a violation punishable by a fine of not less than \$1,000 nor more than \$2,000 or a term of imprisonment of not more than 15 days, or both. Each consecutive day of violation will be considered a separate offense.
- C. Notwithstanding anything in this chapter, the holder of the ~~special-use permit~~Special Use Permit for a Wireless Facility may not use the payment of fines, liquidated damages or other penalties to evade or avoid compliance with this chapter or any section of this chapter. An attempt to do so shall subject the holder of the ~~special-use permit~~Special Use Permit to termination and revocation of the ~~special-use permit~~Special Use Permit. The City may also seek injunctive relief to prevent the continued violation of this chapter.

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§ 196-26. Default and/or revocation.

- A. If a Wireless Facility is repaired, rebuilt, placed, moved, relocated, modified or maintained in a way that is inconsistent or not in compliance with the provisions of this chapter or of the ~~special-use permit~~Special Use Permit, then the Council shall notify the holder of the ~~special-use permit~~Special Use Permit, in writing, of such violation. Such notice shall specify the nature of the violation or noncompliance and that the violations must be corrected within seven days of the date of the postmark of the notice, or of the date of personal service of the notice, whichever is earlier. Notwithstanding anything to the contrary in this subsection or any other section of this chapter, if the violation causes, creates or presents an imminent danger or threat to the health or safety of lives or property, the Council may, at its sole discretion, order the violation remedied within 24 hours.
- B. If within the period set forth in Subsection A above the Wireless Facility is not brought into compliance with the provisions of this chapter, or of the ~~special-use permit~~Special Use Permit, or substantial steps are not taken in order to bring the affected Wireless Facility into compliance, then the Council may revoke such ~~special-use permit~~Special Use Permit for a Wireless Facility and shall notify the holder of the ~~special-use permit~~Special Use Permit within 48 hours of such action.
- C. Without limiting the foregoing, if a Supporting Structure or Tower no longer complies with applicable codes, and may no longer be safely used to support other elements of a Wireless

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Facility, the City may require removal of those elements, in addition to taking any action against the owner of the Supporting Structure or Tower.

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§ 196-27.- Removal of ~~wireless telecommunications facilities~~ Wireless Facilities.

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- A. Under the following circumstances, the Council may determine that the health, safety and welfare interests of the City warrant and require the removal of a Wireless Facility:

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1. (1) A Wireless Facility with a permit has been abandoned (i.e., not used as a Wireless Facility) for a period exceeding 90 days or a total of 180 days in any three-hundred-sixty-five-day period, except for periods caused by force majeure or acts of God.

2. (2) A permitted Wireless Facility falls into such a state of disrepair that it creates a health or safety hazard.

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3. (3) A Wireless Facility has been located, constructed or modified without first obtaining the required ~~special-use permit~~ Special Use Permit, or any other necessary authorization.

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- B. If the Council makes such a determination as noted in Subsection A of this section, then the Council shall notify the holder of the ~~special-use permit~~ Special Use Permit for the Wireless Facility within 48 hours that said Wireless Facility is to be removed. The Council may approve an interim temporary use agreement/permit, such as to enable the sale of the Wireless Facility.

- C. The holder of the ~~special-use permit~~ Special Use Permit, or its successors or assigns, shall dismantle and remove such Wireless Facility, and all associated Supporting Structures ~~and facilities or portions of Supporting Structures and Accessory Facilities and Structures used solely by it~~, from the site and restore the site to as close to its original condition as is possible, such restoration being limited only by physical or commercial impracticability, within 90 days of receipt of written notice from the Council. However, if the owner of the property upon which the Wireless Facility is located wishes to retain any access roadway to the Wireless Facility, the owner may do so with the approval of the Council.

- D. If ~~a Wireless Facility is not removed~~ removal, or substantial progress to complete removal has not ~~been made to remove the Wireless Facility~~ occurred within 90 days after the permit holder has received notice, then the Council may order officials or representatives of the City to remove the Wireless Facility and associated structures at the sole expense of the owner or permit holder.

- E. If the ~~City removes, or causes to be removed, a Wireless Facility, and the owner of the Wireless Facility~~ property that is removed does not claim the property and remove the ~~facility~~ property from the site to a lawful location within 10 days, then the City may take steps to declare the ~~facility~~ property abandoned and sell it and its components.

- F. Notwithstanding anything in this section to the contrary, the Council may approve a temporary use agreement/permit for the Wireless Facility, for no more 90 days, during

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which time a suitable plan for removal, conversion or relocation of the affected Wireless Facility shall be developed by the holder of the permit, subject to the approval of the Council, and an agreement to such plan shall be executed by the holder of the permit and the City. If such a plan is not developed, approved and executed within the ninety-day time period, then the City may take possession of and dispose of the affected Wireless Facility in the manner provided in this section.

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§ 196-28.- Applicability of application requirements and permit conditions.

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A. Any applicant can request the waiver of application requirements that are inapplicable to their permit application. Such request shall be in writing. Requests should be discussed at the pre-application meeting. The applicant shall have the burden of supporting such requests. Determinations as to applicability of application requirements shall be made by the City.

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B. In determining permit conditions, the City Council can waive inapplicable permit requirements, consistent with the policy goals and priorities of this chapter. The applicant shall have the burden of supporting such requests. Determinations as to applicability of permit condition requirements shall be made by the City Council.

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§ 196-29.- Adherence to state and/or federal rules and regulations.

A. To the extent that the holder of a ~~special-use-permit~~ **Special Use Permit** for a Wireless Facility has not received relief, or is otherwise exempt, from appropriate state and/or federal agency rules or regulations, then the holder of such a ~~special-use-permit~~ **Special Use Permit** shall adhere to and comply with all applicable rules, regulations, standards and provisions of any state or federal agency, including but not limited to the FAA and the FCC. Specifically included in this requirement are any rules and regulations regarding height, lighting, security, electrical and RF emission standards.

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B. To the extent that applicable rules, regulations, standards and provisions of any state or federal agency, including but not limited to the FAA and the FCC, and specifically including any rules and regulations regarding height, lighting and security, are changed and/or are modified during the duration of a ~~special-use-permit~~ **Special Use Permit** for a Wireless Facility, then the holder of such a ~~special-use-permit~~ **Special Use Permit** shall conform the permitted Wireless Facility to the applicable changed and/or modified rule, regulation, standard or provision within a maximum of 24 months of the effective date of the applicable changed and/or modified rule, regulation, standard or provision, or ~~sooner~~ **earlier** as may be required by the issuing entity.

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§ 196-30.- Conflict with other laws.

Where this chapter differs or conflicts with other laws, rules and regulations, unless the right to do so is preempted or prohibited by the county, state or federal government, the more restrictive or protective of the City and the public shall apply.

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§ 196-31.- Severability.

If any phrase, sentence, part, section, subsection or other portion of this chapter or any application thereof to any person or circumstance is declared void, unconstitutional or invalid for any reason,

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then such word, phrase, sentence, part, section, subsection or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this chapter, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect.

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§ 196-32.- Enforcement.

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This chapter shall be enforced by the Building Inspector or the City Engineer in the same manner as provided in Chapter 197, Zoning, and subject to the same penalties as set forth therein.

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§ 196-33.- Authority.

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This chapter is enacted pursuant to the Municipal Home Rule Law. This chapter shall supersede the provisions of City law to the extent it is inconsistent with the same, and to the extent permitted by the New York State Constitution, the Municipal Home Rule Law or any other applicable statute.

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Section 4: Severability.

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

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Section 5: Effective date.

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

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CITY COUNCIL AGENDA

NO. 8

DEPT.: City Manager

DATE: April 19, 2017

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Continuation of the Public Hearing regarding the request submitted by Crown Castle to amend their agreement with the City and for the installation of additional locations to their existing wireless telecommunications located in the City of Rye.

FOR THE MEETING OF:

April 19, 2017

RYE CITY CODE,

CHAPTER
SECTION

RECOMMENDATION: That the City Council continue the Public Hearing regarding Crown Castle's request regarding an agreement amendment and the placement of additional attachments.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND: The City Council approved an agreement with NextG Networks, Inc. at their January 12, 2011 City Council Meeting to conduct business as a telecommunications company operating with infrastructure located in the City's public ways. Crown Castle purchased NextG in December 2011. Crown Castle is seeking an amendment to the agreement with the City to change the language to "Con Edison approved shroud," as Con Edison is the local utility who owns most of the poles in the right-of-way in the City.

Crown Castle currently has nine (9) facilities in the City of Rye. They are seeking to add approximately seventy (70) additional locations within the City's right-of-way.

The City Council referred the application for additional locations to the Board of Architectural Review (BAR) at their April 13, 2016 meeting. The BAR approved the application at their May 9, 2016 meeting.

Documents regarding Crown Castle are available on the City website at www.ryeny.gov.



CITY COUNCIL AGENDA

NO. 9

DEPT.: City Manager

DATE: April 19, 2017

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Consideration of a resolution in connection with the request submitted by Crown Castle to amend the Right of Way Use Agreement and the installation of additional locations to their existing wireless telecommunications located in the City of Rye.

FOR THE MEETING OF:

April 19, 2017

RYE CITY CODE,

CHAPTER
SECTION

RECOMMENDATION: That the City Council make a determination on the Full Environmental Assessment Form (EAF) submitted by Crown Castle.

IMPACT: ☒ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND:

The City Council issued the SEQRA Notice of Intent to serve as Lead Agency for Crown Castle's request to amend the Right of Way Use Agreement at their October 5, 2016 City Council meeting. Crown Castle submitted the Full Environmental Assessment Form (EAF) at the City Council meeting on October 19, 2016. Under the State Environmental Quality Review (SEQR) Act, the City Council must review the EAF and make a determination of environmental significance.



CITY COUNCIL AGENDA

NO. 11

DEPT.: City Manager's Office

DATE: April 19, 2017

CONTACT: Marcus Serrano, City Manager

ACTION: Authorization for the City Manager to enter into an agreement with BFJ Planning for the completion of a comprehensive update of the City's Master Plan.

FOR THE MEETING OF:

April 19, 2017

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:

See attached Master Plan Committee Consultant Recommendation Memo and the proposal from BFJ Planning.

Joe Sack, Mayor
Julie Killian
Terrence McCartney
Andy Ball
Laura Brett
Nick Everett



Planning Department
1051 Boston Post Road
Rye, New York 10580
Tel: (914) 967-7167
Fax: (914) 967-7185
www.ryeny.gov

CITY OF RYE

Master Plan Committee

Memorandum

To: Rye City Council

From: Master Plan Committee

cc: Marcus Serrano, City Manager
Kristen K. Wilson, Esq., City Manager

Date: April 13, 2017

Subject: **Task Force Recommendation Regarding Consultant Selection for the Completion of the Comprehensive Update of the City Master Plan**

The Master Plan Committee unanimously recommends that the Rye City Council retain the services of BFJ Planning for the completion of a comprehensive update of the City's Master Plan. A copy of their proposal is attached hereto.

Background and Selection Process

Last year, the Master Plan Committee was tasked with soliciting proposals for the completion of a comprehensive update to the 1986 City's Master Plan. The \$150,000 in funding for the master plan update was authorized as part of the 2016 Budget.

Throughout the year, the Committee, working with the City Planner, reviewed other plans in the region, considered the types of services that might best meet the needs of the community and drafted a request for proposals (RFP). A copy of the RFP was circulated to the City Council prior to its issuance in January. The RFP was advertised nationally on the American Planning Association website, the City's website and the City Planner solicited interest from regional planning firms. Five firms responded with detailed proposals in advance of the February 3, 2017 deadline.

The Committee reviewed each proposal and unanimously agreed that of the five respondents, three should be interviewed by the Committee. Prior to the interviews last month the City Council was provided with copies of the proposals and invited to attend the consultant interviews. After the interviews were conducted on March 16 the

Master Plan Consultant Selection

April 13, 2017

Page 2 of 2

Committee directed the City Planner, Nick Everett and Andy Ball to follow-up on references.

On April 10, the Committee met again to review and discuss the summaries of follow-up references conducted by Committee members. After considerable deliberation, the Committee agreed that BFJ Planning and its sub-consultants Urbanomics and Stantec had the extensive comprehensive planning experience and local familiarity to successfully facilitate a master plan update. It is expected that BFJ's inclusive public engagement process will successfully identify policies and implementation strategies that will advance the City's vision for the future.

Thank you for the opportunity to assist the City Council. The Master Plan Committee looks forward to working with you as this important project moves forward.

Proposal for:

Comprehensive Master Plan Update

RYE, NEW YORK

FEBRUARY 3, 2017



Proposal for:

COMPREHENSIVE MASTER PLAN UPDATE

Rye, New York

February 3, 2017

Susan Favate, AICP, PP
Principal
s.favate@bfjplanning.com
212.353.7458

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4.0 Sub Consultant Information

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7.0 Deliverables

8.0 Forms

February 3, 2017

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

Dear Mr. Miller,

BFJ Planning is pleased to submit our proposal for professional services for updating Rye's 1985 Development Plan. We are uniquely qualified to undertake this project, given our strong history of comprehensive planning throughout the region, and our familiarity with the City's local conditions, issues and opportunities from our past work on the Central Business District Parking Study and Boston Post Road "road diet." In the past five years, BFJ has completed comprehensive plans for each of Rye's adjacent communities, and has also undertaken Local Waterfront Revitalization Programs (LWRPs) for both Mamaroneck and Port Chester. In addition, as you may know, we have been on-call planners for the Village of Mamaroneck for more than 20 years. This gives us unique insight into many of the issues, both local and regional, that Rye faces, such as the health and vitality of its downtown, the future of its office areas, and the resilience of its Long Island Sound coastline.

For this project I would act as Principal-in-Charge, and would oversee all aspects of the project, with Simon Kates, AICP, LEED AP as project manager. Mr. Kates has recently completed comprehensive plans for New Rochelle and Nyack, and also worked in several coastal communities in the region under Governor Cuomo's NY Rising post-Sandy storm recovery program. We have also included on our team BFJ Principal Georges Jacquemart, PE, AICP, for transportation, and Senior Associate Jonathan Martin, Ph.D., AICP, for urban design focusing on the central business district and office areas.

In addition, BFJ has teamed with our affiliate Urbanomics, a Women-Owned Business Enterprise (WBE) for socioeconomic analysis and economic development, and with Stantec, a full-service engineering, planning and landscape architecture firm, for environmental and open space issues. We have a long history of work with both firms on comparable projects, and we note that Stantec has completed planning and engineering projects in Rye and several nearby municipalities.

We strongly believe we can produce a comprehensive master plan that provides the City of Rye with a clear set of policies and a realistic implementation strategy, and that is based on a robust and inclusive public engagement process that ensures the various viewpoints of the community are fully considered. We look forward to having an opportunity to discuss this project with you further.

Please call me at 212-353-7458 or email me at s.favate@bfjplanning.com if you have any questions.

Sincerely,



Susan Favate, AICP
Principal

FRANK S. FISH FAICP
GEORGES JACQUEMART PE, AICP
SUSAN FAVATE, AICP
SARAH YACKEL, AICP



1.0 Firm Profiles - BFJ Planning

Firm Overview

BFJ Planning is a consulting firm providing professional expertise in planning and related fields since its establishment in 1980. BFJ provides the following services for public, private, and non-profit clients throughout the country and overseas:

- Planning
- Urban design
- Environmental analysis
- Real estate consulting
- Transportation planning

This range of services enables BFJ to bring a project from the initial feasibility stage, through planning and approvals, to site design and implementation.

Principals and staff provide expertise in many areas, which is highly beneficial for complex development projects that require informed, innovative thinking from different professional points of view. This inclusive approach ensures that BFJ's planning and design recommendations are realistic and achievable within project constraints.

BFJ's expertise includes developer negotiations, impact mitigation, and government programs. The firm also has extensive experience with consensus building and the public participation process, conducting public meetings, workshops, and other community liaison programs aimed at public participation and review. These programs allow the firm to provide innovative solutions that fulfill the needs of clients and communities. BFJ has successfully completed more than 1,000 projects in the U.S., East Asia, Europe, and South America.

BFJ is a corporation and affiliate of Perkins Eastman Architects. BFJ is supported by its affiliate, Urbanomics. Since 1984, Urbanomics has provided public- and private-sector clients with an array of economic development planning studies, market studies, tax policy analyses, program evaluations, and economic and demographic forecasts.

Principals

Frank Fish FAICP, specializes in comprehensive planning, real estate development, and public approvals. He has represented more than 30 municipalities throughout the Northeast and major private sector clients.

Georges Jacquemart PE, AICP, has worked for more than 35 years in the field of traffic engineering and transportation planning, managing studies ranging from strategic planning assignments to detailed access, roadway, and parking design assistance.

Sarah Yackel AICP, is an urban planner with more than 15 years of experience in environmental and land use planning. She has extensive expertise in the environmental impact review and assessment processes, including the management, preparation and review of environmental review documents at all levels of government.

1.0 Firm Profiles - BFJ Planning

Susan Favate AICP, PP has more than 10 years of professional planning experience, with a particular focus on municipal planning and market analysis. She has worked on projects including land use and zoning impact analyses, comprehensive planning, SEQR review and market analyses.

Senior Associates

John West specializes in urban design and zoning reviews. Previously, he was a Director of Planning at Rockrose Development Corporation, and a senior urban designer at the NYC Department of City planning.

Jonathan Martin Ph.D, ACIP is an urban designer with over 15 years of experience in community planning and project management. He is also a professor in graduate programs at Pratt Institute and Columbia University.



BFJ Westchester County Experience

1.0 Firm Profiles - Urbanomics

Firm Profile

Urbanomics is a consultancy that serves businesses and government in the areas of economics, public finance, and urban planning. Since 1984, the firm has offered public- and private-sector clients with an array of economic and demographic forecasts, economic development planning studies, market studies, tax policy analyses, and program evaluations. Urbanomics' range of services includes:

- Forecasting and modeling
- Economic development
- Market and financial feasibility
- Fiscal analysis
- Impact assessment

The firm's work often incorporates geospatial analysis (ArcGIS) and is supported by access to one of the region's most extensive in-house set of economic and planning databases. Urbanomics' client list includes major New York city and state agencies, private developers and community organizations, as well as non-profit organizations in the areas of planning, preservation, and advocacy.

As a highly specialized firm, projects are often undertaken jointly with a network of associated firms in the areas of economics and econometrics, urban and transportation planning, and architectural design.

Urbanomics, Inc. is recognized as a Women's Business Enterprise (WBE) by numerous public agencies and as a Disadvantaged Business Enterprise (DBE) with the Port Authority of New York and New Jersey.

Urbanomics offers a range of services, including economic and demographic forecasting; economic and fiscal impact analysis; and market and financial feasibility analysis. In applying these methods, the firm draws on a diverse body of skills in regional economics, urban economics, transportation economics, environmental economics, and public finance.

Economic Development

Urbanomics uses its expertise in economic development to help communities assess the strengths and weaknesses of local economies, and identify economic strategies that can retain and expand existing industries, as well as attract new ones. The firm also analyzes existing and proposed public policy initiatives to determine net benefits and assists communities in the preparation of federal Comprehensive Economic Development Strategies (CEDs) and Consolidated Plans.

Fiscal Analysis

Urbanomics offers a variety of fiscal analysis services to public sector clients. Through analysis and forecasting of revenues and expenditures, the firm helps agencies understand the impact of programs and policies on future

1.0 Firm Profiles - Urbanomics

budgets and cash flow. Urbanomics can also help communities assess the fiscal impact of new development or land use policies in terms of municipal revenues and the demands for community facilities and services. The firm can help governments analyze the fiscal effects of the location decisions of major private sector employers.

Forecasting and Modeling

Urbanomics has performed economic and demographic forecasting for major city and state agencies, including the New York City Department of Environmental Protection (DEP) and the New York Metropolitan Transportation Council (NYMTC). The firm's NYMTC forecasts have been cross-accepted for use in planning by the Region's major transportation agencies. Urbanomics takes an integrated approach, combining forecasts of industry employment linked to national models, with cohort-based population projections, and a migration component that calibrates labor supply to demand.

