

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

**REGULAR MEETING OF THE CITY COUNCIL
Wednesday, September 18, 2019
7:30 p.m.**

Please Note: 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 privileged matters, personnel matters and labor negotiations.

1. Pledge of Allegiance.
2. Roll Call
3. General Announcements.
4. Draft unapproved minutes of the Regular Meeting of the City Council held July 17, 2019.
5. Residents may be heard on matters for Council consideration that do not appear on the Agenda.
6. Presentation by Energize NY and consideration to set a Public Hearing for October 2, 2019 to amend local law Chapter 176, "Energy Conservation", of the Rye City Code by authorizing the provision of financing through Open C-PACE to Qualified Properties within its geographical boundaries.
7. Continuation of a public hearing to adopt a local law, Article 21 "Financial Procedures" of the Charter of the City of Rye section § C21-9 "Bond Resolutions" to add a new subsection G to allow certain well-qualified debt of enterprise funds outside the charter debt limit.
8. Update on Nursery Field.
9. Ratify the Memorandum of Agreement with the DPW-CSEA union.
10. Consider setting a public hearing on October 2, 2019 to add Article VI "Vestibules" to Chapter 167 (Streets and Sidewalks) of the City Code of the City of Rye to facilitate the use and implementation of vestibules on the City's sidewalks, allowing commercial properties to insulate interiors in a safe and proper manner.
11. Consideration of Setting a public hearing on a local law amending §197-86 of the Code of the City of Rye to Amend the Regulation of Accessory Seasonal Outdoor Customer Seating.
12. Consideration of a petition from Midland Rye LLC to amend the City of Rye Zoning Code of the B-5 "Interchange Office Building" Zoning District to add two new permitted uses in the B-5 Zoning District, specifically medical office and personal storage, which would each be

permitted as uses subject to additional standards and requirements (otherwise referred to as “special exception uses”) and referral of the petition to the Planning Commission.

13. Authorize the implementation, and funding in the first instance of 100% of the federal-aid [[[and State "Marchiselli" Program-aid]]] eligible costs, of a transportation federal-aid project, and appropriating funds therefore for the Forest Avenue Corridor Accessibility Improvement Project.
Roll Call
14. Open the public hearing for a Verizon Wireless application for a special permit to install a public utility wireless communication facility on the roof of the Verizon building located at 182 Purchase Street.
15. Update the City Financial Goals and Policies to increase unreserved fund balance in the General Fund to 10% of operating expenditures from the existing requirement of 5% of operating expenditures.
Roll Call
16. Resolution to amend the 2019 Adopted Fees and Charges for the Boat Basin to increase winter storage fees for both in-water and land storage.
Roll Call
17. Consider setting a public hearing for October 2, 2019 for a T-Mobile application to modify an existing base station that does not substantially change the physical dimensions of such base station and referral of the application to the BAR for review and comment.
18. Approval of the election of one new member to the Rye Fire Department.
19. Consideration of a request by the Midland Fair committee to approve a parade to precede the Midland Elementary School Fair on Saturday, April 27, 2020 from 9:00 a.m. to 10:15 a.m.
20. Consideration of a request by the Midland Fair committee to allow two to three food trucks as part of the Midland Fair on April 25, 2020 from 10:00 a.m. to 3:00 p.m. The City Council will have to waive § 144-8D and G of the City Code.
21. Consider a request by the Sole Ryeders & Friends and the Rye High School Breast Cancer Awareness Club to have a TieTheTownPink breast cancer awareness campaign in the City of Rye during the month of October, 2019.
22. Consider a request by the Rye Merchants Association to close a portion of Purchase Street on Sunday, December 1, 2019 from 10:00 a.m. to 4:00 p.m. for the *Mistletoe Magic* event.
23. Consider a request by Christ’s Church Nursery School for use of the City streets on Saturday October 19, 2019 from 8:00 a.m. to 4:00 p.m. for their *Touch a Truck/Vehicle Fair* event.
24. Retroactive consideration of a request by Christ’s Church for use of City streets (Rectory Street) on Sunday, September 15, 2019 from 9:00 a.m. to 1:30 p.m. for their semi-annual picnic.

25. Consideration of a request from the Rye Country Day School Upper School Environmental Club to organize a youth climate action demonstration on the Village Green on Friday, September 20, 2019 beginning at 12:15 pm.
26. Appointments to Boards and Commissions, by the Mayor with Council approval.
27. Old Business/New Business.
28. Adjournment

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The next regular meeting of the City Council will be held on Wednesday, October 2, 2019 at 7:30 p.m.