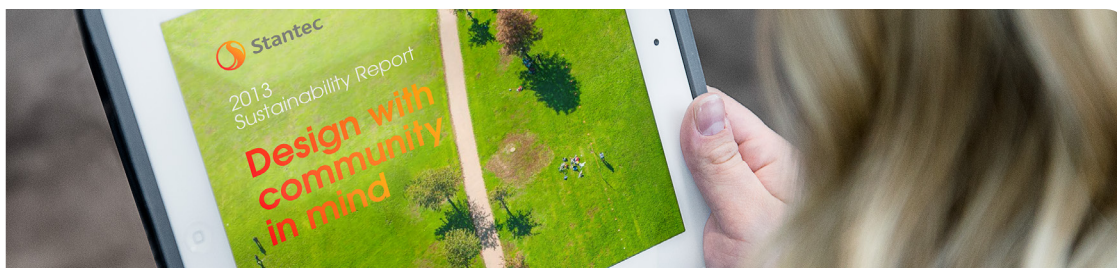
Market and Financial Feasibility

Urbanomics works with governments and private developers to identify the most appropriate uses for development programs based on analyses of area real estate markets and demographics. Urbanomics can help clients define target markets, identify existing and proposed competitive properties, and establish the level and timing of development. The firm also provides fiscal analysis of projects through revenue and expenditure estimates and pro forma development.

All services are supported by technology systems including:

- Extensive collection of federal, state and city databases
- Geographic Information Systems (GIS) software, including ArcView 8.2 and 3.2, MapInfo, and Caliper Community 2020
- In-house high-resolution color printers and plotters
- T-1 Internet Connection
- Dell Pentium® 4 Computers
- Microsoft Access, Excel, Word, SPSS

1.0 Firm Profiles - Stantec



We are Stantec

We're active members of the communities we serve.
That's why at Stantec, we always **design with community in mind.**

The Stantec community unites approximately 22,000 employees working in over 400 locations across six continents. Our work—engineering, architecture, interior design, landscape architecture, surveying, environmental sciences, project management, and project economics, from initial project concept and planning through design, construction, and commissioning—begins at the intersection of community, creativity, and client relationships. With a long-term commitment to the people and places we serve, Stantec has the unique ability to connect to projects on a personal level and advance the quality of life in communities across the globe.

Founded: 1954 **Ownership:** Publicly Owned **Stock Exchange:** NYSE/TSX: STN **Gross Revenue:** CDN \$2.9 Billion (2015)

Corporate Headquarters: 10160 – 112 Street, Edmonton, Alberta, Canada, T5K 2L6

Leadership:

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Dan Lefavre—Executive Vice President & CFO
Tino DiManno—Executive Vice President & CBO
Scott Murray—Executive Vice President & COO
Rich Allen—Executive Vice President
Paul Allen—Executive Vice President
Leonard Castro—Executive Vice President
Carl Clayton—Executive Vice President
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Alberta Central & Territories
Alberta South
Alberta North
British Columbia
Manitoba
New Brunswick & P.E.I.
Nova Scotia & Newfoundland
Ontario GTA
Ontario North & East
Ontario Southwest
Quebec
Saskatchewan

United States

California South
Gulf
Mid-Atlantic
Midwest
New England
Pacific North
Southeast
Southwest
Tri-State

International

Americas
Eurasia

Sectors:

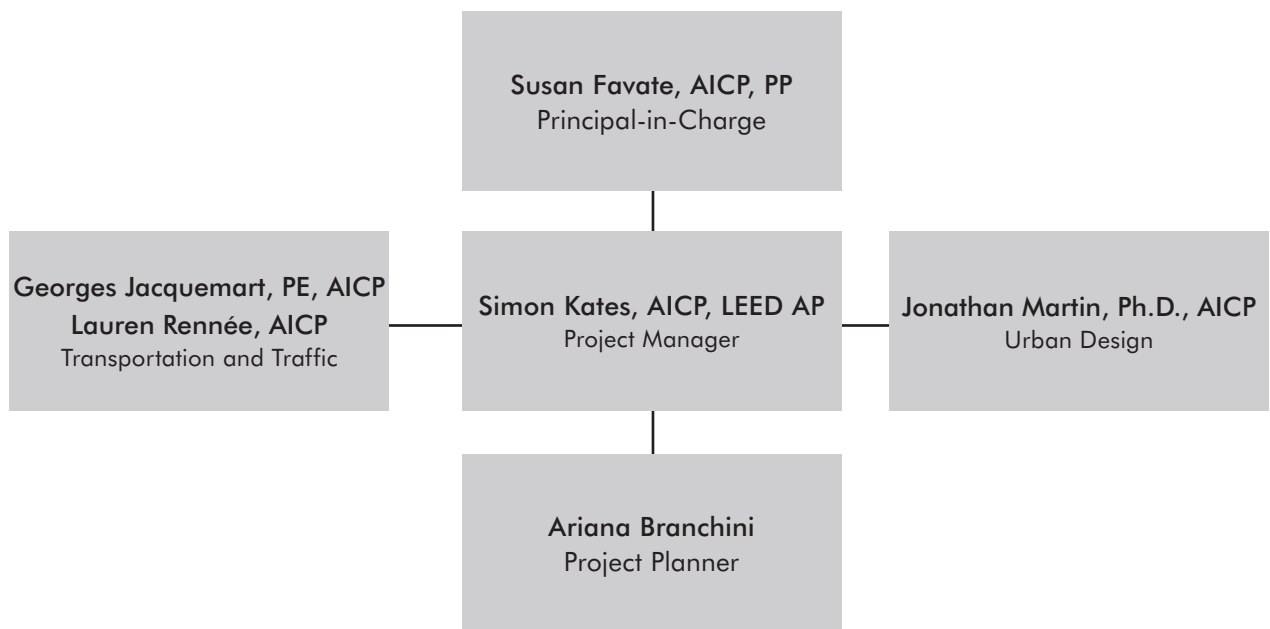
Airports	Municipal Government
Attractions, Arts & Entertainment	Oil and Gas
Bridges	Power and Energy
Commercial	Public Safety
Community Development	Roadways
Community Facilities	Science & Technology
Education	Sports and Recreation
Federal Government	State/Provincial Government
Healthcare	Transit & Rail
Industrial Buildings	Water
Mining	



2.0 Project Team

CITY OF RYE

BFJ Planning



Sub Consultants



Susan Favate, AICP, PP

Principal

Role: Principal in Charge

Susan Favate has more than ten years of experience in land use and environmental planning for both public- and private-sector clients. Her areas of focus include zoning; comprehensive planning; site plan reviews; community visioning; environmental analysis; and real estate, market and housing studies. Prior to joining BFJ, Ms. Favate spent five years as a writer and editor for Dow Jones Newswires.

Education

Master of Urban Planning, New York University, Robert F. Wagner Graduate School of Public Service
Bachelor of Arts in Journalism and Mass Communication, University of North Carolina at Chapel Hill

Memberships

Ms. Favate is a member of the New York Metro and New Jersey Chapters of the American Planning Association (APA). She is also a member of the planning board in the Borough of Chatham, NJ, and serves on the Borough's affordable housing committee.

Awards

Public Service Scholar, Robert Wagner Graduate School of Public Service, New York University
Robert F. Wagner School of Public Service: Dean Howard Newman Capstone Team Award, "Sing Sing Historic Prison Museum: Assessment of Economic Impacts and Planning Framework"

Selected Experience**Comprehensive Plan**

Rye Brook, New York

Preparation of the Village's first-ever comprehensive plan, building on significant prior planning efforts and a robust public outreach process. The plan examined a range of issues, with a special focus on the existing commercial area, exploring the potential to transform this area from an auto-oriented suburban shopping area to a traditional Village Center. Recommendations also included suggested improvements to Village parks and the creation of interconnected passive open spaces.

Planning Advisory Services

Mamaroneck, New York

Ongoing planning services, such as site plan reviews including SEQR, traffic and transportation, neighborhood context and site layout, as well as zoning code amendments, planning studies and environmental reviews on behalf of the Planning Board. Also includes an update to the Village's 1986 Master Plan and an update to its Local Waterfront Revitalization Program (LWRP).

Transit-Oriented Development**Zoning Study**

Mamaroneck, New York

Preparation of a TOD zoning study for the Washingtonville neighborhood, within a half-mile of the Village's train station and adjacent to its central business district. In partnership with the Washingtonville Housing Alliance, the recommended a series of changes to the existing zoning in the area, as well as creation of a TOD overlay district to promote mixed-use development incorporating design guidelines and affordable housing incentives. Follow-up revisions to the zoning code were drafted and adopted to implement the study's recommendations.

Comprehensive Plan

Rockland County, New York

Development of a long-term Comprehensive Plan for a suburban and semi-rural county, to address a range of land use, environmental, infrastructure and transportation issues. The Plan provides general recommendations on future land use policies to implement those strategies, address key matters under direct County jurisdiction and identify potential land use conflicts among municipalities.

Susan Favate, AICP, PP

Principal

Role: Principal in Charge

Project Experience (continued)**Master Plan Update***Briarcliff Manor, New York*

Update to the Village's 1988 Master Plan. Key issues included open space preservation, managing future growth along corridors, promoting development that would maintain existing character and strengthening the downtown.

Comprehensive Plan Update*Harrison, New York*

Update of the draft Comprehensive Plan to incorporate additional analysis of the downtown and Platinum Mile area, a 4.5-mile stretch of corporate parks along I-287. Key zoning recommendations included changes to expand the allowable uses in the office corridor and to protect the character of Harrison's two-family district.

Comprehensive Plan Update*Somers, New York*

Update to the Town's previous Master Plan. Key issues included strengthening of commercial nodes; preservation and enhancement of parks, open spaces and agricultural uses; and measures to ensure appropriate development of remaining vacant and underutilized lands.

Comprehensive Plan Update*Nyack, New York*

Update to the Village's Comprehensive Master Plan to incorporate environmental sustainability throughout the plan and address key focus areas of the Hudson River waterfront, the downtown and the "Gateway" areas off the New York State Thruway.

Local Waterfront**Revitalization Program***Port Chester, New York*

Update of the Village's LWRP, a plan for the future development and redevelopment of the Byram River and Long Island Sound waterfront. The Plan includes extensive graphics and mapping, an analysis of existing conditions and environmental constraints and a harbor management plan.

Master Plan Update*Bronxville, New York*

Update of the Village's 2002 Community Plan to reflect existing conditions and demographic changes.

Planning Advisory Services*Pleasantville, New York*

Review of two significant projects on behalf of the Village's Board of Trustees: a 68-unit townhome development on a former office complex and an 87-unit assisted-living facility adjacent to a residential neighborhood. Key issues for both projects included stormwater management and preservation of community character.

Zoning Code Updates*Croton-on-Hudson, New York*

Targeted updates to the Village's zoning code to implement recommendations of the 2003 Master Plan, which BFJ prepared. Revisions included a rezoning of parks, open space and environmentally sensitive areas to more protective zoning; the addition of provisions for home occupations; changes to regulation of accessory apartments; and adjustments to the process for determination of consistency with the Village's Local Waterfront Revitalization Program (LWRP).

Neighborhood Plans*Greenwich, Connecticut*

Preparation of three neighborhood plans in Greenwich: Cos Cob, Eastern Greenwich (Old Greenwich, Riverside and North Mianus) and Glenville/Pemberwick. Each plans examined a range of issues and incorporated input from public workshops and online surveys. Recommended strategies included zoning revisions, establishment of Village Districts, and infrastructure improvements.

Simon Kates, AICP, LEED AP

Associate

Role: Project Manager

Mr. Kates has a background in architecture, urban planning, and energy finance. As an associate at BFJ, he has developed post-Hurricane Sandy resilience plans, worked on the development of an industrial Business Improvement District in Queens, and provided land use and zoning consulting services to public-sector clients. Mr. Kates is in the process of assisting several New York State communities in development of transfer of development rights (TDR) programs. This objective of this NYSDA-funded project is to create TDR programs that preserve agricultural land, protect sensitive environmental areas, and limit development in flood-prone areas, while focusing future development in smart growth patterns. Prior to joining BFJ, conducted research on waterfront industrial regulations in the face of rising sea levels, storm surge potential, and impacts on adjacent environmental justice communities.

Education

Master of Science City and Regional Planning, Pratt Institute

Master of Architecture, University of Oregon

Bachelor of Arts Art History, Architectural Studies, Tufts University

Teaching and Professional Development

Visiting Assistant Professor, Pratt Institute: Graduate Center for Planning and the Environment, 2016-present

Skills

AutoCad, ArcGIS, Revit, Illustrator, Photoshop, InDesign, SketchUp, SPSS, Sefaira

Experience**NY Rising Community Reconstruction Program***New York*

Project Planner on the NYRCR Program for the Governor's Office of Storm Recovery. Provided management and technical planning assistance to three communities in Staten Island and Nassau County to develop a list of projects backed by CDBG-DR funding for implementation in areas that were hit hardest by Sandy and Irene. The NYRCR Plans evaluated the risks to critical community assets, assessed each community's needs and opportunities, and developed specific implementation projects to rebuild from Sandy and Irene, but also protect these critical assets from future storms and extreme weather events.

New Rochelle Comprehensive Plan*New Rochelle, New York*

Project Planner on the New Rochelle Comprehensive Plan update, which is currently in progress. Role has included conducting research and writing content for Comprehensive Plan chapters and incorporating components of the City's Sustainability Plan into the Comprehensive Planning process. In addition to sustainability goals, the key preliminary objective of the plan update includes focusing new development on the downtown area while preserving the character of the vast majority of the City's residential neighborhoods.

New Rochelle LWRP*New Rochelle, New York*

Project Planner on the ongoing update to the New Rochelle Local Waterfront Revitalization Program. The key objective of New Rochelle's LWRP update is focused on removing barriers to waterfront access. These barriers range from regulatory hurdles, limited public ownership, lack of connections between waterfront open space and the need for more opportunities for residents and visitors to access the water via small boats or kayaks. The plan will also focus on sustainability and resilience to climate change.

Nyack Comprehensive Plan*Nyack, New York*

Project Planner on the update to the Comprehensive Plan for the Village of Nyack, which is currently in progress. Role has included incorporating key objectives from the Village's Sustainability Plan into the Comprehensive Plan process, meeting with Village staff to identify local objectives and producing public workshops to ensure that the community's goals are incorporated into the plan. In addition to the focus on sustainability, the plan is also concerned with the future of the Village's waterfront, the impact of regional concerns such as the new Tappan Zee Bridge and future development of the Village's gateways and the downtown.

Simon Kates, AICP, LEED AP

Associate

Role: Project Manager

Project Experience (continued)**NYSERDA TDR Toolbox***New York State*

Project Manager on grant-funded project sponsored by NYSERDA and New York State Department of Transportation to create a Transfer of Development Rights (TDR) Toolbox to assist New York State municipalities in implementing TDR regimes. The objective is to develop strategies that maximize the impact of TDR by incorporating other land use planning objectives such as transit-oriented development, reduced development in flood zones, preservation of agricultural land and conservation of sensitive environmental areas.

Greater JFK Industrial Business Improvement District*Queens, New York*

Project manager of the consultant team working with the New York City Economic Development Corporation to establish an industrial business improvement district in the off-airport cargo district adjacent to JFK Airport. Worked with a planning committee composed of property owners, business owners, and residents to establish the Greater JFK IBID to support the off-airport air cargo district and enhance the quality of life and recognition of the diverse experiences of all who work, visit, and live within the district.

Peekskill LWRP*Peekskill, New York*

Project Planner on the current update to the City of Peekskill Local Waterfront Revitalization Program. The key objectives of this ongoing project include identifying appropriate increases in density and height restrictions in the waterfront district to encourage mixed-use development that builds upon recent open space improvements, brings additional activity to the water's edge and preserves the existing character and important viewsheds.

Former White Plains Complex Feasibility Study*Peekskill, New York*

Developed a series of redevelopment strategies to reuse a formerly industrial site in Peekskill for an alternate use more appropriate for the surrounding residential neighborhood. This project included development of proposed zoning changes, adaptive reuse of buildings with historical value, identification of appropriate building scale given the neighborhood context and evaluation of use types that would be supported by the current real estate market. The process included input from staff of the City of Peekskill to gauge the City's objectives, public outreach to understand community concerns and management of specialist subconsultants providing technical support on architecture, engineering and market analysis.

Village of Tarrytown Historic Commons District Amendments*Tarrytown, New York*

Developed amendments to the Tarrytown Historic Commons District zoning regulations to preserve the visual integrity and viewsheds of the HC District. Assisted in preparing an EAF pursuant to SEQR requirements analyzing the proposed amendments to the Village Zoning Code, Zoning Map, and Comprehensive Plan.

New York City Industrial Performance Standards**Brooklyn, New York*

Created a report on behalf of the New York City Environmental Justice Alliance examining risks posed by NYC's outdated industrial performance standards. Particular attention was paid to the impact of flooding and storm surge on low-income communities of color adjacent to waterfront industrial areas. Recommendations were made to reorganize the regulatory framework of the performance standards.

Jonathan Martin, Ph.D., AICP
Urban Designer/Planner

Jonathan Martin, Ph.D. is an urban designer with 20 years of experience in community planning and project management. He is also a professor in graduate programs at Pratt Institute and Columbia University.

Education	City and Regional Planning (Ph.D.), Cornell University Master of Regional Planning (MRP), Cornell University BSD-Architecture, Arizona State University	
Memberships	American Planning Association, Association of American Geographers, Association of Collegiate Schools of Planning, National Low Income Housing Coalition	
Teaching and Professional Development	Associate Professor, Pratt Institute: Graduate Center for Planning and the Environment, 2006-present; Columbia University: Department of Urban Planning, Adjunct Faculty, 2006-present; Danish Institute for Study Abroad: Architecture & Design Program, Visiting Faculty, 2011; Cornell University: Department of City and Regional Planning, Visiting Lecturer, 2003-2005	
Awards	2011 Japan Foundation Center for Global Partnership Education Grant 2002 US HUD Early Dissertation Student Research Grant 2000-01 City and Regional Planning Sage Fellowship (Cornell University) 2001 American Institute of Certified Planners Best Student Project Award (National Level) for Applying the Planning Process	
Experience	<p>Lower Main Street Design Study <i>Trumbull, Connecticut</i> Design study and public outreach program for Lower Main Street in the Town of Trumbull. The study objectives were to evaluate the existing overlay zoning, identify community preferences for future development and suggest appropriate regulatory tools to balance growth while protecting community character.</p> <p>Planning Facilitation – Seaport Working Group <i>New York, New York (2014)</i> Facilitator for 25-person working group to develop guidelines and principles for future redevelopment of the South Street Seaport in New York City as part of a pre-ULURP certification process. The working group included federal, state and local elected officials, community representatives, developers and interest groups. The two-month process produced guidelines covering historic preservation, urban design, waterfront access, retail mix and resiliency to guide future development in the Seaport area.</p>	<p>Planning Facilitation - East Midtown Rezoning <i>New York, New York (2014-15)</i> Member of a four-person facilitation team for the steering committee authorized by Mayor De Blasio to make recommendations on the rezoning of a 70-square-block area of East Midtown, Manhattan. The process involved 19 committee meetings and over 70 individual stakeholder and intra-agency meetings to develop consensus-based recommendations, presented to the City Planning Commission in 2015.</p> <p>Stamford Master Plan <i>Stamford, Connecticut</i> Urban design component for Stamford's master plan, with a focus on the downtown, South End and neighborhood "village" areas.</p> <p>East River Esplanade Design Study <i>New York, New York</i> Working with nonprofit group CIVITAS, facilitation of an urban design project for a new esplanade along the East River. The project included a charrette to engage the public, developing renderings and materials to represent the</p>

Jonathan Martin, Ph.D., AICP

Urban Designer/Planner

Project Experience (continued)

community's ideas, and producing an advocacy booklet.

Facade Improvement Program for the Village of Farmingdale*Farmingdale, New York*

As part of a Village-led facade improvement program that built on a comprehensive plan and design guidelines manual, this ongoing project develops conceptual designs for 70 existing downtown storefronts and buildings. To date, approximately 35 of these have been successfully implemented.

Local Waterfront Revitalization Plan*Port Chester, New York*

Directed urban design elements including improved design of a half-mile waterfront promenade and design of a new 2.5-acre downtown waterfront park. Other design initiatives include providing waterfront access to an existing public park outside of downtown and a redesign of a peninsula area to create new public open space along the waterfront and improve operations for a publicly operated yacht club.

Cos Cob Neighborhood Plan*Greenwich, Connecticut*

Directed urban design components for a neighborhood plan, focusing on revitalization of the local business district, design strategies for properties along the U.S. Route 1 corridor and recommendations to improve public access to a waterfront park.

Hempstead Turnpike Corridor Plan**Elmont, New York*

Community-based planning process to revitalize a 2-mile commercial. The process included working collectively with the Town of Hempstead, Nassau County and Sustainable Long Island through an 18-month community outreach program. The corridor plan supports existing retail success, identifying more parking resources, improving pedestrian access and safety, and recommending traffic calming solutions.

Downtown Yonkers Large-Scale Waterfront Development**Yonkers, New York*

Coordination of planning approval for a \$1.3 billion mixed-use redevelopment in downtown Yonkers, New York. The program includes 1,400 residential units, 450,000 sf of retail, 90,000 sf of restaurant space, 80,000 sf of arts/cinema uses, 500,000 sf of office, a 150-key hotel, 5,000 public parking spaces, a 6,500 seat minor league baseball field, and daylighting of approximately 1,900 linear feet of the Saw Mill River. The project included the first application of tax increment financing in New York State.

City of Middletown**Comprehensive Planning****Middletown, New York*

Conducted a full-scale comprehensive planning process for the City of Middletown (Orange County) that involved interviews, community outreach and visioning, population and housing projections, land use and infrastructure considerations and economic development opportunities.

Nassau County Affordable**Housing Site Planning****Nassau County, New York*

Development and presentation of numerous schemes to site affordable housing (mixed income, mixed programs) for Nassau County Planning Commission. Process included site, area and contextual analyses and architectural/conceptual site plan designs.

Comprehensive Downtown Planning/Urban Design**Village of Farmingdale, New York*

Coordination of a full-scale comprehensive planning process and downtown revitalization effort for the Village of Farmingdale (Nassau County) that involved modeling downtown growth, community outreach, land use and infrastructure considerations and economic development opportunities.

* Designates work completed prior to joining BFJ Planning.

Ariana Branchini

Role: Project Planner

Ariana Branchini has worked on a variety of planning projects for public and private sector clients. She has experience with every phase of the study process from data collection in the field to final report preparation. Ms. Branchini provides technical support to planning projects using geospatial modeling tools. In graduate school, Ms. Branchini concentrated her studies in planning and economic development with a focus in public realm improvements and public private partnership.

Education

Master of Science in Urban Planning, Graduate School of Architecture, Planning and Preservation, Columbia University, 2015
Bachelor of Arts, International Relations, Johns Hopkins University, 2011

Skills

Adobe Creative Suite (Illustrator, Photoshop, InDesign), ArcGIS, SketchUp, AutoCad

Selected Experience**Downtown Revitalization Initiative**

Middletown, New York

Analyzed existing conditions and developed goals and recommendations for the revitalization of Downtown Middletown. Key issues included job generation, enhancing the downtown environment through improved urban design, and leveraging public and private funding sources to promote local businesses and bring residents downtown.

Downtown Revitalization Initiative

Glens Falls, New York

Analyzed existing conditions and developed goals and recommendations for the revitalization of Downtown Glens Falls. Key issues included waterfront connectivity, building a pedestrian friendly downtown environment, and attracting entrepreneurs to build food- and wellness-related innovative businesses to the downtown.

Privately Owned Public Space (POPS) Fellowship*

New York, New York

Consulted for Department of City Planning on an ongoing project to analyze and record existing conditions and compliance with legal requirements surrounding Privately Owned Public Spaces in New York City. Organized data for over 350 buildings with POPS using Microsoft Access and GIS platforms. Produced reports for City agencies to locate and evaluate POPS amenities provision and overlap with business improvement districts, rezoning areas and community districts.

Environmental Planning Internship*

New York, New York

Prepared environmental review documents (EIS, EAS, Technical Memoranda) for privately and publicly sponsored rezoning and development projects pursuant to CEQR, SEQRA, and NEPA guidelines. Collected on-site traffic, noise, parking and pedestrian data, and analyzed results for documents forecasting the environmental impact of development projects.

Re-Imaging Aoyama Street*

Tokyo, Japan

Part of a Columbia University team assessing streetscape plans and developing recommendations centered on bicycle and pedestrian focused thoroughways. The study outlined innovative strategies for resilience efforts following the 2011 earthquake, and focused on economic and neighborhood identity development in anticipation of the 2020 Summer Olympic Games.

*Designates work completed prior to joining BfJ Planning

Georges Jacquemart, PE, AICP

Principal

Role: Transportation and Traffic

Georges Jacquemart is a principal of BFJ and directs the firm's transportation work. Mr. Jacquemart has extensive experience in managing and undertaking feasibility and impact studies for investments in roadway and transit systems, parking management programs, and bicycle and pedestrian circulation. He worked on assignments for a variety of clients in North and South America, Europe, Asia and Africa.

Prior to becoming a principal of BFJ, Mr. Jacquemart was the principal of Jacquemart Associates, Inc., a New York-based transportation planning and traffic engineering firm. He had previously been Associate Vice President and Regional Manager of Alan M. Voorhees & Associates.

Education

Master of Science, Urban Planning, Stanford University
Post Graduate Courses, Systems Analysis, Federal Polytechnic School of Lausanne, EPFL, Switzerland
Civil Engineering Diploma, Transportation, Federal Polytechnic School of Lausanne, EPFL, Switzerland

Memberships

Mr. Jacquemart is a licensed civil and traffic engineer in California, and a licensed engineer in New York, New Jersey, and Luxembourg. He is a member of the American Institute of Certified Planners and the Transportation Research Board.

Teaching and Professional Development

Pratt Institute; Adjunct Professor of Transportation Planning (1986-current)
New York University, Robert Wagner School of Public Service; Adjunct Professor of Transportation Planning (2002-2008)
Princeton University Woodrow Wilson School of Public and International Affairs; Guest Speaker
Columbia University School of Architecture, Planning and Preservation; Guest Speaker
University of Sao Paulo; Guest Speaker

Publications

"NCHRP Synthesis 264: Modern Roundabout Practice in the United States," National Cooperative Highway Research Program, Transportation Research Board, National Research Council, Washington, 1998.
Co-author. *Roundabouts: An Informational Guide*. Federal Highway Administration, June 2000.
"Chapter 8: Roundabouts," *Toolbox on Intersection Safety and Design*. Institute of Transportation Engineers and FHWA, September 2004.
"Alternative Approaches to Estimating Internal Traffic Capture of Mixed-Use Projects," ITE Journal, November 2011 Institute of Transportation Engineers.
"Determining the Ideal Location for Pedestrian Crossings at Signalized Intersections," ITE Journal, September 2012, Institute of Transportation Engineers.

Project Experience**Central Business District Parking Study**

City of Rye, New York

Assessment of existing and future parking conditions, along with proposed solutions to improve existing conditions. These include parking management strategies, opportunities for expanding the parking supply and strategies to reduce parking demand.

Nyack Parking Study

Nyack, New York

Study of parking conditions and make recommendations for improved parking management, to include refining the current regulations.

Yonkers Parking Study

Yonkers, New York

Study to determine expected parking shortages resulting from downtown developments and strategies to address future parking.

Georges Jacquemart, PE, AICP

Principal

Role: Transportation and Traffic

Project Experience (continued)

Scarborough Station

Briarcliff Manor, New York

Study of parking and accessibility options for Scarborough Station.

Collinsville Parking Study

Town of Canton, Connecticut

Parking study to determine current and future parking conditions, and proposed regulations and policies that address the Village's parking demand while adding to its historical and visual qualities.

**Village of Garden City CBD
Parking Study**

Village of Garden City, New York

Analysis of the existing and future parking supply and demand. This study recommended changing the parking requirements to reflect more urban than suburban parking standards.

**Village of Rockville Centre
Parking Study**

Village of Rockville Centre, New York

Parking study to determine how the Village could more efficiently utilize existing parking and to determine if demand existed for the creation of additional parking.

**Washington Square Development
and Parking Study**

Mamaroneck, New York

Study to solve parking problems that affect the neighborhood, primarily the conflicts between commuter parking at the adjacent Larchmont train station and the residents' parking.

**Downtown Saratoga
Springs Transportation Study**

Saratoga Springs, New York

Transportation and parking improvement plan for downtown Saratoga Springs, and evaluating and refining the City's form-based zoning.

**Manchester Center Parking
and Circulation Study**

Manchester, Vermont

Analysis of the traffic and parking problems in the Town. The study was prompted by its significant growth as a visitor and retail outlet center. Recommendations included off-site parking and a park-and-walk system.

Palmer Square Parking Study

Princeton, New Jersey

Traffic and parking study to determine the Square's existing parking demand and its main characteristics, and to satisfy the parking code while increasing parking spaces.

**Princeton University Garage Impacts
and Feasibility Studies**

Princeton, New Jersey

Two University parking garage impact and feasibility studies. Design assistance was also provided to the architects for the garage.

St. Albans Parking Analysis

City of St. Albans, Vermont

Downtown parking study, as part of a larger city-wide traffic circulation study. Recommendations were developed for improving enforcement on extensive illegal parking that was proving to be detrimental to shopping in the area. Design guidelines were developed to eliminate traffic hazards caused by angled parking spaces.

Schering-Plough Garage Signing

Kenilworth, New Jersey

Signage program for an employee parking garage including traffic control signs at the garage's entrances and exits, an inspection of sight distances for exiting vehicles, and directional and warning signs in the garage.

Trinity College Parking Study

Hartford, Connecticut

Development of a parking and circulation plan that focused on building additional on-campus facilities and reducing parking in areas considered historically or architecturally important.

Lauren Rennée, AICP

Role: Transportation and Traffic

Lauren Rennée has worked on a variety of transportation planning projects for public and private sector clients. She has experience with every phase of the study process from data collection in the field to final report preparation. Ms. Rennée provides technical support to transportation projects using geospatial and traffic modeling tools. In graduate school, Ms. Rennée concentrated her studies in transportation planning and policy with a focus in public transit, pedestrian and bicycle planning.

Education

Master of Urban and Regional Planning, Luskin School of Public Affairs, University of California, Los Angeles, 2012
Bachelor of Arts, Political Science, Columbia University, 2009

Skills

Adobe Creative Suite (Illustrator, Photoshop, InDesign), ArcGIS, SketchUp, AutoCad, AutoTurn, Synchro Studio, SPSS

Selected Experience**New Rochelle Comprehensive Plan***New Rochelle, New York*

Analyzed existing conditions and developed goals and recommendations for the transportation section of the Comprehensive Plan update. The chapter focuses on the use of complete streets treatments to improve connectivity between pedestrian generators and addresses circulation issues around the City's transit hub and largest employment center.

Nyack Master Plan*Nyack, New York*

Analyzed existing conditions and developed goals and recommendations for the transportation section of the Master Plan update. The recommendations focus on improvements to pedestrian and bicycle facilities to encourage use of alternative transportation modes.

North Williamsburg Transportation Study*New York, New York*

Coordinated extensive survey effort to inventory on and off-street parking locations and regulations in Williamsburg and Greenpoint, Brooklyn. Collected utilization data and documented illegal parking to assess performance of parking supply. Assembled data into GIS database and provided recommendations to address parking shortfalls for various user groups.

Downtown Waterville Revitalization Plan*Waterville, Maine*

Conducted parking utilization and traffic circulation study to determine impact of

proposed redevelopments projects in Downtown Waterville. Created detailed schematics for street improvements to support placemaking, such as the redesign of major intersections to increase accessibility.

Princeton University 2026 Campus Framework Plan*Princeton, New Jersey*

Conducted research and geospatial analysis of local and regional transportation conditions for Campus Framework Plan. Informed TDM strategy by geo-coding home-to-work data of commuting population and determined current and future public transit service areas.

Master Plan Circulation Element*Perth Amboy, New Jersey*

Prepared an update to the City's Circulation Element to develop recommendations and strategies to help revitalize the downtown, enhance sustainability and improve interconnectedness throughout the City and region. Key recommendations included strategies for complete streets, selected roadway improvements and changes to parking regulations. The study was also coordinated with a citywide Bicycle and Pedestrian Plan prepared by a separate consultant team.

Mercy College Travel Demand Management Plan*Dobbs Ferry, New York*

Analyzed travel behavior of student, faculty and staff to determine issues and opportunities for campus TDM plan. This involved geo-coding addresses of

Lauren Rennée, AICP

Role: Transportation and Traffic

Selected Experience (Continued)

commuting population, spatial analysis of regional transportation network, and administering an online travel survey.

60 S. Broadway Rezoning and Site Plan

White Plains, New York

Conducted traffic impact study for proposed redevelopment of the Westchester Pavilion site from a mall to a mixed-use development. Assisted with the design of parking and loading areas and the redesign of surrounding intersections.

3560 Broadway Environmental Review

New York, New York

Prepared Environmental Assessment Statement and traffic impact study for development in West Harlem. Conducted a detailed pedestrian analysis of sidewalks, crosswalks and corner reservoirs. Surveyed pedestrian elements and prepared detailed schematics of pedestrian elements and GIS-based maps.

SoHo Broadway Business Improvement District Mapping

New York, New York

Conducted comprehensive sidewalk survey of all fixtures, curb signage, and doorway locations within district. Prepared schematics in CAD and produced package of GIS data. Created maps of vending regulations for each block based on survey data for BID to use for enforcement.

Ballard Road Corridor Traffic Impact Studies

Wilton, New York

Conducted traffic impact study for two separate distribution center developments along industrial corridor off of I-87. Managed traffic counts and created Synchro model to conduct capacity analysis and determine mitigation measures.

Princeton University Arts and Transit Plaza Traffic Monitoring Program

Princeton, New Jersey

Coordinated periodic traffic counts to

determine to monitor traffic conditions as phases of the Arts & Transit Plaza are completed. Prepared reports comparing findings with previous traffic volume data.

Financial District Paid Commercial Parking Evaluation

New York, New York

Provided technical assistance in conjunction with NYCDOT's Paid Commercial Parking (PCP) program. Surveyed the sidewalk conditions and parking regulations of 100 block faces in the Financial District. Compiled and analyzed survey results to recommend the siting and installation of new meters and signage for commercial parking zones.

Cheshire Public School Facility Master Plan

Cheshire, Connecticut

Performed transportation analysis to evaluate student journey to school trends and assess impact from proposed development on school bus services. The study consisted of cleaning, geocoding and joining student data and creating a network analysis model to determine transportation load factors for each school in the district by travel mode.

57 Alexander Traffic Impact Study

Yonkers, New York

Conducted traffic impact study for residential development along Hudson Waterfront. Project consisted of an evaluation of previous studies and detailed analysis of future traffic generation.

MacLean Street Parking Study

Princeton, New Jersey

Analyzed parking and traffic conditions in residential section of downtown Princeton, NJ. Conducted an on-street parking occupancy survey and resident interviews to determine the actual parking demand for a proposed development.



3.0

Current Relevant Experience and References

Rye Central Business District Parking Study

City of Rye, New York

Contact:

Christian K. Miller

City Planner

City of Rye

1051 Boston Post Road

Rye, NY 10580

914.967.7167

The City of Rye asked BFJ Planning (BFJ) to assess the existing and future parking conditions in the Central Business District (CBD) and to propose solutions to improve existing conditions. The study included the following components: 1) an inventory of all existing on-street and off-street parking spaces in the CBD area, 2) a survey of parking occupancies and turnover on a typical weekday and Saturday, 3) an estimate of future demand based on new building floor area, and 4) a survey of shoppers regarding parking issues.

A critical component of the study was the input of the community to develop options and strategies to improve parking conditions. The consultant held three meetings with the Rye Parking Workshop Group. Based on parking surveys and input from the community, BFJ developed a number of strategies to address the parking shortage in the CBD. These recommendations include parking management strategies to improve the efficiency of the existing parking supply, opportunities for expanding the parking supply by building a new deck, and strategies for reducing demand for parking.



Boston Post Road Diet Study

Rye, New York

Reference:

Christian K. Miller

City Planner

City of Rye

Contact Info: (914) 967-7167

BFJ Planning (BFJ) was hired by the City of Rye, New York to study the traffic and safety along southern segment of the Boston Post Road (NY Route 1) from the Village of Mamaroneck border to Old Post Road, a 1.5 mile segment. The Boston Post Road, a major arterial connecting several villages and towns had 4 sub-standard lanes and relatively high speeds and crash rates. BFJ proposed to convert the existing four narrow lanes without shoulder to a two-lane highway with 7-foot striped median (to be landscaped in the future) and 4-foot shoulders on each side. Protected turn lanes were added at critical intersections. This plan was implemented and received with great success by the residents.

Before



After



Rye Brook Comprehensive Plan

Rye Brook, New York

Reference:

Christopher Bradbury,
Village Administrator

Contact Info: (914) 939-1121

The Village of Rye Brook engaged BFJ Planning to prepare its first municipal Comprehensive Plan. Although the Village had undertaken a number of prior planning efforts, it was in need of a village-wide master planning document that built on these previous efforts as well as on extensive baseline planning studies completed by the Westchester County Planning Department.

The Comprehensive Plan focused on a number of key issues that were identified during the initial phase of the study. These included recommendations for the Blind Brook Country Club; proposals for increased activity in the downtown area; and actions related to community recreation and open space needs.

BFJ worked closely with a residents advisory group to ensure that the plan involved an extensive public outreach process that included a project website, an online survey and four public workshops. This work also incorporated a branding strategy that utilized a logo and uniform color palette and font to establish an identity for the project.



Nyack Comprehensive Plan

Nyack, New York

Reference:

Jen Laird White, Mayor

Contact Info: (845) 358-0548

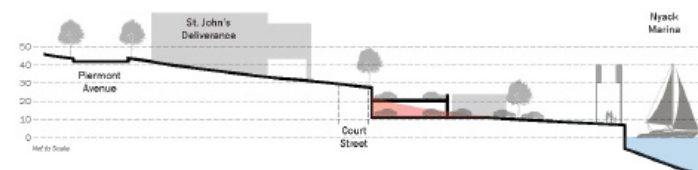
BFJ Planning is preparing an update of the 2007 Nyack Comprehensive Plan and Zoning Code. The plan update, funded by the New York State Energy Research and Development Authority (NYSERDA), focuses on incorporating demographic and economic conditions and coordinating them with the Sustainable Nyack Action Plan, potential impacts of the new Tappan Zee Bridge, other planning efforts within the Village and ongoing development activity in Nyack and along the Hudson River waterfront.

The Comprehensive Plan update incorporates sustainability principles by identifying goals and initiatives from the Sustainable Nyack Action Plan and coordinating with NYSERDA *Cleaner Greener Communities* efforts to develop a strategy for ongoing tracking through sustainability indicators and metrics. With a focus on the key opportunity areas of downtown, the waterfront and the "Gateway" area of the Village, the Plan also evaluates the potential for commuter or recreational ferry service.

BFJ is leading a multidisciplinary team of consultants including Perkins Eastman Architects and COWI North America, to cover specific aspects of the Plan such as waterfront opportunities and urban design. As part of the effort, BFJ has directed all public outreach aspects of the Plan update process, including seven public workshops and charrettes and a public survey taken by nearly 1,000 people.



Seasonal Recreation/Tourism



Mamaroneck Planning Advisory Services

Village of Mamaroneck,
New York

Reference:

Robert Galvin

Village Planner

Contact Info:

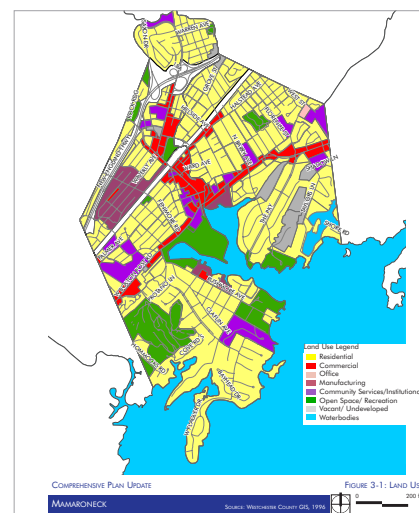
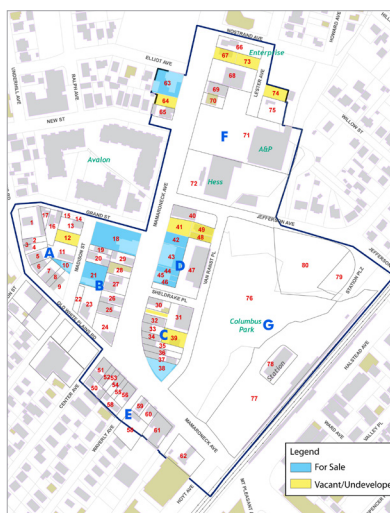
(914) 698-8845

BFJ Planning provided ongoing planning advisory services to the Village of Mamaroneck, a dynamic and diverse community of approximately 20,000 residents located 20 miles north of Manhattan on the Long Island Sound. BFJ Planning has assisted the Mamaroneck Planning Board with site plan and subdivision reviews including SEQR, traffic and transportation, neighborhood context and site layout. We have also assisted in numerous zoning code amendments, special planning studies and environmental reviews on behalf of the Mayor and Board of Trustees.