** City Council meetings are available live on Cablevision Channel 75, Verizon Channel 39, and on the City Website, indexed by Agenda item, at www.ryeny.gov under "RyeTV Live".

The Mayor and City Council have office hours in the Mayor's Conference Room Annex at Rye City Hall, 1051 Boston Post Road. Attendance by the Mayor and Council Members will vary. The Mayor's Conference Room Annex is located on the 1st floor of City Hall adjacent to the Council Chambers. Hours are as follows:

Mondays 9:30 a.m. to 11:00 a.m.

Wednesdays 9:30 a.m. to 11:00 a.m.

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held in City Hall on August 7, 2019, at 8:00 P.M.

PRESENT:

JOSH COHN, Mayor
SARA GODDARD
RICHARD MECCA
JULIE SOUZA
BENJAMIN STACKS
DANIELLE TAGGER-EPSTEIN
Councilmembers

ABSENT:

EMILY HURD
Councilmember

The Council convened at 6:30 P.M. Councilman Mecca made a motion, seconded by Councilwoman Hurd, enter into executive session to discuss litigation and personnel matters. At 8:00 P.M., Councilman Mecca made a motion, seconded by Councilwoman Hurd, to exit executive session and commence the regular meeting of the City Council. The meeting began at 8:09 P.M.

1. Pledge of Allegiance.

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

2. Roll Call.

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

3. General Announcements.

Councilman Mecca thanked the Rye City Police Department for their great job during the July 4th weekend. He said the officers were very helpful with traffic and other safety measures. Councilman Mecca also announced that the Resurrection Church and School parking lot will begin Phase 2 of the renovation approved by the Planning Commission last year. He said it was the hope of the City that the improvements would help the coordination of the traffic flow.

Councilwoman Tagger-Epstein asked that everyone consider driving slower in bad weather. With the risk of flooding on the roadways, there is the risk of an accident. She asked everyone to be mindful in that way.

Councilwoman Souza congratulated the Chamber of Commerce on another successful sidewalk sale in July. She announced that the Taste of Rye annual event will take place on September 21, 2019 from 3:00 to 5:30 pm.

Mayor Cohn announced on behalf of County Legislator Catherine Parker that Theodore Fremd would finally be paved in 2020, as well as a large section of Midland Avenue. Mayor Cohn further stated that the long awaited path to Playland program was starting and should be completed this fall. Mayor Cohn lastly announced that unfortunately, two weeks prior, Rye Resident Keven Nolan died of 9/11 related causes. He said that Mr. Nolan was everything that a first responder should be. There was a moment of silence to honor the memory and sacrifice of Mr. Nolan.

4. Draft unapproved minutes of the Regular Meeting of the City Council held July 17, 2019.

Councilwoman Mecca made a motion, seconded by Councilwoman Souza, to approve the minutes of the regular meeting of the City Council held July 17, 2019.

5. Residents may be heard on matters for Council consideration that do not appear on the Agenda.

There was nothing discussed under this agenda item.

6. Open a public hearing to adopt a local law, Article 21 “Financial Procedures” of the Charter of the City of Rye section § C21-9 “Bond Resolutions” to add a new subsection G to allow certain well-qualified debt of enterprise funds outside the charter debt limit.

Councilman Stacks, seconded by Councilwoman Souza, made a motion to open the public hearing.

Mack Cunningham, Rye Golf Commission Finance Committee and Rye resident, addressed the Council. He stated that the subject agenda item was an important issue in funding capital improvements. The Golf Club and Golf Manager go through a similar process to the City in terms of assessing the needs of capital improvements and projects. Mr. Cunningham spoke about the importance of the pool. He explained that when the committee started looking at the priorities of the Golf Club, the pool and Whitby were separate items/ buckets. The committee identified where the needs were, discussed with staff, and experts to assess the needs and costs. Mr. Cunningham mentioned the irrigation report, which helped provide an assessment of the irrigation that provided water to the course. It was found that the irrigation system was at the end of its life, most importantly the backend equipment. He said that the Commission and Finance Committee believes in the importance of the functioning water utility. He said that all other recreational golf courses are self-sustainable in this way. We believe that’s an exposure over time as rates goes higher. He felt it important to be able to capture the water before it goes into the Sound, and that the irrigation system is one of the important needs. Mr. Cunningham also stated that the pool is at a point where the Club would need to spend \$1.7 million. He said that the Golf Club Commission met with the City’s Finance Committee to gauge how to look at these projects at the same time. Mr. Cunningham said that the Golf Club had a background of running properly and responsibly. He reminded that the Golf Club made debt service payments of about \$400,000 annually from 1999 to 2018 for capital improvements. He then referenced the draft of the proposed

Charter amendment and stated he had questions specifically about Item 1, and the requirement for two public hearings within 14 days. He asked why the meetings needed to be so close to one another, suggesting it could be an undue burden on the City to need to meet so many times in a short period.