In our capacity as ongoing consulting planners for the Village, we prepared both the 1986 and 2012 Comprehensive Plans. For the more recent plan, we worked with a 25-member steering committee created by the Board of Trustees to prepare initial updates on existing landuse data, demographics, housing and population. Subsequent sections of the Plan focused on specific areas within the Village including residential neighborhoods, the industrial area, commercial sites and the harbor.

BFJ has also prepared the draft update to the original (1984) Mamaroneck Local Waterfront Revitalization Program (LWRP). Key issues addressed in the draft LWRP include public access, improvement of harbor management and administration of the consistency review process.

In addition, we recently completed a transit-oriented development (TOD) zoning study for the Washingtonville neighborhood, which is within a half-mile of the village's train station and adjacent to the central business district. BFJ also worked on revisions to the Village's zoning code and map to implement the TOD study's recommendations. A mixed-use building to replace a long-vacant site was approved by the Village, and a supermarket/retail complex has been proposed to replace a shuttered grocery store; both projects utilize the new TOD zoning.



Village of Pleasantville Comprehensive Plan

Pleasantville, New York

Reference:
Patricia Dwyer
Village Administrator
Contact Info: (914) 769-1940

BFJ Planning was retained by the Village of Pleasantville to update its Master Plan, with a primary focus on the Central Business District. The Village was interested in building on the economic development potential of key downtown assets such as its Metro-North train station, the Jacob Burns Film Center and municipally owned land, while preserving Pleasantville's small-scale character and quality of life.

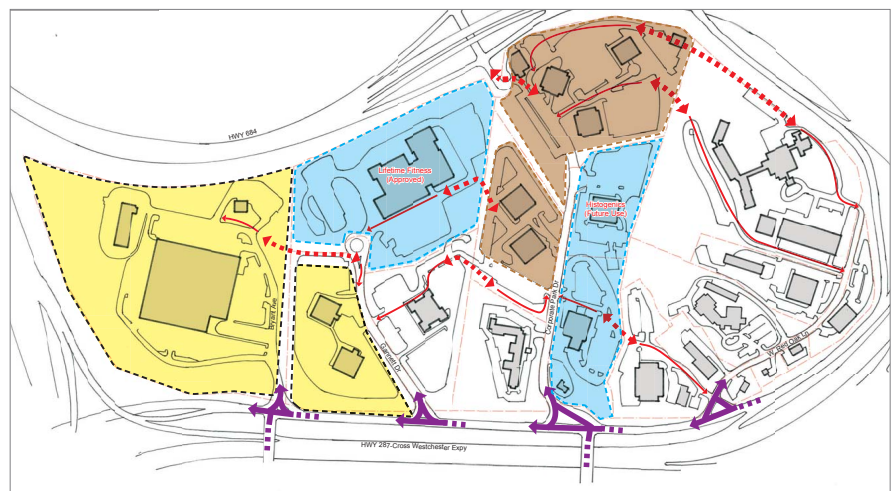
The Plan was prepared in close cooperation with the Village Board, who took an active role in drafting the Plan's content and recommendations, and also incorporated an interactive public outreach process. Key recommendations included downtown zoning revisions and intersection improvements to enhance walkability and create new public open space.



Harrison Comprehensive Plan

Town/Village of Harrison,
New York

The Town/Village of Harrison appointed BFJ Planning to update its latest draft of their Comprehensive Plan. The planning process included a public outreach program and detailed recommendations for downtown and Platinum Mile, a 4.5 mile stretch of corporate parks along I-287. The plan update directed attention towards protecting unique downtown features, encouraging a mix of uses and encouraging good design. Emphasis was also placed on providing sufficient parking to accommodate residents and visitors and to support a healthy business environment, and strengthening community and recreational facilities. A key element in the downtown is the proposed TOD on Metro-North parcels, which the plan seeks to leverage as a catalyst for downtown revitalization. The plan update also focused on potential repositioning of Harrison's Platinum Mile, aiming to provide Harrison with needed economic tax-base, while balancing the community's desire to preserve the existing character of the surrounding area.



**Port Chester
Comprehensive Plan**
Village of Port Chester,
New York

BFJ Planning prepared the Village of Port Chester Comprehensive Plan, which identified goals, policies, and guidelines for the immediate and long-range protection, enhancement, growth, and development of Port Chester. The Comprehensive Plan retained the qualities of Port Chester that its people have come to cherish, including a diverse cultural population, quality homes at affordable prices, a vibrant downtown, and its proximity to key employment centers in the region. At the same time, the vision addressed the challenges confronting the Village, including changing socio-economic conditions, unpredictable growth and development patterns, physical constraints limiting waterfront access, and underutilized non-residential properties.

The Plan focused on major elements of the Village's built environment, including maintenance and enhancement of residential neighborhoods; revitalization of commercial areas and the waterfront; strengthening of industrial areas; improvement of transportation and infrastructure facilities; and identifying opportunities for new development.

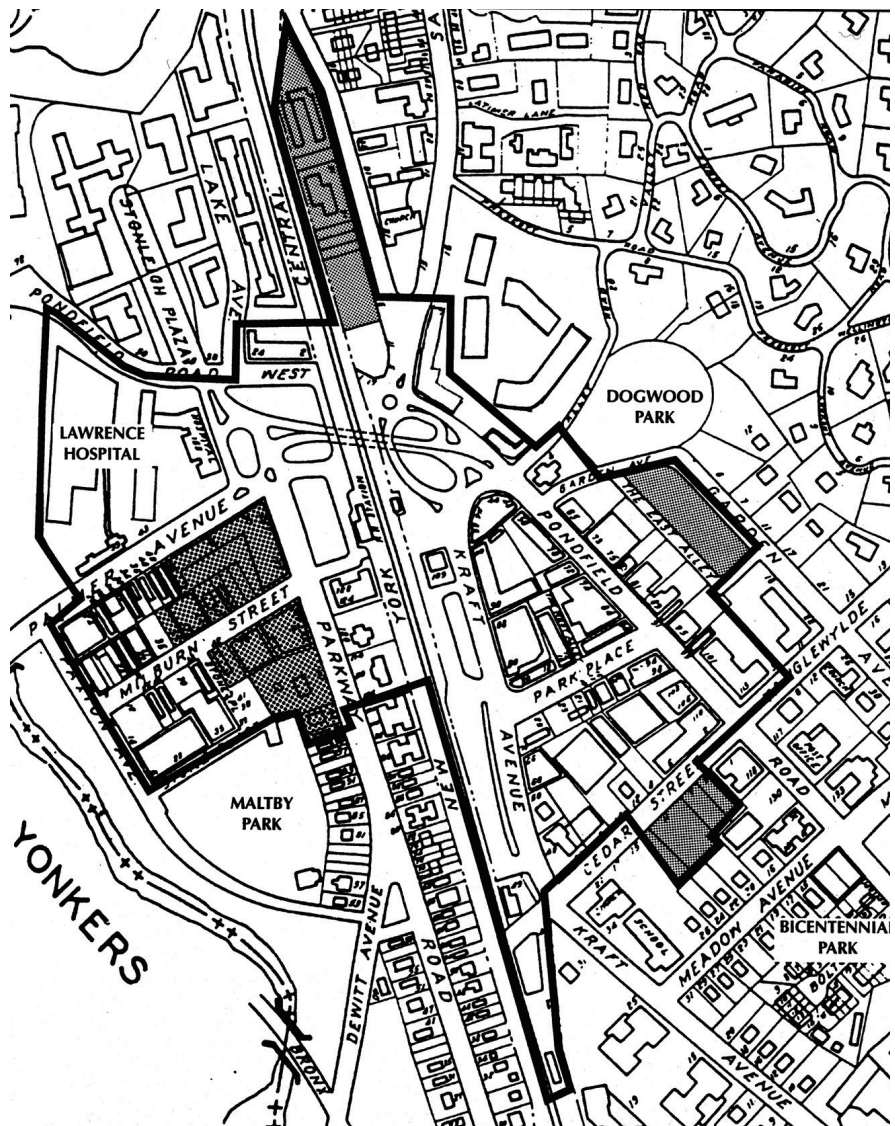


Bronxville Master Plan and Zoning Ordinance Update

Bronxville, New York

BFJ Planning updated the Community Plan and zoning code on behalf of the Village of Bronxville. Throughout the planning process, BFJ worked closely with the Planning Board, the Village Trustees, and the community. New research included a detailed downtown land-use survey to evaluate the retail mix. Critical issues included preserving the small town charm and historic character of Bronxville's downtown and diversifying its retail base.

BFJ also revised and updated Bronxville's Zoning Ordinance to provide a series of "special permit" uses, which would require additional review by the Planning Board prior to a grant of approval. The revised code was intended to protect the historic character of the downtown, while fostering new development opportunities.

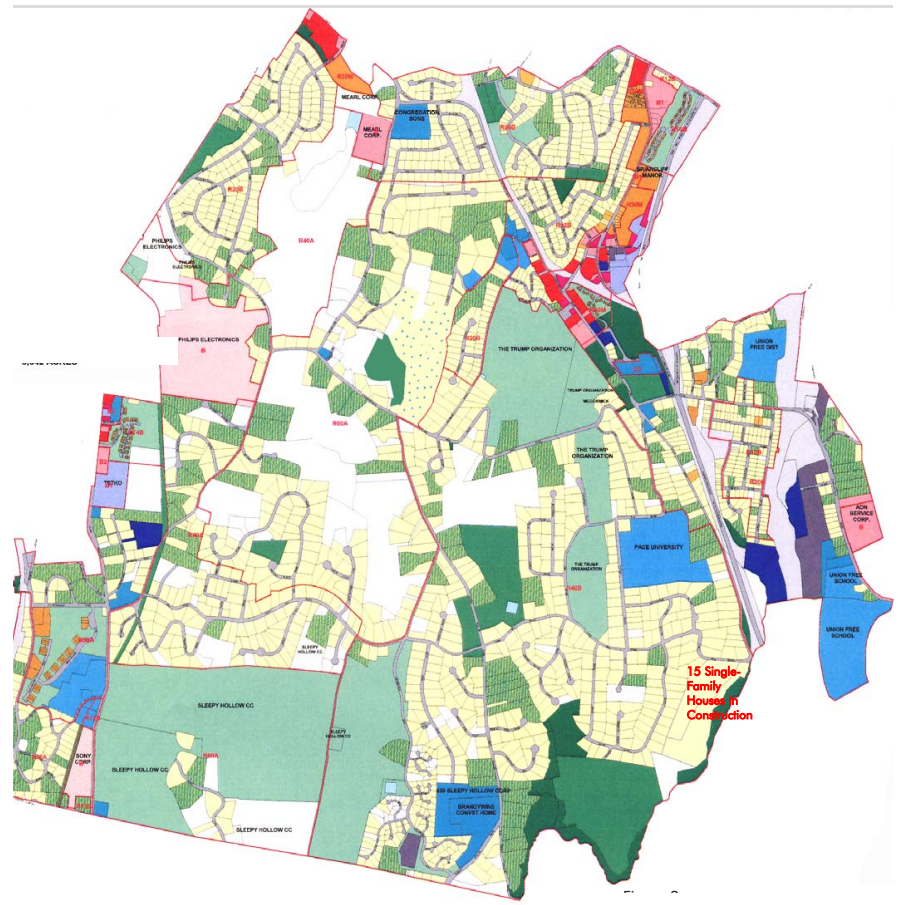


Briarcliff Manor Comprehensive Plan

Briarcliff Manor, New York

The Village of Briarcliff Manor, Westchester County, New York retained BFJ Planning to update its 1988 Master Plan. The new plan reflected the goals of the Village's Board of Trustees and residents, and provides a guide to growth, development, and protection of natural resources. The work progressed through three work phases, spanning two years and numerous neighborhood participation meetings and public hearings. The first phase established the Village Vision and involved our administration of an opinion survey sent to over 2,600 village residents, with a return rate of over 20 percent. The second phase involved the research and writing of the plan chapters. BFJ worked with an Advisory Committee and held a public workshop. The plan-writing ended with required SEQR (environmental impact) review, additional neighborhood meetings, two public hearings, and publication of the final plan; the Comprehensive Plan was adopted by the Board of Trustees in November 2007. The plan's major focus is open space creation, downtown revitalization, and community character preservation.

In addition, as follow-up to the adoption of the 2007 Plan, BFJ was again retained by the Village to analyze the potential rezoning of a portion of the 1,011-acre Scarborough Road Corridor in the Village to a new two-acre single-family residential zone (R80) consistent with the 2007 Comprehensive Plan recommendations. As part of this work, BFJ drafted the new R80 zone text and prepared the necessary map changes, including the required SEQR documentation for the project.



Neighborhood Plans

Greenwich, Connecticut

Cos Cob

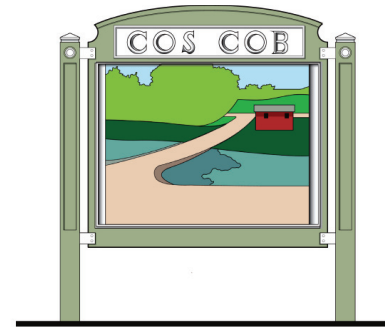
Eastern Greenwich (Old
Greenwich, Riverside, North
Mianus)

Glenville and Pemberwick

The Town of Greenwich, Connecticut retained BFJ Planning to create neighborhood plans for several areas within Greenwich that developed as distinct communities. For each of the three plans, the process included working closely with the public to ensure that recommendations reflected the goals of the residents and the Town. For Cos Cob, substantial attention was dedicated to existing urban design conditions and the plan presented a variety of strategies to improve the character of the “Hub” and the Route 1 corridor in order to promote a more attractive and pedestrian-friendly environment. For Eastern Greenwich, key issues identified included enhancing the Old Greenwich business area, addressing issues of out-of-scale residential development, and increasing public access to the Mianus River. For the Glenville/Pemberwick area, the focus was on improving two important community assets: Glenville Green and Pemberwick Park, including establishing a stronger connection to the Byram River.



Concept plan for the “Hub” in Cos Cob.



Concept for Gateway Signage



Plan for Glenville Green improvements



Old Greenwich Public Charrette



Riverside Public Charrette



4.0

Sub Consultant Information

Urbanomics

Regina Belz Armstrong
Principal, Chief Economist

Regina Armstrong is a founding partner of Urbanomics, with experience in economic and demographic forecasting, cash flow modeling, market feasibility analyses, and economic and fiscal impact assessments for major government institutions and private developers. While focusing primarily on the New York Metropolitan area and New York City in particular, she has worked on projects both domestically and abroad in areas as diverse as Viet Nam, Korea, Poland and Armenia. Prior to establishing her own firm, Urbanomics, she was Chief Economist and Vice President of the Regional Plan Association, New York.

Education

New York University, Graduate School of Public Administration, in Ph.D. Program, 1980-1983.
University of Pittsburgh, Graduate School of Arts & Sciences, Department of Economics, M.A., 1965.
Rosary College, B.A. Economics, 1960.

Certifications

American Institute of Certified Planners (Honorary AICP)

Awards

American Planning Association Ponte Award for Economic Planning Excellence

Selected Experience

Demographic & Socioeconomic Forecasting

Principal-in-charge of contract to the New York Metropolitan Transportation Council to prepare long term forecasts of population, employment, labor force, and households, using and enhancing existing forecasting models, by county and subregion for the 31 county New York Urban Region to 2035.

Hunt's Point/Fulton Fish Market Market Analysis

Principal-in-charge of analysis of the local, regional, national and international fish, meat and produce markets and then identified complementary strategies to improve and diversify the economic viability of the large scale food market in the Bronx. These strategies included tourist attraction retail venues with dedicated ferry service, as well as innovative green aquaculture, food production and packaging, all of which tied in to existing workforce training programs for the labor force.

World Trade Center and Lower Manhattan Redevelopment Plan

Principal-in-charge of market analysis for redevelopment of the WTC site in the context of Lower Manhattan trends, as subcontractor to Beyer Blinder Belle in fulfillment of massing diagrams for redevelopment plan, post September 11, 2001.

New York Building Congress

On retainer to the New York Building Congress, comprised of general contractors, building trades unions, and real estate interests, for economic consulting services as needed by the construction industry of New York City; prepares annual construction forecast for NYC and monthly releases on construction activity.

Economic and Fiscal Impact Assessment of the New York Commodities Industry

Principal-in-charge of study to predict the economic and fiscal effects of relocating and expanding operations in five commodities exchanges with futures and options trading in global markets from a New York City location in New Jersey.

NYC DEP Water Demand Modeling and Waste Water Flow Analysis

Principal-in-charge of subcontract to Black+Veatch, as prime contractor to the New York City Department of Environmental Protection, in preparation of a water demand model and forecast for New York City by drainage basin, taking into consideration long term demographic, employment and property development trends in the City by small area.

Regina Belz Armstrong
Principal, Chief Economist

Selected Experience (continued)

Greater Hanoi, Viet Nam Master Plan
With Perkins Eastman International (PEI), served as Economist for demographic and economic analysis and forecasting of Greater Hanoi, as part of a 20-year concept plan for expansion of the metropolitan area. Work entailed locational analysis of economic development, evaluation of industry clusters, interindustry linkages, labor requirements and population forecasting by geographic rings of settlement.

NYSBA Bridge Traffic Forecast and Secondary Development Analysis

Principal-in-charge of subcontract to URS Corporation – New York, as a prime contractor to the New York State Bridge Authority, in preparation of twenty year forecasts of bridge traffic on five Hudson Valley facilities, using econometric models developed by Urbanomics, and of economic impact assessments of construction, financing and development related effects, using the REMI Policy Impact model calibrated for the study area.

I-287/TZB Corridor

Needs Assessment

Principal-in-charge of economic impact assessment of capacity improvements to the Tappan Zee Bridge under subcontract to Vollmer Associates, in preparation of a Corridor Needs Assessment study for the New York State Thruway Authority.

Paratransit Demand Study and Forecasting

Principal-in-charge of prime contract with New York City Transit to develop econometric models and forecasts of travel demand for Access-A-Ride services by borough, day of week, peak/off-peak period, and trip status, for the period 2000-2006.

New York Landmarks Conservancy

Principal-in-charge of study to inventory and analyze landmarked structures owned and occupied by not-for-profit

organizations in New York City, for the New York Landmarks Conservancy and prepared in conjunction with Buckhurst Fish & Jacquemart.

National Research Council, Transportation Research Board

Independent contractor to Transportation Research Board to prepare and present study on the "Economic and Social Relevance of Central Cities in the Nation's Twelve Largest Urban Regions" for national conference on transportation issues in large U.S. cities, June 1998.

Seamangeum, Korea Urban Design Competition

With Massachusetts Institute of Technology (MIT), served as Economic Consultant for regional analysis and programming of potential land uses for new city development in Seamangeum, Korea, a 400km² reclamation project in South Korea. This Urban Design Competition engaged seven universities from North America, Europe and the Far East. The MIT team was selected as one of three winning finalists.

The Staten Island Academy

Principal-in-Charge for a market analysis of the enrollment potential of this private institution. Project tasks included studying existing trends of private school enrollment within a defined market area and conducting a socioeconomic and demographic analysis of the market area, a five year enrollment forecast, and the analysis of options for increasing enrollment.

The Economic & Fiscal Impacts of New Jersey's Urban Enterprise Zones

Joint venture with Response Analysis to prepare a policy evaluation of the New Jersey Enterprise Zone program, entailing an analysis of the economic performance of zone municipalities compared to their local economies over the period preceding and during dissemination of the economic development benefits.

Peter Furst, AICP

Planner

Mr. Furst is an urban planner specializing in geospatial depiction of data and market analysis. He has a broad range of functional planning experience with a focus in fiscal impacts, demographic analysis, workforce and housing development. Since 2011, he has contributed to comprehensive plans, real estate and industry market studies, population/student enrollment forecasts, redevelopment plans and school child impact studies throughout the New York metropolitan area.

Education	City and Regional Planning Masters of Science, Pratt Institute U.S. Law and Methodologies Certificate, New York University History Bachelors of Arts, Lewis and Clark College	
Skills	Microsoft Office Suite, Adobe Creative Suite, SPSS, R, ArcGIS 10.3, ESRI Business Analyst, ESRI Network Analyst	
Professional Associations	American Institute of Certified Planners	
Experience	<p>Beacon Master Plan Update <i>Beacon, NY</i> Prepared a profile of Beacon's housing, demographic and employment trends in comparison to surrounding communities. Produced a market analysis to assist with the planning of a proposed TOD with a focus on retail, restaurant, industrial and office sectors.</p> <p>Westchester Pavilion Market Analysis Urstadt Biddle Properties <i>White Plains, NY</i> Evaluated supply and demand for the redevelopment of Westchester Pavilion, an enclosed shopping center in downtown White Plains, into a proposed 961,000 square foot mixed-use complex. Surveyed and geospatially analyzed downtown building uses, business concentrations, and retail vacancies. Identified population, labor, and housing trends as well as demand for proposed businesses establishments.</p> <p>Stamford Master Plan <i>Stamford, CT</i> Prepared demographic and housing condition chapters for the City' of Stamford's Master Plan.</p> <p>Gardens at Harriman Station TOD Market Analysis and Grant Application <i>Harriman, NY</i> Prepared a market analysis of residential and commercial uses for a proposed large-scale TOD development containing 1,500 residential units</p>	<p>and 250,000 SF commercial space. Submitted a grant application to Empire State Development Corporation on behalf of the developer to receive financial assistance for capital construction.</p> <p>Rye Brook Comprehensive Plan <i>Rye Brook, NY</i> Prepared demographic, housing condition, and commercial development chapters for the Village' of Rye Brook's Comprehensive Plan.</p> <p>New York Rising Community Revitalization <i>Nassau County, NY</i> For seven economic and housing market studies in the Towns of Hempstead and Oyster Bay, geospatial illustrations were prepared of housing stock and population trends before and after Superstorm Sandy. Researched best practices for business continuity.</p> <p>Middletown Downtown Revitalization Initiative Strategic Investment Plan <i>Middletown, NY</i> Prepared a profile and assessment of Middletown's downtown area in comparison to regional, housing, demographic and employment trends.</p> <p>Greenwich Neighborhood Plans <i>Greenwich, CT</i> For three separate neighborhood plans, prepared assessments of demographics, housing and commercial market trends.</p>

Project Experience (continued)

Beacon Correctional Facility Redevelopment Study

Beacon, NY

Prepared a market analysis with an assessment of demographics, market segmentation, and demand for a data center, destination venue, and senior care facility for the planned redevelopment of a minimum security prison in Beacon, NY.

Ten-Year Demographic Changes and Analysis of Jamaica's Contributions to Queens: Greater Jamaica Development Corporation

Queens, NY

Geospatially illustrated area demographic changes to assist GJDC in marketing its mission to New York City. Prepared economic analysis depicting contributions of Jamaica's business community to Queens County.

City of Peekskill Local Waterfront Revitalization Plan

Peekskill, NY

Prepared an assessment of demographic conditions and an inventory of businesses in the waterfront study area.

Chicago Market Study

Chicago, IL

Evaluated Perkins Eastman's competition and potential for growth in Chicago's metro region for architectural services sector related to hi-rise residential, higher education, and mixed-use development practice areas.

Somerset Priority Investment Study

Somerset County, NJ

Geospatially depicted and analyzed land use, commercial building stock and vacancy rates in the 6-county region, Somerset County and local markets. Used GIS services to identify key market factors including employment and population growth, industry clusters and lease rates.

Vision42 Economic Impact Studies New York, NY

Collected and interpreted fieldwork data for the purpose of analyzing retail, real estate, accommodations, and entertainment industry business and land use trends for use in a six-phase evaluation of the potential benefits of making 42nd Street a light rail/pedestrian thoroughfare with limited vehicular access

Hearthstone Castle Restoration Planning Study

Danbury, CT

Prepared a market analysis with an assessment of potential uses and programming activities for the planned restoration of historic Hearthstone Castle in Tarrywile Park.

Paratransit Customer Population Forecast Study: New York City Metropolitan Transportation Authority

New York, NY

Collected demographic and transit ridership data and ran ordinary least-squares regression forecast models for the purposes of addressing MTA's long-term paratransit budgeting and operation needs. Provided research, tables, and graphs to substantiate forecasts.

Demographic Study of the Jersey City Public Schools

Jersey City, NJ

Forecasted enrollment by grade for the school district's 38 schools over a five year projection period. Mapped existing attendance zones and recommended zone changes to improve management of future enrollment growth on facility capacity.

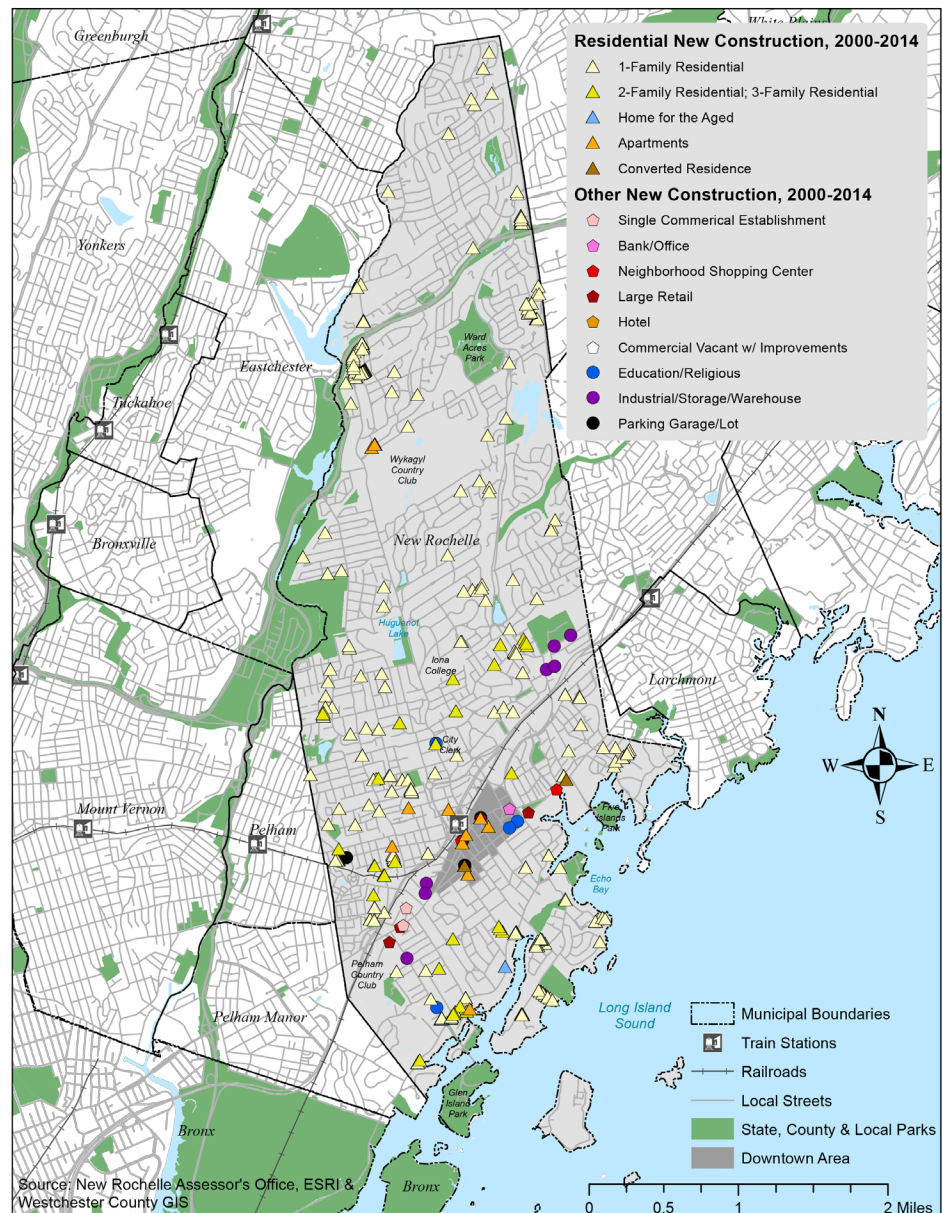
New Rochelle Comprehensive Plan

New Rochelle, NY

Contact:

Nina Arron
Director of Planning and
Sustainability
Department of Development
narron@newrochelleny.com
914.654.2183

In 2015, Urbanomics, in conjunction with BFJ Planning, prepared demographics, housing, and economic chapters for New Rochelle's Comprehensive Plan. The housing chapter included a discussion of the need to promote housing that services a range of population groups, including seniors and young adults, in appropriate locations throughout the City. Urbanomics analyzed economic and real estate trends in the region and defined New Rochelle's opportunities and limitations to meeting any unmet needs. Opportunities for growth were identified with a focus on capturing developing clusters and strengthening existing businesses by providing office, institutional and other commercial space for underserved, complementary and auxiliary firms. A retail feasibility study was prepared using ESRI™ and Nielsen-Claritas™ consumer expenditure and retail sales data to identify gaps in retail sales that could be accommodated in New Rochelle. In addition to the assessments of commercial space, the economic analysis expanded the housing analysis by forecasting any increases in demand for workforce housing assuming reasonable capture of commercial potential.



Port Chester Housing Study

Port Chester, New York

Contact:

Christopher Steers

Village Manager

Village of Port Chester, NY

222 Grace Church St

Port Chester, NY 10573

Working with BFJ Planning, Urbanomics prepared a housing analysis for the Village of Port Chester in Westchester County, NY. To this end, conditions and needs are assessed in terms of availability, adequacy, affordability and special needs for the Village as a whole, and by neighborhood where appropriate. Further, characteristics of housing in Port Chester are compared to those of Westchester's 22 other villages with a focus on the distribution of publicly assisted housing. For occupants of publicly assisted housing, federal standards of income eligibility apply that tend to range below 100% of area median income (AMI). Later, information is provided on Port Chester's low income recipients of Section 8 tenant vouchers and those of rent controlled housing at varying levels of AMI to correspond to new definitions of affordable and workforce housing.



Greenwich Neighborhood Plans

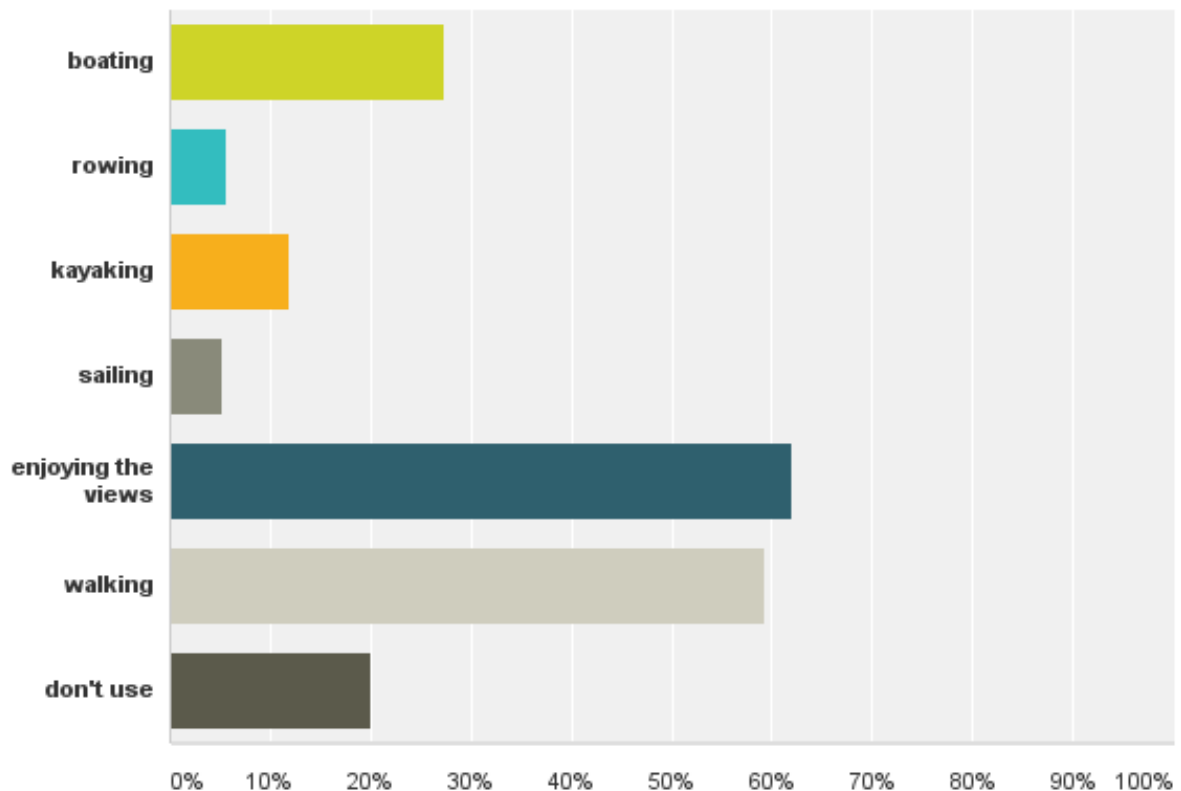
Greenwich, Connecticut

Client: Town of Greenwich
Katie DeLuca, AICP
Director of Planning &
Zoning
(203) 622-7894

Urbanomics, under subcontract to BFJ Planning, has prepared analyses of business and demographic trends for three separate neighborhood plans in the Town of Greenwich from 2013 to 2016. In each neighborhood plan, Urbanomics performed an analysis of what facilities, services and housing units would draw in and retain a younger population group while continuing to serve existing elements of the population. This task also included a discussion of retail and service business trends. To inform the quantitative work, Urbanomics developed an online survey instrument for local residents and business owners as well as institutional and municipal leaders. The survey included questions developed in cooperation with Town staff and the Planning and Zoning Commission and concluded with a brief profile of respondents (role in household, age, income bracket, etc.) or business functions (type).

Q32 How do you use the Cos Cob waterfront?

Answered: 469 Skipped: 77



4.0

Sub Consultant Information

Stantec



Gary Sorge FASLA, AICP | VICE PRESIDENT



PARKS, OPEN SPACE, TRAILS

Gary is Discipline Leader for Landscape Architecture at Stantec. Since joining the firm in 1987, he has specialized in transportation enhancement, community development and public infrastructure projects encompassing community engagement, transit-oriented development, transit and pedestrian connectivity, greenways and public space design. Gary previously served on the City of Norwalk Conservation Commission appointed by former Mayor Frank Esposito. Gary is a certified planner, a Professional Landscape Architect, and an Envision Certified Professional. He was elected Fellow to the American Society of Landscape Architects in 2009 recognized for his work in public space design.

Registrations

Registered Landscape Architect #836, Connecticut

Certified Planner #018913, American Institute of Certified Planners

Registered Landscape Architect #00836, Council of Landscape Architectural Registration Boards

Registered Landscape Architect, States of DE, NJ, NY, PA, VA

Education

Bachelor of Science, Landscape Architecture, Cook College, Rutgers University

Memberships

Fellow, American Society of Landscape Architects

Member, American Planning Association

Member, Urban Land Institute (TAPS Steering Committee, New York)

Selected experience

City of Mount Vernon Comprehensive Plan, City of Mount Vernon, NY

Project Manager and Lead Planner for Stantec in the preparation of a new comprehensive plan for the City of Mount Vernon. Stantec focused on key elements of the plan including infrastructure, open space and parks, community sustainability and energy conservation.

City of New Rochelle Plan of Conservation and Development and Local Waterfront Revitalization Plan (2016), City of New Rochelle, NY

Lead Planner for Stantec addressing infrastructure, recreation and open space, stormwater management and waterfront revitalization components of their current POCD and LWRP. Stantec addressed these aspects as integrated systems in the recently adopted plans.

City of Stamford Plan of Conservation and Development, Stamford, CT

Stantec led the infrastructure, open space and sustainability components of the City's most recent plan, adopted in 2015. The plan contained a sustainability supplement that focused on energy efficiency and redundancy, stormwater management, healthy communities, and coastal resiliency.

Stamford Transportation Center Master Plan, Stamford, CT

Lead Landscape Architect for the development of the transportation center into a vital intermodal hub and a gateway to the City of Stamford. Both short and long range enhancements were considered. An objective of the plan is to encourage Transit Oriented Development (TOD) around the center. Efforts were coordinated with the Connecticut Department of Transportation, Metro-North Commuter Railroad and other operators within the transportation center. Major stakeholders within the City provided insight into the development of the plan. Evaluation of train operations, parking, pedestrian movements, vehicular traffic, surface transit, shuttle operations and overall connectivity was included.

Greater Bridgeport Transit / MetroCOG Transit Oriented Development Pilot Plan, Bridgeport, Stratford, Trumbull and Fairfield, CT

Landscape architect and urban designer for the evaluation of land use, traffic, economics, and alternative transportation modes to catalyze transit oriented development (TOD), walkable and sustainable communities within the Greater Bridgeport region. The study includes the development of strategies and plans to link the Bridgeport and Stratford commuter rail stations to the surrounding communities by efficient, effective, and convenient, high frequency modes of public transit. Linking these areas through enhanced public transit services, public infrastructure improvements and private sector investment is essential to achieving economic development, job creation, and a vibrant, safe and healthier community.



Tom Hammerberg LA



PARKS, OPEN SPACE, TRAILS

Registrations

Registered Landscape Architect #LAR.0001311, Connecticut

Registered Landscape Architect #5152, Council of Landscape Architectural Registration Boards

Education

B.S., Landscape Architecture, Iowa State University, Ames, Iowa, 1979

Masters of Landscape Architecture, University of Minnesota, Minneapolis, Minnesota, 1991

Memberships

Member, American Society of Landscape Architects

Mr. Hammerberg has over 35 years of landscape architecture design experience in park master planning, park and streetscape design and in the preparation of construction documents for recreational, institutional, corporate and municipal projects. His recent experience with Stantec includes the design of the Yankee Stadium Upland Improvement Project, which was recently completed. He recently participated on the design and construction documents for the redevelopment of the former Sydney Tar Ponds, a steel mill brownfield site in Nova Scotia. The design provided new open space, parkland and athletic fields for the City of Sydney, NS. Mr. Hammerberg is also highly experienced in preparing construction cost estimates for park development and improvement projects.

Selected experience

Forest Avenue Pedestrian Improvement Plan, Rye, NY

Project Manager for a pedestrian/bike facility (i.e pathway) within the City-owned right-of-way of Forest Avenue. The pathway would extend approximately 3,700 linear feet from an existing sidewalk on Forest Avenue between Apawamis Avenue and Manursing Avenue and an additional 650 linear feet on Manursing Avenue to an existing sidewalk at the Davis Avenue intersection. The project also requires adjustment to the existing roadway to accommodate the pedestrian facility

City (Flowers) Park, New Rochelle, NY

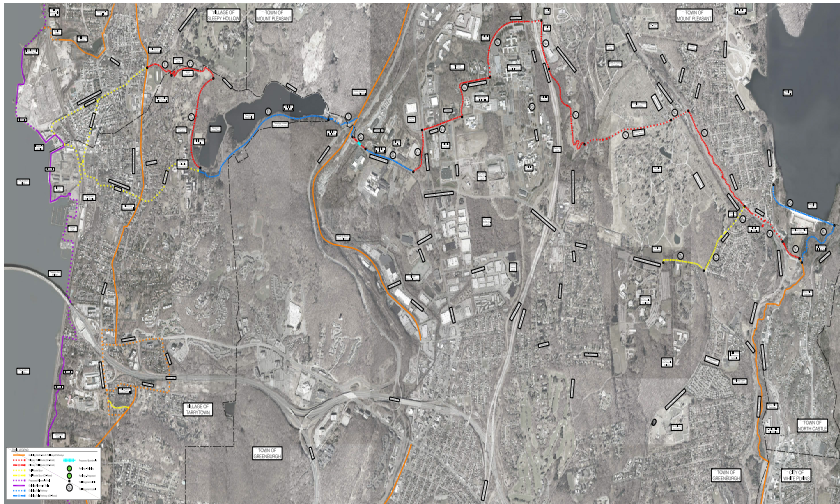
Senior Landscape Architect providing technical assistance for the reconstruction of a 20-acre park in an urban setting. The primary driver for the reconstruction is the need for additional athletic fields within the City. A master plan was prepared examining alternate layouts and was presented to the various park stakeholders. Construction documents were prepared for four phases of park improvements. Park elements include five (5) multi-purpose fields, a basketball court, a water spray feature, a playground, and paved trails linking them together. The majority of the fields will have synthetic surfaces and lighting to increase playing time and field availability. The plan required coordination with the City of New Rochelle, Westchester County and FEMA.