Mayor Cohn said that was his reading of it as well. With a three meeting burden, the Council would need to hold a special meeting to comply with that timeframe.

There was general discussion about the possible intent and method of the 14-day public hearing rule. There was discussion about potential undue burden.

Mr. Cunningham said that everyone agrees that Rye Golf Club is an asset to the City. He said that the Commission in operating the Club recognizes the responsibilities to ensure this is maintained. Mr. Cunningham lastly recognized Mr. Nolan and his family, who were active members of the pool and an addition to the community.

Councilman Mecca made a motion, seconded by Councilwoman Tagger-Epstein and unanimously carried, to keep the public hearing open to September 18, 2019.

7. Update on Nursery Field renovation project.

This item was adjourned.

8. Presentation by City Comptroller of Quarterly Report.

Mayor Cohn invited Deputy City Comptroller, Joseph Fazzino, to provide a quarterly financial report.

Mr. Fazzino gave a brief quarterly report, with comparative totals for the period ending June 30, 2019 from 2016, 2017 and 2018. He explained that the General Fund is the primary operating fund of the City. He reported that revenues were up \$993,850, or 3.3% compared to last year. Much of this increase was due to property tax revenues, with an increase in penalties and interest. Non-property taxes remained relatively flat. Sales tax went up on August 1, 2019, but the City will not see the effects of that until 2020. Intergovernmental revenues are down due to the City not yet seeing its portion of the payment for prisoner transportation. Interest income is up 96% as a result of the Federal Reserve increasing interest rates. The largest drop was in license and permit fees, mostly attributed to a decrease in building activity. This drop was offset, however, by street opening permits. Mr. Fazzino also reported that there was a spike in parking permit revenues, with fines and forfeitures down by \$91,000. There was discussion about parking violation revenue. Mr. Fazzino discussed more highlights, such as the City recovering about \$200,000 for an ongoing workers compensation claim from when the City was self-insured. There was a decrease in the police overtime reimbursement, and an increase in State aid. Lastly, Mr. Fazzino reported that the City received a one-time payment of \$500,000 in mortgage tax due to the development at 120 Old Post Road.

On the matter of expenditures, Mr. Fazzino stated they were up 5.2% compared to 2018. He explained that the changes from 2018 were that salaries and wages decreased \$316,382 (5.2%), as a result of the retirements and resignations in 2018. These were offset by administrative salary increases, contracted step increases, and retroactive payments for the Police union contract settlement made in 2019. Mr. Fazzino said that equipment purchased decreased \$116,000, with materials and supplies purchases also down. He added that a major component of this was the City not paying for hydrants. The City also saw a benefit cost savings from switching to LED lights in 2018. Mr. Fazzino also stated that contractual costs were up \$162,000 and employee benefits overall were down \$264,000. He finished his presentation of the overview of this year's budget.

Councilman Stacks asked why the 2019 numbers were so high. Mr. Fazzino responded that the numbers were projected for the entire fiscal year, as the 2018 numbers just portrayed the first half of the year.

Councilwoman Tagger-Epstein asked where the contractual costs were in the spreadsheet, and Mr. Fazzino responded that they were reflected under contractual costs. There were no further questions from the Council or the public.

9. Presentation regarding the Capital Improvement Program (CIP) for 2020

Mayor Cohn invited City Planner, Christian Miller, to provide a presentation regarding the Capital Improvement Program for 2020. The City Charter requires that the plan be presented and considered on an annual basis, which is a good planning practice. He said that the Capital Improvement Program was a considering of capital needs and priorities, as well as identifying the fiscal considerations to fund those improvements. These needs are collected from department heads and other staff; costs are estimates and funding sources presented are preliminary.