Tarrytown-Kensico Trailway/Bikeway, Westchester County, NY

As Project Manager and Senior Landscape Architect for the Tarrytown-Kensico Trailway/Bikeway, responsible for evaluating and planning alternate routes to provide Westchester County with an east-west pedestrian and bicycle linkage to other north-south County bike trails. In addition to connecting the three major north-south bikeways, the multi-purpose trailway is meant to connect local communities, commercial nodes and transportation hubs with a route that caters to avid cyclists, commuters and families. Stantec is providing planning services for trailway alignment, design and amenities. The aim of the project is to provide a viable way forward for the County and stakeholders to ultimately complete the east-west trail in a timely and cost-efficient manner.

Reconstruction of the Floodplain and Channel of the Bronx River, Bronx Park, NY

Senior Landscape Architect responsible for the design and construction documents for the removal of earthen dikes, the reconstruction of floodplains along the Bronx River, and the addition of pedestrian amenities. The work included design of vehicular and pedestrian boardwalks, removal of invasive plant species, planting of native plant species, and bioengineering riverbank treatments.



Tarrytown – Kensico Trailway

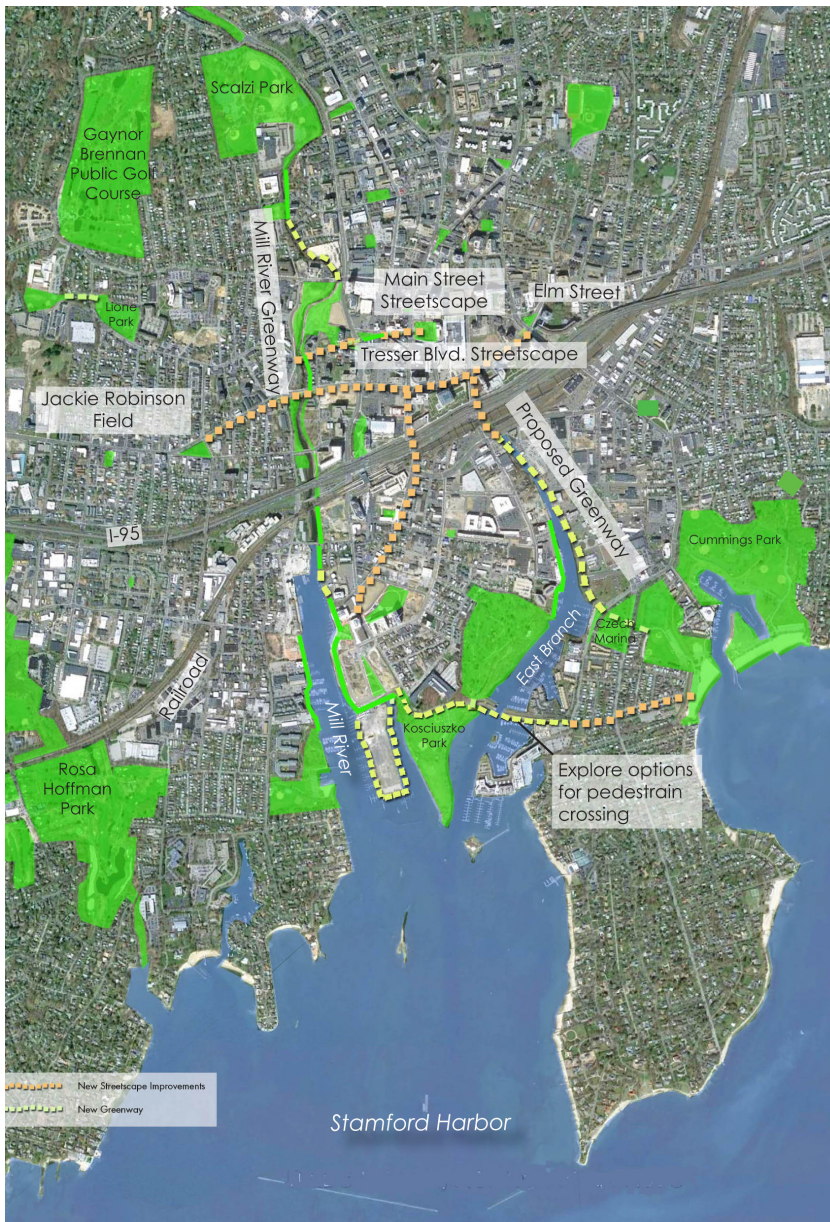
LOCATION: Westchester County, New York

CLIENT: Westchester County Planning



The Tarrytown - Kensico Trailway was planned to provide Westchester County with its missing East-West pedestrian linkage route. In addition to connecting to three major North-South bikeways, the multi-purpose trailway is meant to connect local communities with a route that caters to both avid cyclists and families. Stantec provide planning services for trailway alignment, design and amenities. The aim of the project was to provide a viable way forward for the County and stakeholders to ultimately complete the East-West trail in a timely and cost-efficient manner.





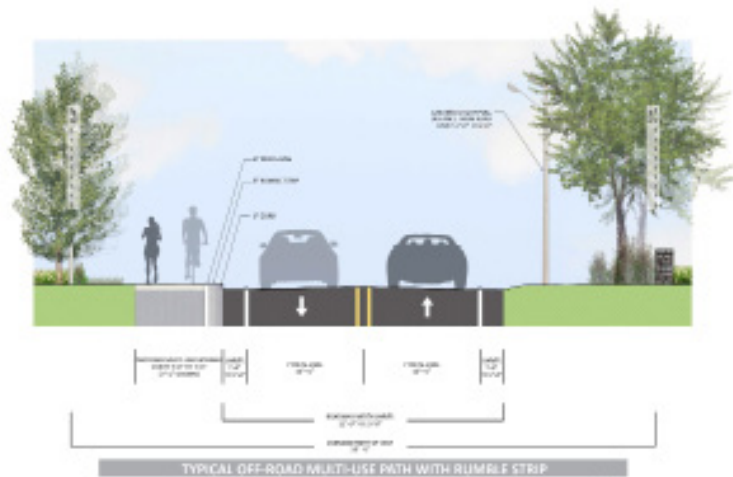
Stamford Sustainability Guidelines

LOCATION: Stamford, Connecticut

CLIENT: City of Stamford

Stantec Prepared new sustainability guidelines and metrics for City of Stamford Plan of Conservation and Development in 2013 as subconsultant to BFJ. The guidelines were compatible with ICLEI Star Community Rating system and LEED for Neighborhood Development Rating system. They included detailed discussion of strategies for transportation, energy use, material reuse and recycling, water use, stormwater management, climate adaptation, and ecological protection. They covered strategies for both publically owned facilities and privately owned. General sustainable land planning strategies including transit oriented development, compact and walkable communities, and complete streets are incorporated. The planning also included review of natural assets and ecological areas and means for protecting them. Detailed metrics for measuring progress and improvement to sustainable elements over time are established for each of the major disciplines of transportation, energy use, material reuse and recycling, water use, stormwater management, climate adaptation. Metrics include percentage indicators, yearly indicators, and individual detailed strategies.





Forest Avenue Pedestrian Improvement Plan

LOCATION: Rye, New York

CLIENT: City of Rye

The project involves the construction of a pedestrian/bike facility (i.e pathway) within the City-owned right-of-way of Forest Avenue. The pathway would extend approximately 3,700 linear feet from an existing sidewalk on Forest Avenue between Apawamis Avenue and Manursing Avenue and an additional 650 linear feet on Manursing Avenue to an existing sidewalk at the Davis Avenue intersection. The project also requires adjustment to the existing roadway to accommodate the pedestrian facility.

Impacts to existing infrastructure and vegetation are expected along the corridor, but the design has been conscious to preserve the existing characteristics of the roadway corridor and as many of mature trees and other plant material as possible.

The implementation of this pathway will give a safe walking experience in a location that currently does not have designated pedestrian infrastructure. The benefits of this pedestrian improvement plan are numerous and vital to the active, outdoor lifestyle of this neighborhood. This project will be a much needed link between the sidewalks that end at Forest Avenue-Apawamis Avenue intersection and the intersection of Manursing Avenue and Davis Avenue. Pedestrian safety has been a driving force behind this project and its design. This pathway will serve the need of the numerous residences living on Forest Avenue and its connecting side streets who regularly walk, bike and exercise.



Flowers (City) Park

LOCATION: New Rochelle, New York

CLIENT: City of New Rochelle

After significant flooding, this highly popular and heavily used premier athletic facility needed repair and restoration. Because it had become run down and had chronic drainage problems, the City of New Rochelle wanted to address the significant work needed through a park master plan that would set out phased improvements, starting with the replacement of the destroyed soccer field.

For the master plan, we conducted an extensive public participation program, soliciting input from the park's many stakeholders, including the current users, public agencies, and the local community. We used that input to develop a new vision for the park; now, after four phases of design and construction, that new vision is a reality.

The park is a community amenity, attracting not only athletes from around the city, but also local families who can walk to its many features. There are realigned and new synthetic turf fields, open space, seating areas, walking trails, a relocated basketball court, a playground with water spray feature, a natural turf youth ball field, and improved parking areas. The fields are now lighted, extending the playing time into the night.

We also provided for the park's future by solving the drainage problem. We raised the level of the fields and installed underground storm water retention chambers. These hollow chambers, sitting on stone, not only store the run-off but also greatly minimized the amount of fill needed, saving money. These storm water retention systems were constructed under the synthetic turf soccer field, the football field, the multi-use softball/baseball field, and the new bituminous concrete parking lot.





Westchester County Parks & Recreation Master Plan

LOCATION: Westchester County, New York

CLIENT: Westchester County Department of Parks, Rec & Conservation

Stantec developed a Strategic Plan to guide the development, management, and preservation of Westchester County park facilities.

The firm developed a two-phase planning process with a team of sub-consultants, including Arthur Andersen, Beyer Blinder Belle, and Carol Johnson Associates. The first phase included information gathering and analysis, while the second phase provided short term individual park plan solutions and long range county-wide planning objectives and policy.

The first phase was divided into an inventory and information gathering task and an assessments and projections task. Activities in the first task included gathering existing facilities information; reviewing past planning efforts; setting goals and objectives; inventorying both natural and built features, their condition, visitation, circulation, and ecological issues; and assisting with a user survey. The second task focused on existing financial conditions, including potential revenue generators; capital, operation, and maintenance budgets; and financing issues.

Assessments and projections were divided into two similar tasks. The first task assessed and projected future demographic, recreational, and spending trends; established implementation policy; and identified short-term park plans, programs, and long-range needs. From the user projections and goals, the second task projected the future financial conditions, focusing on individual park and system-wide capital improvement costs, revenues, operating budgets, and public and private funding opportunities.





5.0

Project Approach and Scope of Work

5.0 Project Approach and Scope of Work

PROJECT UNDERSTANDING

The City of Rye last adopted a Master Plan more than 30 years ago. The planning issues it faces today are vastly different than they were in 1985, and the City has determined to embark on a comprehensive planning process to address current community needs and values. Although Rye's overall population has not grown significantly from its 1980 total of 15,083 (the U.S. Census Bureau's 2015 estimate is 16,046), the makeup of that population has shifted, with important planning implications. With excellent schools, high quality of life, a vibrant downtown, and strong highway and transit access to jobs in the region, Rye has become increasingly attractive to young families. Meanwhile, the overall population continues to age, with increases seen in the 65+ population since 2000. Growth at either end of the age spectrum requires careful assessment of community facilities and services, such as recreation, libraries and schools. In addition, the continued high costs of housing in Rye – frequently ranked among the highest in the nation – and modern preferences for larger homes have led to concerns regarding housing affordability and maintenance of neighborhood character in the face of residential teardowns.

The City is also subject to a range of regional issues that have a direct impact on its planning context, including congestion along the I-287/I-95 corridors, ongoing weakness in Westchester County's office market, a growing recognition of the importance of planning for sustainability and resilience from climate change, and nationwide shifts in the retail economy.

In the context of these vast and complex changes, Rye seeks to develop a comprehensive strategy for ensuring orderly growth and development patterns and a sustainable future. To this end, the City is preparing to update its 1985 Development Plan with the goal of establishing an immediate and long-range vision and providing clear strategies for implementing that vision. To assist in this effort, the City seeks a consultant team with proven expertise in master planning and public outreach and participation strategies. In response, BFJ Planning has assembled a multi-disciplinary team with the expertise required to produce a visionary yet achievable Plan to guide Rye's growth and preservation of community character for the next 10 years. The following section describes some of our team's key qualifications.

Community Outreach – BFJ agrees with the City of Rye that it is critical to encourage and solicit public input in order to create a plan that is embraced by the community and reflective of local priorities. We are community-based planners at heart and are committed to bringing the public into the comprehensive planning process. Community-based planning can help achieve the following objectives in developing any planning document:

- Perhaps most importantly, robust public outreach ensures that the plan is based on the input of the true local experts—people who live and work in the City and will be most affected by the action items that are implemented as a result of the plan. In addition, community engagement can help to create public buy-in, since the focus of the plan is based on local input and the public can see how the plan is revised over time in response to their feedback.



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- Public outreach during a planning process can help to provide City staff and elected officials with an update on the concerns of their constituents. City officials are often good about keeping their finger on the pulse of their community, but it always helps to continue an ongoing dialogue and to use the comprehensive planning process to reach a broader cross section of the community.
- As consulting planners, we rely upon public outreach as a starting point and ongoing resource to guide our own understanding of the community. We also take guidance from City staff, elected officials, while drawing from our own expertise, but our foundation in developing a plan is what we hear from members of the public.

The public outreach process will play a key role in developing the community's Vision Statement, determining key goals and objectives, identifying issues and opportunities, soliciting input throughout the planning process, and discussing action items and recommendations that will help to achieve the City's Vision.

Visioning – Planning is a process of formulating both a vision for what a community wants to become and the developing strategies to achieve that vision. Input received during the community outreach and public input process will shape the vision for Rye through the next decade. Our proposed outreach approach discussed below is informed by a diversity of strategies aimed at eliciting meaningful input from representative stakeholders about what should change in the City, and what should remain constant. The ultimate goal of this process is not to achieve agreement on every topic discussed, but rather to gain overall consensus for the plan's vision.

Technical Planning Assistance – BFJ Planning has worked with more than 30 municipalities throughout the Northeast in producing master plans, including numerous communities throughout Westchester County. This unparalleled experience has afforded us an in-depth understanding of not only the substantive components of a master plan, but also the procedural elements of the process itself, including the legal and political framework in which master planning exists. Our expertise in this area of planning stretches back more than 35 years, and we proudly bring this knowledge base to this master planning effort.

Urban Design Capabilities – BFJ employs the latest graphic and visualization technologies to assist in the master planning process. Our in-house graphic designers and GIS technicians understand the power of compelling and informative visuals in providing the audience with a clear understanding of the built and natural environment, both in terms of what exists and in looking at hypothetical build-out scenarios.

Flexibility – Master planning is a process as well as a product. Our experience has shown us that unforeseen challenges are sometimes inevitable, and require nimble thinking along with a willingness to stay the course. BFJ has earned a reputation for client loyalty and commitment to seeing even the most challenging project through to completion. We offer these qualities to this project.

Creativity – The state of our built and natural environment is not, by nature, a static force, and a master plan should not be either. Investment in the master planning process, therefore, should avoid "cookie-cutter" recommendations and over-generalized best practices. While we realize that Rye's Comprehensive Master Plan update will, in part, build on previous studies, we will approach this project in the manner proven successful in our many past master planning efforts: with a fresh perspective, a focus on identifying the real underlying issues and challenges, and tailoring innovative solutions unique to the circumstances. BFJ Planning has developed a portfolio of planning projects that reflects this approach.

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BFJ PLANNING TEAM

BFJ Planning has assembled an ideal team for updating Rye's Comprehensive Master Plan. Complementing our firm's unparalleled experience in producing master plans for municipalities throughout the New York metropolitan region, we've partnered with industry-leading firms whose services and expertise match this project's technical requirements and creative interests.

BFJ will be lead consultant for the team, responsible for overall project management and plan preparation. In addition, we will staff and run all project steering committee meetings and oversee community engagement. We are also joined by Stantec, for open space and sustainability elements, and our affiliate, Urbanomics, for demographics and growth trends and economic development aspects. BFJ shares office space with Urbanomics and has a long history of working with both firms on comprehensive planning efforts and other projects.

For this project, the project manager would be Simon Kates, AICP, LEED AP, who would be the day-to-day contact for the City and attend all Steering Committee and staff meetings, public workshops and neighborhood meetings, and would coordinate the work of all team members, including subconsultants. Mr. Kates has experience in comprehensive planning throughout the region, including in Nyack and New Rochelle, and has managed these and various other types of projects during his time at BFJ Planning.

See Section 2 of this proposal for BFJ Planning team resumes.

The relevant experience of each sub consultant and particular qualifications of each team member are addressed in Section 4 of this proposal.

SCOPE OF WORK

The timetable below presents the schedule for completing all of the work items identified. The outcome of the State Environmental Quality Review (SEQR) process will determine the overall timeline. If a Negative Declaration is made and no Generic Environmental Impact Statement (GEIS) is required, the work can be completed within a 13-month timeframe from receipt of a signed professional services agreement. If a Positive Declaration is made and a GEIS is prepared, the timeline would be extended to 18 months.

The key factors to note with the proposed timeline are the following:

- Our commitment to an orderly process, with each work phase/task having a distinct purpose and timely research, meetings, review and report production. To this end, we have grouped the tasks outlined in the RFP into four (4) distinct phases and associated sub-tasks as outlined below.
- Our commitment to producing high-quality documents for the City of Rye. The process is designed to give the BFJ Team and the City the time needed for



5.0 Project Approach and Scope of Work

thorough research, competent analyses, thoughtful recommendations and review by the City, project stakeholders and the public.

- Our commitment to collaborative planning during the process. We will work closely with our subconsultants, the City and the Master Plan Committee throughout the project.
- Our commitment to complete the project within the stated timeframe. We strongly believe that adhering to the project schedule is key to successfully completing a project within the allotted budget. In our experience, significant delays in schedule can often result in budget overages. For these reasons, we have a full-service team that will work simultaneously on different work products and have included regular meetings with the City and Master Plan Committee to ensure that the work produced meets or exceeds expectations and is submitted, reviewed and finalized in a timely manner.

The work program also includes a schedule of meetings, for which we propose the following within the 13-month timeline:

- A total of eight (8) meetings with the Master Plan Committee, commencing with a project kick-off meeting.
- Two (2) meetings with the City Council to hold a public hearing on the Final Draft Comprehensive Plan and discuss any changes to the Plan required based on public comments. We also suggest that the City Council be actively involved in the planning process, attending all visioning sessions. One or more briefings of the City Council during the drafting of the Plan chapters may be advisable to ensure they are kept up to date.
- Three (3) public workshops, the last of which will also serve as the Master Plan Committee's public hearing.

PHASE 1: PROJECT INITIATION

1.1 PROJECT KICK OFF MEETING

Our work will begin with a review of the relevant planning studies and existing conditions in Rye. A kick-off meeting will include representatives from the BFJ Planning team, the City Planner and a City-appointed Master Plan committee ("Steering Committee"). The intent of this initial meeting is to discuss the proposed approach to the Comprehensive Master Plan update, including the scope of work and project schedule. We see this meeting as an important first step in the planning process, ensuring that everyone understands and is in agreement with the approach, scope and timing of the project; the respective roles of participants; and manner of coordination and collaboration. A key topic to be discussed at this kick-off meeting will be the development of a community outreach strategy for engaging the various stakeholders in order to create a consensus driven vision for the Plan update (see more detail below). A distribution of team contacts and client directory will also take place at this meeting. After the meeting, we propose a tour of key planning areas with the City Planner.