Mr. Miller presented a Capital Improvement Plan summary. The non-enterprise fund projects totaled \$50.4 million for 46 projects. Enterprise fund projects totaled \$8.7 million for 15 projects:

- \$17.4 million - Sewer projects
- \$14.2 million - Building
- \$11.3 million - Transportation
- \$5.6 million - Recreation
- \$2.1 million - Drainage/ Flooding
- \$4.0 million - Vehicles and Equipment
- \$5.8 million – Rye Golf Club projects
- \$2.9 million - Boat Basin projects

Mr. Miller talked about reasons for project deferrals, such as old or inadequate cost estimates, unknown project scope, the questioning of project need, that a project is unlikely to have a funding source, or strict unattainable requirements. He gave an overview of the CIP, with the highest burden being the sewer maintenance/ SSESS issues (estimated at \$17 million). He also discussed the pump station assessment and Police/ Court improvements. The latest idea would be

considering Building 5 on the DPW property to hold temporary court while the major construction is happening in the Court facility.

Mayor Cohn contemplated whether the city would be looking at an annual increase of 6% in construction costs.

There was general discussion on the court project and the Office of Court Administration (OCA) requirements, making it difficult for the possibility of the Court moving permanently.

Mr. Miller discussed transportation capital needs, in which many projects have been deferred. There was discussion regarding the Forest Avenue proposed improvements, as well as the Fremd/ Purdy/ Purchase intersection needs. Other capital considerations were Rye Golf Club,

Mr. Miller's snapshot of priority improvement projects included the SSES implementation projects with sewer maintenance, DPW buildings, court facilities, sanitation vehicles, Forest Avenue sidewalks, the salt shed, and Rye Town Park projects. He also discussed CIP funding, such as general revenue (\$8.2 million - 16%), debt (\$26.2 million - 52%), and grants and aid (\$16 million - 32%).

There was general discussion of debt sources.

There was discussion regarding grants and aid, which may have a great cost of compliance/ strings attached.

10. Consideration of 2020 parking rate increase contingent on an agreement with the MTA on concession parking spaces.

City Manager Serrano stated that MTA was in agreement with raising the parking permit fees by 15%, but was requiring ten parking spots be given for the sole use of the proposed forthcoming dining space in the MTA ticket building.

City Clerk D'Andrea explained that the rate increase, as supported by MTA, would yield an additional \$75,859.92 in revenue for the 2020 fiscal year. The proposed raise would result in the permit fee being more in line with that of other comparable municipalities.

Councilman Stacks made a motion, seconded by Councilman Mecca, to approve the parking rate increase for the annual City of Rye Commuter Parking Permit to \$1,005.00 for the 2020 fiscal year, contingent on the execution of a letter agreement between the City Manager and the MTA conceding ten parking spaces located in the MTA parking lot for the use of the proposed dining establishment in the MTA building.

ROLL CALL

AYES: Mayor Cohn, Councilmembers Goddard, Mecca, Souza, Stacks, Tagger-Epstein
NAYS: None
ABSENT: Councilwoman Hurd

11. Consideration of setting a public hearing for September 18, 2019 for a Verizon Wireless application for a special permit to install a public utility wireless communication facility on the roof of the Verizon building located at 182 Purchase Street and referral of application to the BAR for review and comment.

Leslie Snyder, Snyder & Snyder, attorney for the applicant, addressed the Council. She stated that Verizon Wireless is looking to locate facility at 182 Purchase Street. This facility is applicable under the newly-revised Chapter 196. Ms. Snyder asked the Council to set the public hearing for the September meeting and refer the matter to the BAR.

Councilwoman Souza made a motion, seconded by Councilman Stacks and unanimously carried, to adopt the following resolution:

RESOLVED, that the City of Rye hereby sets a public hearing for September 18, 2019 for a Verizon Wireless application for a special permit to install a public utility wireless communication facility on the roof of the Verizon building located at 182 Purchase Street and referral of application to the BAR for review and comment.

12. Consideration to authorize the City Manager to renew an agreement with the Westchester County Department of Correction to provide transportation from Rye to the Westchester County Jail in Valhalla, New York. This agreement would terminate on December 31, 2020.

City Manager Serrano explained that this agreement is standard for across Westchester County. The item before the Council this evening was to approve the updated agreement.

Councilwoman Tagger-Epstein made a motion, seconded by Councilman Mecca, to adopt the following resolution:

RESOLVED, that the City Council authorizes the City Manager to renew an agreement with the Westchester County Department of Correction to provide transportation from Rye to the Westchester County Jail in Valhalla, New York. This agreement would terminate on December 31, 2020.

ROLL CALL

AYES: Mayor Cohn, Councilmembers Goddard, Mecca, Souza, Stacks, Tagger-Epstein

NAYS: None

ABSENT: Councilwoman Hurd

13. Authorize the City Manager to retain the services of Minol to establish mock billing for Suez.

City Manager Serrano explained that the City of Rye could choose to piggyback off of a contract with Minol-USA and the Village of Port Chester, who recently retained services for the purpose establishing a method for billing for water usage to establish the fee for the sewer rents, at \$1 per unit. He stated that the City of Rye had worked with Port Chester to create an RFP for these services and agreed that Minol-USA was the best vendor.

Councilwoman Tagger-Epstein made a motion, seconded by Mayor Cohn, to adopt the following resolution:

RESOLVED, that the City Council authorizes the City Manager to retain the services of Minol-USA to establish mock billing for Suez, at a cost of \$1 per unit for setup and \$1 per unit for mock billing process.

ROLL CALL

AYES: Mayor Cohn, Councilmembers Goddard, Mecca, Souza, Stacks, Tagger-Epstein
NAYS: None
ABSENT: Councilwoman Hurd

14. Bid award to All City Management Services for crossing guard services as recommended by the Commissioner of Public Safety.
Roll Call

City Manager, Marcus Serrano explained that the bid specs were put out and All City Management was the sole bidder, who currently holds the contract.

Councilman Souza made a motion, seconded by Councilman Mecca, to adopt the following resolution:

RESOLVED, that Contract #2019-02, is hereby awarded to the lowest bidder, All City Management Services, in the amount of Two Hundred Five Thousand Six Hundred Eighty Six Dollars (\$205,686) as recommended by the Commissioner of Public Safety.

ROLL CALL

AYES: Mayor Cohn, Councilmembers Goddard, Mecca, Souza, Stacks, Tagger-Epstein
NAYS: None
ABSENT: Councilwoman Hurd

15. Consideration of a request by the Rye Free Reading Room for use of the Village Green on Thursday, November 5, 2020 through Monday, November 9, 2020 for Novel Night. That includes set up and clean up. The actual event will take place on Saturday, November 7, 2020 from 6:00 pm – 11:30 pm.

Chris Shoemaker, Director of the Rye Free Reading Room, addressed the Council. He asked for permission to use the Village Green on Thursday, November 5, 2020 through Monday, November 9, 2020 for Novel Night. That includes set up and clean up. The actual event will take place on Saturday, November 7, 2020 from 6:00 pm – 11:30 pm.

Mayor Cohn asked how the Library would be able to assure the Council that this event would be successful since the unfortunate events of 2012.

Mr. Shoemaker said that the Library had worked with the hosts to minimize the risk to the City. There will be no bars on the Village Green. The event will be tented.

Councilman Stacks asked if the Library would agree to restore any damage done. Mr. Shoemaker responded in the affirmative.

Councilwoman Goddard and Councilwoman Tagger-Epstein echoed concerns about preserving the Village Green, and about a possible rain or snow plan.

Mr. Shoemaker added that he did not foresee the need to use Haviland Lane.

Councilwoman Souza made a motion, seconded by Councilman Mecca and unanimously carried, to adopt the following resolution:

RESOLVED, that the City Council hereby approves a request by the Rye Free Reading Room for use of the Village Green on Thursday, November 20, 2020 through Monday, November 9, 2020 for Novel Night. That includes set up and clean up. The actual event will take place on Saturday, November 7, 2020 from 6:00 pm – 11:30 pm.

16. Consider of a request by the Jarden Corporation for use of City streets on Sunday, September 22, 2018 from 7:00 a.m. to 6:00 p.m. for their annual Westchester Triathlon.

Councilwoman Souza made a motion, seconded by Councilman Mecca and unanimously carried, to adopt the following resolution:

RESOLVED, that the City Council hereby approves a request by the Jarden Corporation for use of City streets on Sunday, September 22, 2018 from 7:00 a.m. to 6:00 p.m. for their annual Westchester Triathlon.