We assume regular meetings with the Steering Committee, held at key intervals of the project, which will include project briefings related to Plan elements, results of community engagement, workshop preparation, etc. The core BFJ Team will attend all Steering Committee meetings in-person. In addition, throughout the project, BFJ will be involved in ongoing coordination with City staff and Steering Committee representatives (via conference call, email, or in-person).

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1.2 COMMUNITY ENGAGEMENT STRATEGY

BFJ will develop a Community Engagement Strategy—in coordination with the City Planner—that is reflective of targeted public outreach strategies that work in the City of Rye. We will identify multiple strategies that we can use to reach out to the public, disseminate information, and provide opportunities for participation in the planning process. The Community Engagement Strategy will include a range of outreach methods to ensure maximum exposure and participation, potentially including but not limited to:

- *Project website (see Task 1.3)*
- *Social media (Facebook, Twitter, Instagram)*
We have used various social media outlets to post updates about progress, information about upcoming meetings, and links to download meeting materials and draft Plan elements.
- *Public workshops (see Task 2.1)*
- *Small focus group meetings and stakeholder interviews (see Task 2.2)*
- *Public survey (see Task 2.3)*
- *Project flyers and E-blasts*
BFJ team will prepare project flyers during the course of the project to publicize public workshops. The flyers will be distributed by BFJ via email to a database of local stakeholders that we develop in coordination with City staff and the Master Plan Committee and continue to develop using sign-in lists at public workshops. We use Constant Contact to manage email campaigns, which allows us to keep track of how many stakeholders we are reaching, while also allowing individuals to opt out if they so choose. We will also print and distribute hard copies of the project flyers for local distribution and posting in strategic community locations.



A key outcome of the Community Engagement Strategy will be the identification of specific stakeholders (with contact information) who will need to be involved in the Plan Update process. These may include neighborhood associations, civic and non-profit organizations, State or regional planning groups and regional transportation organizations (e.g. NYS DOT and Metro-North). Once the list of project stakeholders is developed, it can be refined throughout the duration of the project and used to send invitations to public events or set up individual meetings.

Role of the Master Plan Committee

Overall direction, policies, and decisions on the project will be solicited through the Master Plan Committee. Feedback on draft products and information will be sought from the committee before distribution to the broad range of stakeholders and public. The committee will collaborate with City staff and BFJ Team through a series of meetings, to share and review study documents as they are developed. It is expected that committee members will use their expertise to provide insights

5.0 Project Approach and Scope of Work

for discussion at meetings, and will assist the outreach effort by identifying issues, information resources, stakeholders and potential lines of communication.

Coordination with City Staff, Departments, and City Council

Close coordination with City staff and elected officials is a critical component of a successful comprehensive plan. We propose frequent close communication with the City Planner throughout the process to ensure that we remain in close coordination with City objectives during the entire process. We typically conduct conference calls with the City Planner—either scheduled on a regular basis or informally/as-needed.

In addition, we believe that meetings and/or conference calls with Department Staff are especially important for ensuring that a comprehensive plan is action-oriented and can be implemented at the Department level. Our approach in developing comprehensive plans is to be both ambitious and pragmatic—close coordination with Department staff is critical to developing a plan that is not only forward thinking, but also has buy-in from the City staff who are closest to the point of implementation.

Finally, we propose multiple briefings of the City Council and Mayor on a schedule to be determined based on input with City staff. The City Council is the only body that can adopt the comprehensive plan, and therefore the council must be kept apprised during the process. We also find it helpful to hear from the council along the way—as the body who must ultimately adopt the plan, we need to hear from them to know that we are on the right track. The City Council will also be in-tune with their constituents’ concerns and can provide an additional outlet for us to hear about key issues that should be addressed in the plan.

Process to Implement and Monitor the Community Engagement Strategy

The BFJ Project Manager will be the leadership point person for management and implementation of the Community Engagement Strategy, working in coordination with the BFJ Team and City staff. The public outreach approach will be comprehensive, reaching out to a broad range of stakeholder groups and audiences as detailed in the Community Engagement Strategy that we develop in coordination with the City and Master Plan Committee. Although this scope of work outlines a program of work tasks and outreach tools, the public involvement approach will also be flexible to adjust as the project advances to meet needs that are identified during the process. After each committee meeting and public workshop, the results of the outreach will be evaluated (who attended, who we didn’t reach, and any comments received) to identify ways of improving the outreach (finding other methodologies to reach more people; especially those that are not participating).

Meetings will be documented in the form of meeting summaries that will be reviewed by the project team and saved for the study record. Meeting summaries will become appendices to the final report for the study.

1.3 CREATE PROJECT WEBSITE

BFJ will develop an interactive Comprehensive Master Plan Update website that provides background information on the project, as well as the goals and objectives that the Team has developed in order to facilitate public input and guide the development of the Plan. Basic project information, such as key contacts, dates of public meetings and presentations, and digital project materials will be easily accessible via the project website. Individuals and organizations will be able to send their ideas to a dedicated project email and sign up to receive project updates and meeting notifications. The website will include links to the City’s website and any other sites the Steering Committee determines are appropriate. The Team will create Facebook and Twitter pages that will be used to publicize meeting dates, release documents to the public,

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gather public input, and advertise the study website. The social media pages, as well as specific hashtags developed for the study, will be publicized on all print materials. Additionally, links to social media will be included on the website and will be identified in project presentations as a key mechanism for communicating with the project Team. The website may also allow the public to submit comments and questions. The site will be updated on a regular basis throughout the project.

1.4 REVIEW EXISTING MASTER PLAN AND OTHER STUDIES

In this task, BfJ will review the existing 1985 Master Plan and other relevant Rye policies, plans and guidelines, including the Local Waterfront Revitalization Program (1991), the current 2017-2021 Capital Improvement Plan, the Report Addressing House Scale Concerns (2003), the Neighborhood Business District Study (2005), the Central Business District Plan (2007), the Hazard Mitigation Plan (2007) and the Central Business District Capital Planning and Streetscape Plan (2009). This review will help to establish a planning and policy baseline and identify important development patterns to consider for Rye's future growth.

PHASE 2: VISIONING

2.1 PUBLIC WORKSHOPS

Public workshops are helpful for us as a consulting firm because they give us an opportunity to meet and hear from members of the public directly. We use public workshops throughout the comprehensive planning process as a way to identify issues and opportunities, test initial concepts, and present action items so that we can get feedback before finalizing the plan. We propose to conduct a total of three public workshops during the Comprehensive Master Plan process to present project findings and collect ideas about key concepts and action items.

1. Comprehensive Plan Vision, Issues and Opportunities

The first public workshop will take place in the second month of the process and would serve to introduce the project to the public and begin the participatory process. By this time, we would have had an opportunity to review recent planning documents and conduct preliminary research on existing conditions. Therefore, the goal of this workshop is to provide context for this analytical work by hearing directly from the community.

We suggest formatting this workshop as an interactive open house with a brief introductory presentation. The presentation will explain the overall purpose of the comprehensive plan update, timeline, and initial goals. The presentation will also provide an overview of the Community Engagement Strategy and all of the future opportunities to get involved. Following the presentation, we would break out into an interactive open house during which participants will have an opportunity to browse among various stations pertaining to plan update topics. The topics would be broadly focused—not specifically based on individual plan chapters—with the goal of developing the Comprehensive Master Plan Vision and identifying Issues and Opportunities. We will develop these broad topics with the Master Plan Committee, but they may include issues such as:



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- Comprehensive Plan Vision
- Neighborhood Character and Urban Design
- Natural Resources and Landscape Preservation
- Local Economy and Fiscal Sustainability
- Housing Affordability
- Resilience and Environmental Sustainability
- Community Facilities

Each station will be staffed by a member of the BFJ Team and/or the Master Plan Committee. The stations will contain large-scale boards with graphics and/or maps, flip charts for taking notes, and questions to prompt discussion and input. Participants will be able to write or draw directly on the graphics to indicate their issues and concerns, and can engage with the consultants and Master Plan Committee members in one-on-one and small group conversations to have their questions answered or share their comments. We have found this format helpful for public kickoff meetings, to highlight initial issues and opportunities and simply listen to the community's concerns.

2. *Goals and Objectives, Preliminary Action Items/Recommendations*

The second public workshop will take place in the fifth month of the process and would give the public an opportunity to help develop and comment on Goals and Objectives for each plan chapter and to assist in developing preliminary Action Items/Recommendations for the plan. At this point in the process, we will have developed an understanding of some issues and opportunities for each topic area that the plan covers and will have started considering some action items. The goal of this workshop is to have the public weigh in on the implementable action items that will guide how the plan affects the community in the future.

We suggest formatting this workshop as roundtable discussions. As with the first workshop, the session will begin with a brief presentation during which we would review the study's progress and work completed to date. Following the presentation and a short refreshment break, participants will engage in small roundtable discussion sessions related to specific topics. Topic areas could be grouped around plan chapters, geographical areas of the City, or other thematic areas. We would work with the Master Plan Committee to determine the best strategy for roundtable topics. A representative from each table would then report their findings back to the group at-large. This format is effective in helping people feel comfortable in sharing their individual thoughts and ideas, while also allowing everyone in the room to hear what is discussed in the smaller groups.

3. *Master Plan Committee Public Hearing—Overview of Action Items/Recommendations*

The third and final public workshop would be held after a full draft of the plan is completed, but before it has been finalized. We see this workshop occurring during the eighth month of the process and envision formatting the meeting as a facilitated town hall. This meeting format is useful toward the end of the process as a way to describe in some detail with the plan's recommendations are without overwhelming participants with an overly long presentation. For each section of the plan that includes action items, we would give a concise but comprehensive overview of the Action Items in that section, followed by a timed public question and answer session. The goal of this format is to allow everyone to hear the same information presented by our team as well as all of the comments. The Q&A sessions are broken down by topic area to keep them focused on specific items. Since the plan is still in draft form at this stage, there is plenty of opportunity to hear additional comments and make revisions as necessary.

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2.2 FOCUS GROUPS

The BFJ Team will conduct targeted focus group meetings and/or attend community meetings held by local organizations to gather information from residents, business owners, and community groups. The focus groups will be scheduled to occur between the first and second public workshops and are expected to provide an opportunity for special interest or key stakeholder groups to discuss specific topics of concern. We anticipate holding up to three focus group/community meetings during the process. These stakeholder groups may include, but are not limited to, neighborhood organizations, community-based organization, property owners and businesses, or other organizations identified with the help of the Master Plan Committee.

2.3 PUBLIC SURVEY

BFJ will conduct a public survey, which will be administered through an online tool, such as Survey Monkey. The survey will include questions about community values and concerns for the City, as well as wishes and wants for the future. The BFJ Team will tabulate the survey results which will help guide prioritization of certain action items based on the input received. Results will be shared with the Master Plan Committee and will be included in the final plan.

The advantages of using an online survey are that it is low-cost, can be easily ramped up to target a large group of people, and that the results can be automatically compiled, complete with statistics and charts, although some analysis is still required, particularly for open-ended questions. The disadvantage of online surveys is that they are self-selecting, and can therefore not be considered truly scientific. Online surveys, therefore, are best at gathering opinions in a qualitative, rather than quantitative fashion.

PHASE 3: DRAFT PLAN CHAPTERS

Understanding a community today helps chart its course for tomorrow. The foundation for any master planning effort, therefore, is gaining an intimate and holistic understanding of a community in its current state. Because of the length of time since Rye's last master plan, it will be important to establish a baseline of existing conditions in order to assess issues and opportunities. However, BFJ's approach to comprehensive planning seeks to avoid an encyclopedic compilation of information, but instead to focus on those elements that are most critical for the community's future and are subject to change. For Rye, the vast majority of the community is likely envisioned as remaining stable, with targeted enhancements, while the key areas that may be subject to change and will be the focus of much of the planning effort are the City's central business district, and the office areas clustered around the I-95 Exit 19 interchange.

Therefore, the overarching concept of the Comprehensive Master Plan will be to answer the following key questions, which will be organizing concepts for the Plan chapters:



5.0 Project Approach and Scope of Work

1. What aspects of Rye should be protected and preserved?
2. What aspects of Rye should change in order to grow in a manner consistent with the community's vision?
3. What community facilities and infrastructure need to be provided in order to accommodate Rye's existing and future population?
4. What specific actions need to be implemented to accomplish the above?

Based on Rye's existing Master Plan and our understanding of New York State law regarding contents of a comprehensive plan, we propose the chapters listed below. We are flexible in our approach, and these chapters will be confirmed with the City and the Steering Committee and may be modified based on their input.

INTRODUCTION AND PLANNING CONTEXT

3.1 INTRODUCTION/EXECUTIVE SUMMARY

An introduction to the Rye Comprehensive Master Plan update, including purpose and function of the plan, a review of the public participation and planning process and a summary of key recommendations. This chapter is intended to provide an overall Plan summary and can serve as a standalone document.

3.2 VISION STATEMENT AND PLANNING GOALS

A concise statement of the community's planning vision, followed by a set of overarching themes and goals, based on the input gathered from the community engagement process.

3.3 REGIONAL CONTEXT AND DEMOGRAPHIC TRENDS

Rye's location and role in the region; review of past City planning efforts along with current policies and plans from the County, State and neighboring municipalities; and other applicable land use, transportation and planning policies. Also includes a review of the City's demographic characteristics, including population composition and change, using data from the 2010 U.S. Census and other sources, and identifying key issues resulting from demographic trends.

3.4 LAND USE, ZONING AND DEVELOPMENT PATTERNS

An analysis of existing land uses, development patterns, land use trends, constraints to future development, zoning regulations and recent amendments and overall land use and zoning goals and policies.

WHAT WE SHOULD PRESERVE

3.5 NATURAL AND COASTAL RESOURCES

A discussion of key environmental resources and issues related to wetlands, water bodies and watersheds, floodplains, stormwater management and conservation areas. Also includes a discussion on Rye's coastal landscape, including resiliency to climate change and storm impacts.

5.0 Project Approach and Scope of Work

3.6 HISTORIC AND CULTURAL RESOURCES

Assessment of Rye's historical perspective and significant cultural and historic assets, including buildings of significant architectural or community interest.

HOW WE SHOULD GROW

3.7 CENTRAL BUSINESS DISTRICT AND OFFICE AREAS

Focus on Rye's primary mixed-use/retail area along Purchase Street and in the vicinity of the train station, as well as the concentration of commercial office uses around the I-95 Exit 19 interchange. This discussion will address the appropriate mix of uses in these areas, including potential adjustments to zoning to facilitate appropriate uses, as well as ways to enhance their attractiveness and functionality.

3.8 ECONOMIC DEVELOPMENT

Discussion of local and regional economic trends and how they affect Rye's employment, tax base and commuting patterns.

3.9 HOUSING

Analysis of the existing housing stock, housing demand, neighborhoods and affordability issues. Discussion of the needs to promote housing that serves a wide range of Rye's population, including seniors and young families.

WHAT WE SHOULD PROVIDE

3.10 COMMUNITY FACILITIES AND RECREATION

Discussion of municipal facilities, senior centers and schools. Also includes an analysis of open space and public and private recreation inventory and needs, including the necessity for both active and passive recreation and the potential for creation of pedestrian and bike trails.

3.11 TRANSPORTATION

A description of the existing State, regional and local road network and public transportation (train and bus), bicycle and pedestrian facilities, including recognition of significant planned improvements. Identification of potential strategies to promote non-vehicular transportation or public transit and to improve safety and function of vehicular circulation. Analysis of parking inventory and needs, as well as strategies to address key issues.

3.12 INFRASTRUCTURE

A discussion of utilities (i.e. water, sewer, stormwater, solid waste and recycling) and identification of important issues and needs.



5.0 Project Approach and Scope of Work

IMPLEMENTATION

3.13 FUTURE LAND USE PLAN AND IMPLEMENTATION

This chapter will contain a detailed Future Land Use Map that identifies future land use types and densities based on all of the recommendations contained in the Plan elements and identified during the public process and through meetings with City staff and the Steering Committee. The map will designate the types, location, connectivity and intensity of land uses, as well as appropriate zoning controls to achieve the Comprehensive Master Plan vision.

While a comprehensive plan provides policy recommendations to guide future land use and economic development decision-making for a municipality, it is only the first step in achieving the community's vision. Following adoption of a comprehensive plan, the municipality must implement the recommendations of the plan in order to put them into action. To this effect, it is critical that the City's final published comprehensive plan include a summary of action items that should be undertaken in order to implement the plan's policies. As part of the final Plan chapter, we will create an "implementation matrix" that outlines the policies and strategies contained in each of the plan chapters. We will populate this matrix with action items (broken out by short- medium and long-term) to be executed by the City; the agency responsible for each respective action item; order of magnitude cost and time estimates; and identification of any potential funding sources toward implementation.

As we prepare the draft plan chapters, we will submit them to the Steering Committee for review and comment. We will meet regularly with the Committee to discuss their feedback and will then revise the chapters at their direction, after which the chapters can be placed on the project website. Plan chapters will include an overview of existing conditions, projections of growth trends, assessment of future needs and policy recommendations. The chapters will all be tied back to the plan vision set forth in Phase 2.

PHASE 4: FINAL PLAN

4.1 DRAFT COMPREHENSIVE MASTER PLAN

Once all of the draft plan chapters have been prepared, we will meet with the Steering Committee to discuss refinement of the Plan policies and recommendations as necessary, based on input from the public outreach efforts and direction from the committee. An important focus of this discussion will be the Future Land Use Map and Implementation Strategy. The Future Land Use Map will graphically illustrate the policy issues and recommendations of the plan, while the Implementation Strategy will complement and further expound upon the map. Following this meeting, we will make any necessary changes to the plan and submit a complete Draft Comprehensive Master Plan to the Steering Committee.

Following submission of the Draft Comprehensive Master Plan to the Steering Committee, the City must hold a public hearing on the Plan. New York State Law requires that when a municipal governing body directs a planning board or a special committee (Steering Committee) to prepare a proposed comprehensive plan, that the board preparing the plan must hold a public hearing. Following the public hearing and any revisions made to the Draft Plan as a result of the hearing, the Steering Committee must ultimately vote to recommend the Draft Plan to the City Council. The Council must, within ninety (90) days of receiving the committee's recommended Draft Comprehensive Master Plan, and prior to adoption of the Plan, hold its own public hearing. We propose to present the Draft Comprehensive Master Plan to the public at the Steering Committee public hearing, which will also serve as the final public workshop (see Phase 2, above).

5.0 Project Approach and Scope of Work

EAF and Negative Declaration

4.2 EAF AND SEQR COORDINATION

Part 1 of a Full EAF will be prepared for the proposed action to assist the lead agency (City Council) in determining whether the proposed action may result in a significant effect on the environment. The Full EAF will be accompanied by a detailed project description and illustrative maps and graphics. Upon completion, Part 1 will be submitted to the City for review and comment. Once comments have been received from the City, BFJ will finalize the EAF and submit the document to the City Council for circulation to all interested and involved agencies.

BFJ will prepare a draft Resolution of Intent to be Lead Agency as part of the SEQR coordinated review process (required for Type I Actions). This Resolution will establish the City Council's intent to be the SEQR lead agency for the environmental review process for the proposed action. The City Council will adopt the Resolution of Intent to be Lead Agency. The involved agencies will have 30 calendar days to respond to the EAF and Resolution.

Once the City Council has been established as the lead agency, BFJ will assist the Council in the preparation of a Part 2 EAF as required by SEQR. The lead agency is responsible for preparation of Part 2 and normally uses Part 2 EAF to determine whether the proposed action will result in any significant adverse impacts.

4.4 SEQR DETERMINATION AND FINAL COMPREHENSIVE MASTER PLAN ADOPTION

Using the information provided in Part 1 and 2 of the EAF, the lead agency will determine the significance of the action by making a positive or negative declaration. In this case, we are proceeding under the assumption that the City Council will adopt a negative declaration on the project, and that a Generic Environmental Impact Statement (GEIS) will not be prepared. BFJ will prepare the Negative Declaration forms and associated resolutions. Our past experience in preparing comprehensive plans for Westchester County municipalities, including those of the Villages of Bronxville, Mamaroneck, Tuckahoe, Rye Brook, Nyack and Pleasantville, has shown that this is the preferred approach. However, if a Positive Declaration of significance is determined for the project, a GEIS must be prepared, and would require a supplemental contract of services, including an additional budget allocation.

Following the City Council's public hearing, we will review any proposed changes with the Council. Once an agreed-upon set of changes are identified we would make any necessary revisions to the draft Plan and prepare documents for approval. The City Council would then be in a position to adopt the Comprehensive Master Plan following completion of the SEQR process outlined above.



5.0 Project Approach and Scope of Work

Positive Declaration and GEIS

4.2 EAF, SEQR COORDINATION AND SEQR DETERMINATION

As with Task 4.2 under the Negative Declaration option above, BFJ will prepare Part 1 of a Full EAF will be prepared for the proposed action to assist the City Council in determining whether the proposed action may result in a significant effect on the environment. Once comments have been received from the City, BFJ will finalize the EAF and submit the document to the City Council for circulation to all interested and involved agencies.

BFJ will also prepare the Resolution of Intent establishing the City Council's intent to be the SEQR lead agency for the environmental review process for the proposed action, and, once lead agency has been established, will assist the Council in the preparation of a Part 2 EAF as required by SEQR. The following tasks assume the City Council determines that adoption of the Plan could result in potentially significant adverse impacts (Positive Declaration), requiring preparation of a Generic Environmental Impact Statement.

4.3 PREPARATION OF DGEIS

Scoping and Scoping Session

- a. **Draft Scope** - This sub-task would commence with a "kick off" meeting with the City Council and/or City Staff to discuss the content of the draft scoping document and any specific concerns of board members regarding potential project impacts. Based on this initial meeting, we will assist the Council by preparing a preliminary draft written scope of issues to be addressed in the Draft GEIS.
- b. **Public Scoping Session and Final Scope** - As per SEQR, the City must provide an opportunity for the public and other interested and involved agencies to participate in the scoping process. While this requirement can be satisfied through the exchange of written materials, it would be appropriate to hold a public scoping session. The two objectives of the scoping session would be to (1) to potentially eliminate from consideration those impacts that are irrelevant or nonsignificant, and (2) to provide the public with an opportunity to participate in the identification of potential impacts. We would discuss all relevant public comments with the City and determine whether specific comments should be incorporated into the scoping document. Once the appropriate time has been given for public comment on the scoping document, we will prepare a final scoping document, on behalf of the City Council, to finalize the contents of the DGEIS.

DGEIS Preparation and Review

In general, the DGEIS will describe the Comprehensive Master Plan update, describe the environmental setting of the action, outlines the potential environmental impacts and suggests measures to mitigate each of the potentially adverse impacts. The DGEIS also contains sections on reasonable alternatives to the proposed action and a description of possible future actions. The DGEIS uses primary and secondary data sources to assess the potential impacts of the proposed action, including information obtained during drafting of the Comprehensive Master Plan as described above.

DGEIS Public Review Period and Public Hearing

After the DGEIS document is accepted by the City Council as complete, it is circulated and the public comment period begins. SEQR provides for a minimum 30-day comment period, although the lead agency can extend the comment period if deemed appropriate. During this public review period, a public hearing will be held; we propose that this hearing be a combined public hearing on the DGEIS and Comprehensive

5.0 Project Approach and Scope of Work

After the close of the comment period, BFJ will prepare the FGEIS document, which incorporates responses to all written comments received on the DGEIS and all comments made or submitted at the public hearing. As with the DGEIS, we will submit the draft FGEIS to the City Council for review; revisions received will be incorporated into the FGEIS and the final FGEIS submitted to the Council for approval.

4.5 FINDINGS STATEMENT

BFJ will prepare a Findings Statement for the City Council that summarizes the review process and makes key environmental conclusions on the basis of the SEQR documentation that has been prepared.

4.6 FINAL PLAN ADOPTION

Once the Findings Statement has been adopted by the City Council, the SEQR process is complete and the Council would be in a position to adopt the Comprehensive Master Plan.

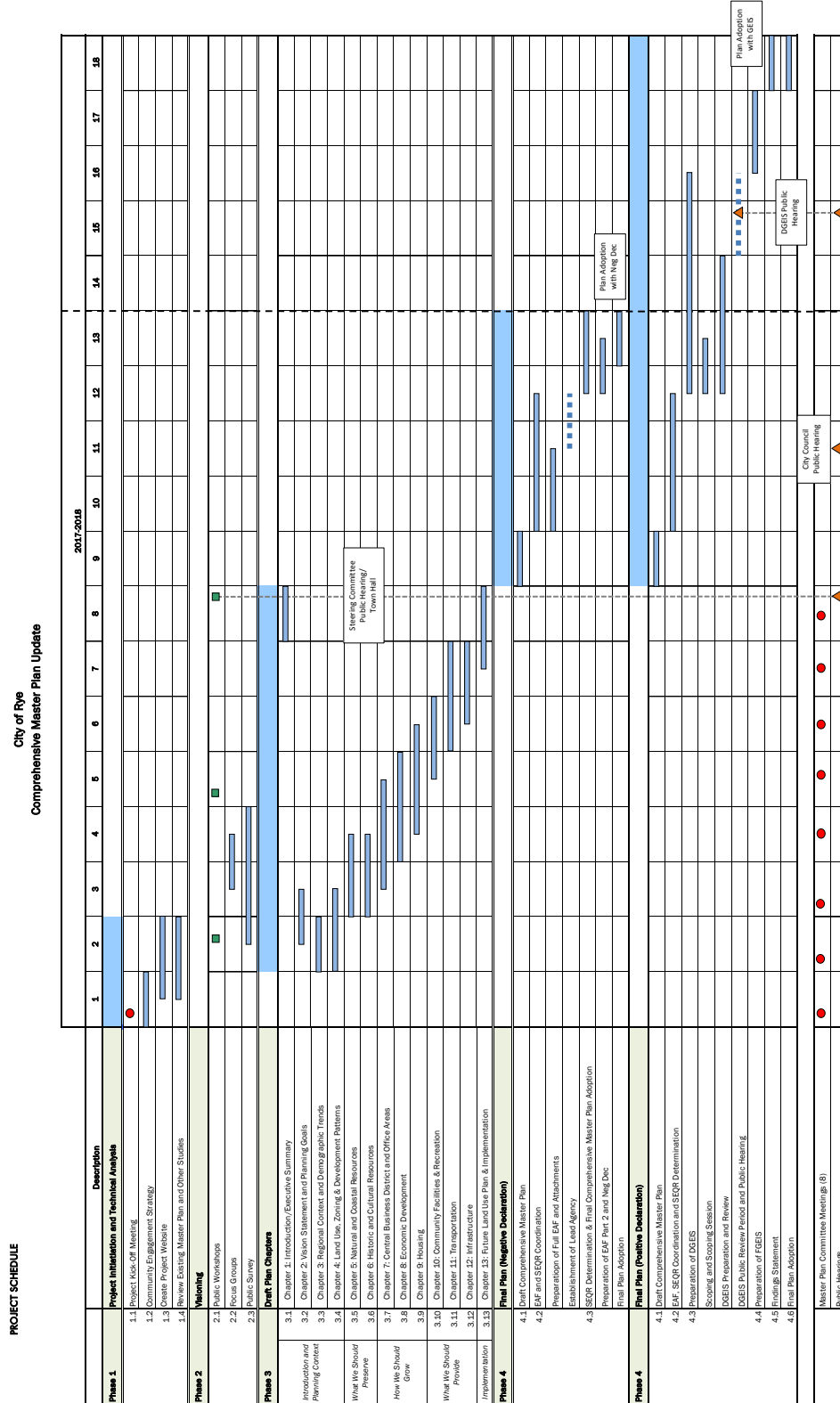




6.0

Project Schedule and Budget

6. Project Schedule and Budget



6. Project Schedule and Budget

[illegible]



7.0

Deliverables



7.0 Deliverables

PROJECT DELIVERABLES

Phase 1 Deliverables:

- Written summaries of all Steering Committee meetings.
- Community Engagement Strategy, including a contact list of key stakeholders that will be updated throughout the Plan Update process.
- A fully interactive and up-to-date website that will be launched within the first four-five weeks of the project's commencement and maintained for its duration.

Phase 2 Deliverables:

- Public workshops, including summary reports.
- Public survey summary report.

Phase 3 Deliverables:

- Draft Plan chapters, reviewed with Master Plan committee and placed on project website.

Phase 4 Deliverables:

- Environmental Assessment Form, Parts 1, 2 and 3 (Determination of Significance).
- Intent to be Lead Agency Resolution
- All required SEQR notices.
- Draft and Final Scoping Document (if required)
- PowerPoint for Scoping Session and Public Hearing (if required)
- Draft GEIS (if required)
- Final GEIS (if required)
- Findings Statement (if required)
- Final Comprehensive Master Plan, in hard copy and digital form. All mapping shall be in a format acceptable to the City for continued use and updating.





8.0

Forms



CITY OF RYE

VENDOR CONFLICT OF INTEREST QUESTIONNARE instructions:

Question 1: Enter your name and the name of your business.

Question 2: If you are updating an existing form for a bid or proposal check box 2.

Question 3: Enter the name of the government official or City employee you know where a conflict of interest might exist on the line. If there's none, leave the name of officer blank.

Check "Yes" or "No" in Box A, B, and C

- ☐ **Box A: does the government official or City employee named receive income or money from the company filing the form?**
- ☐ **Box B: does the company (person filing) receive income or money from the government official or City employee, not from the government?**
- ☐ **Box C: is the filer employed by a company or corporation in which the government official or City employee is an officer, or director, or part owner?**
- ☐ **Box D: Describe your employment or business relationship with the government official or City employee. If there's none, write "none" in space D.**

Question 4: Sign and date the Conflict of Interest form



CONFLICT OF INTEREST QUESTIONNAIRE

For vendor or other person doing business with the City of Rye

OFFICE USE ONLY

This questionnaire is being filed in accordance with New York State General Municipal Law § 103 by a person who has a business relationship with the City of Rye.

By request of the City of Rye this questionnaire must be filed by a vendor that wishes to conduct business or be considered for business with the City. They must declare any business affiliation with a government official or City employee.

The form is a mandatory requirement of a submission of any bid, proposal or contract to the City of Rye. Any bid, proposal, or contract submitted without a signed copy of the Conflict of Interest form shall be considered incomplete and will be rejected by the City.

Date Received

1 Name of person who has a business relationship with local governmental entity.

BFJ Planning

2

☐ Check this box if you are filing an update to a previously filed questionnaire.

N/A

3

Name of local government officer/City employee with whom filer has employment or business relationship.

N/A

Name of Officer

This section (item 3 including subparts A, B, C & D) must be completed for each officer/City employee with whom the filer has an employment or other business relationship. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer/City employee named in this section receiving or likely to receive taxable income, other than investment income, from the filer of the questionnaire?

☐ Yes ☒ No

B. Is the filer of the questionnaire receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer/City employee named in this section AND the taxable income is not received from the local governmental entity?

☐ Yes ☒ No

C. Is the filer of this questionnaire employed by a corporation or other business entity with respect to which the local government officer/City employee serves as an officer or director, or holds an ownership of 10 percent or more?

☐ Yes ☒ No

D. Describe each employment or business relationship with the local government officer/City employee named in this section.

4

Signature of person doing business with the City of Rye

2/2/17

Date



**NON-COLLUSIVE AFFADAVIT
COMPLIANCE WITH SECTION 103D GENERAL MUNICIPAL LAW
(TO BE SUBMITTED WITH BID PROPOSAL)**

PART 1 STATE OF New York)

PART 1 COUNTY OF New York) ss:

Susan Favate, Principal

(Here insert full name of owner, partner, officer, representative, or agent of Contractor)

Being first duly sworn, deposes and says that:

1. He is (Owner, partner, officer, representative or agent) of

BFJ Planning, 115 5th Avenue New York, New York 10003

(Here insert full name and address or legal title of Contractor)

the Bidder that has submitted the attached Bid;

2. He further states and affirms:

(a) By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:

(1) The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any bidder or with any competitor;

(2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and

(3) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

- (b) A bid shall not be considered for award nor shall any award be made where (a) (1), (2), and (3) above have not been complied with; provided, however, that if in any case the bidder cannot make the foregoing certification, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefore. Where (a) (1), (2), and (3) above have not been complied with, the bid shall not be considered for award nor shall any award be made unless the City Council, for its designee, determines that such disclosure was not made for the purpose of restricting competition.

The fact that a bidder has published price lists, rates or tariffs covering items being procured, has informed prospective customers of proposed or pending publication of new or revised prices lists for such items, or has sold the same items to other customers at the same prices being bid, does not constitute, without more, a disclosure within the meaning of subparagraph 2(a) hereof.

3. Any bid hereafter made hereunder by a corporate bidder for work or services performed or to be performed by, goods sold or to be sold, where competitive bidding is required by statute, rule, regulation, or local law, and where such bid contains the certification referred to in subparagraph (a) hereof, shall be deemed to have been authorized by the board of directors of the bidder, and such authorization shall be deemed to include the signing and submission of the bid and the inclusion therein of the certificate as to non-collusion as the act and deed of the corporation.

PART 1



(Signed)

PART 1

Principal

(Title)

Subscribed and sworn to before me this

2 Day of February, 2017
 Title
(Notary)

MILDRED C. RAMOS
Notary Public, State of New York
No. 01RA4854309
Qualified in Westchester County
Commission Expires March 3, 2018



CITY COUNCIL AGENDA

NO. 12

DEPT.: Finance

DATE: April 19, 2017

CONTACT: Joseph S. Fazzino, Deputy City Comptroller

AGENDA ITEM: Resolution to transfer funds donated to the *Branching out for Rye Campaign* to the General Fund, Shade Tree cost center.

FOR THE MEETING OF:
April 19, 2017

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, the *Branching out for Rye Campaign* raised funds to purchase and plant trees for the City of Rye; and

WHEREAS, due to the generosity of campaign donors, an amount of \$3,750.00 was raised during the campaign; and

WHEREAS, the donations must be transferred into the project account as preparations are made to have the trees purchased and planted; be it therefore

RESOLVED, that the City Comptroller is authorized to transfer the amount of \$3,750.00 from the General Fund account to the General Fund Account "Shade Tree Project" for the purchase of trees using funds donated.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:

See attached request from the Sustainability Committee.

Dear Mayor Sack and members of the Rye City Council,

The Rye Sustainability Committee and CC/AC would like to thank you very much for supporting and facilitating the creation of the *Branching Out for Rye* tree fund. Since launching the fund in 2016, we have raised over \$3,750 for the planning, purchasing and planting of municipal trees throughout the City of Rye.

As you know, the fund will help replace many trees in Rye that have been lost in recent years due to extreme weather events, old age, disease, development and construction. We are excited to announce that we will be breaking ground with the planting of the first Tree Fund tree on Wednesday, April 19th from 3-3:30pm at the corner of Purchase and Elm Streets. We cordially invite you to this occasion, which we will be marked with a ribbon cutting ceremony and acknowledgement of all parties who have helped make this possible.

We also formally request that the funds needed from time to time for the Tree Fund purchasing and planting during 2017 be transferred by April 19 from the earmarked account supervised by the Finance Department to the Department of Public Works.

Please RSVP to let me know whether or not you can attend the event on April 19th. We hope to see you there.

Sincerely,

Sara Goddard
Chair, Rye Sustainability Committee



CITY COUNCIL AGENDA

NO. 13

DEPT.: Police

DATE: April 19, 2017

CONTACT: Commissioner of Public Safety Michael C. Corcoran, Jr.

AGENDA ITEM: Resolution to authorize expenditure of police donations reserved for Police Programs for the purchase of items for the Adopt-a-School Program.

FOR THE MEETING OF:
April 19, 2017

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, the City Manager and the Public Safety Commissioner have approved a request of the Rye Police Department to purchase items to be used in the Adopt-a-School Program in the amount of \$294.54 with funds available in the police donations account, and;

WHEREAS, sufficient funds exist in the police donations account to comply with the aforementioned request of the Rye Police Department; now therefore be it;

RESOLVED, that \$294.54 be appropriated from the police donations account to increase 2017 General Fund Donations Reserved for Police programs.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: The Police Donations account was established to account for donations made by the general public for the specific purpose of benefiting the City of Rye Police Department. The process to release these funds requires that a request made by the Rye Police Department is approved by the Public Safety Commissioner and City Manager, and finally by resolution of the City Council. The Rye Rotary Club presented the Police Department with a donation of \$1,500.00 for continuing efforts in the Police Department's Adopt-a-School Program. The City Council is asked to authorize the request for funds to be used in the Rye Police Department Adopt-a-School Program.



CITY COUNCIL AGENDA

NO. 14

DEPT.: City Manager's Office

DATE: April 19, 2017

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Resolution ratifying the appointment of one member to the Emergency Medical Services Committee for a three-year term expiring on June 30, 2017.

FOR THE MEETING OF:

April 19, 2017

RYE CITY CODE,

CHAPTER
SECTION

RECOMMENDATION: Approval by Mayor and City Council of the appointment of Mr. Bart DiNardo, the City of Rye Community Representative, to the Emergency Medical Services Committee.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:

The term of Bart DiNardo, the Community Representative to the Emergency Medical Services Committee from the City of Rye, will expire on June 30, 2017. Section 3A of the Inter-Municipal Agreement states that the community representatives shall be "recommended by the Corps and ratified by joint resolution of the municipalities." The City of Rye and the Villages of Port Chester and Rye Brook have joined in this inter-municipal cooperative.

Mr. DiNardo has expressed his willingness to continue as the City of Rye's representative and the Corps recommends his reappointment. The City of Rye's resolution will then be sent to the Village of Port Chester and the Village of Rye Brook for approval.

See attached.



PORT CHESTER-RYE-RYE BROOK EMERGENCY MEDICAL SERVICES

4/6/2017

Mr. Marcus Serrano
Manager
The City of Rye
1051 Boston Post Road
Rye, N.Y. 10580

Dear Mr. Serrano:

The Inter-Municipal Agreement for Emergency Medical Services established the Emergency Medical Services Committee (EMSC). The Term of Mr. Bart DiNardo, the Community Representative to the Committee from the City of Rye will expire on June 30th 2017. Mr. DiNardo has been an active member of the EMSC and has expressed his desire to continue as Rye's representative.

Section 3A of the Inter-Municipal Agreement states that the community representative shall be "recommended by the Corps and ratified by joint resolution of the municipalities". In accordance with the agreement I respectfully submit Bart DiNardo for reappointment to the EMSC for a term of three (3) years, ending June 30, 2020. I request this matter be placed on the agenda of the next scheduled City of Rye Board meeting.

Please don't hesitate to contact me with any questions, comments or concerns.

Sincerely,

Scott T. Moore
EMS Administrator



CITY COUNCIL AGENDA

NO. 15 DEPT.: Police DATE: April 19, 2017
CONTACT: Michael C. Corcoran, Jr., Commissioner of Public Safety

AGENDA ITEM: Consideration of the proposed changes and additions to the Rules and Regulations of the City of Rye Police Department: General Order #102.8, General Order #103.7, General Order #103.10, General Order #115.3, General Order #116.2, General Order #118.10, and the addition of General Orders #118.2 and 120.10.

FOR THE MEETING OF:

April 19, 2017

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: Approval of a revision to six (6) General Orders and the addition of two (2) new General Orders.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:
Enhancement of the operational effectiveness of the Department.

BACKGROUND:

- Revision of General Order #102.8 regarding the operational guidelines of the Bicycle Patrol Unit
- Revision of General Order #103.7 regarding the carry and use of Oleoresin Capsicum (O.C.) Spray
- Revision of General Order #103.10 regarding the training, deployment, use and aftercare of Conducted Electrical Weapons
- Revision of General Order #115.3 regarding the procedures for the training of new police officers during post-academy training
- Revision of General Order #116.2 regarding promotions and appointments
- Addition of General Order #118.2 regarding a performance tracking software program entitled "Guardian Tracking"
- Revision of General Order #118.10 establishing uniform guidelines on Training and Records
- Addition of General Order #120.10 establishing administrative and operational procedures to regulate the collection, reporting, processing and dissemination of intelligence information.

The General Orders have been provided to the Rye Police Association for review pursuant to the provisions of the collective bargaining agreement.