17. Adoption of the 2019/2020 tax levy and tax rate for the Rye Neck Union Free School District.
Roll Call.

Councilwoman Tagger-Epstein made a motion, seconded by Councilman Mecca, to adopt the following resolution:

WHEREAS, the Rye Neck Union Free School District (District) has certified to the City of Rye Comptroller taxes in the amount of \$12,252,983 to be raised on property within the District located in the City of Rye, with established tax rates of \$997.31148 per \$1,000 of taxable assessed value on homestead property and \$1,285.507965 per \$1,000 taxable assessed value on non-homestead property, for the fiscal year beginning July 1, 2019 and ending June 30, 2020, now, therefore be it

RESOLVED, that in accordance with the provisions of the City Charter, the City Comptroller is commanded to levy and collect said taxes, subject to any further amendments or approvals required by the Rye Neck Union Free School District.

ROLL CALL

AYES: Mayor Cohn, Councilmembers Goddard, Mecca, Souza, Stacks, Tagger-Epstein
NAYS: None
ABSENT: Councilwoman Hurd

18. One appointment to the Rye Golf Club Commission, by the Council, to fill the term expiring on January 1, 2021 of Benoit Ugeux who resigned.

Mayor Cohn announced that Benoit Ugeux resigned from the Golf Club Commission. Pursuant to the Rye Golf Commission's request, Mayor Cohn appointed Mack Cunningham to fill the unexpired term, ending December 31, 2020.

Councilman Stacks made a motion, seconded by Councilwoman Souza and unanimously carried, to approve the appointment.

19. Appointments to Boards and Commissions, by the Mayor with Council approval.

There was nothing discussed under this agenda item.

20. Old Business/New Business.

There was nothing discussed under this agenda item.

21. Adjournment.

There being no further business to discuss, Councilman Mecca made a motion, seconded by Councilwoman Souza and unanimously carried, to adjourn the meeting at 10:02 P.M.

Respectfully submitted,

Carolyn D'Andrea
City Clerk



CITY COUNCIL AGENDA

NO.

DEPT.: City Manager

DATE: July 21, 2019

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Presentation by Energize NY and consideration to set a public hearing for October 2, 2019 to amend local law Chapter 176, "Energy Conservation", of the Rye City Code by authorizing the provision of financing through Open C-PACE to Qualified Properties within its geographical boundaries.

FOR THE MEETING OF:

September 18, 2019

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the Council hear the presentation and set the public hearing.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: Energize NY Open C-PACE channels private capital to commercial and non-profit building owners to make energy upgrades to their buildings, enabling them to improve their properties, lower operating expenses and positively impact their communities. Property Assessed Clean Energy (PACE) financing is a public benefit authorized by state and local law, with repayment secured through a benefit assessment lien on the improved property. The Energy Improvement Corporation (EIC), a non-profit, statewide local development corporation, administers Energize NY Open C-PACE on behalf of its member municipalities.

Open C-PACE paves the way for higher levels of energy efficiency or renewable energy to be included as part of a building's redevelopment or rehabilitation – and might be the pivotal element needed to move the project forward.

September 11, 2019

MEMO

To: City of Rye

RE: *Energize NY Open C-PACE*

In April of 2019, Energy Improvement Corporation (EIC) launched a new PACE product, *Open C-PACE*, which removes all municipal obligations from the provision of the public benefit of PACE. Open C-PACE differs from the previous product in the following ways:

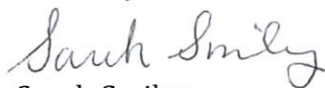
- EIC will bill the property owner directly and administer collection of the payment; the municipality will not add a charge to the property's tax bill.
- The municipality is no longer responsible for guaranteeing the loan payment.
- Funds are provided through EIC-approved capital providers, listed on EIC's website. Property owners will contact the providers directly, who will determine if and how much financing is provided.
- Financing is secured through a Benefit Assessment Lien which EIC will record on the land records of the benefited property. The Benefit Assessment Lien is subordinate to municipal taxes and senior to all other liens (consent from existing mortgage holders is required).
- The capital provider enforces delinquent PACE liens by following the same timeline of foreclosure governing delinquent municipal taxes and only after paying any taxes owed by the property owner to the municipality.

Commercial, multifamily, and nonprofit property owners will benefit from lower fees, more competitive interest rates, financing terms as long as 30 years and transferability if the property is sold.

Enabling Open C-PACE requires that the City adopt a new local law and authorize a new municipal agreement with EIC. EIC provides the template documents. Attached please find a list of municipalities that have enabled Open C-PACE, or are in process to do so.

We are excited by the potential of Open C-PACE to bring an infusion of capital for improvements to the building stock and to drive larger and more impactful projects in our communities. Given the interest we are seeing from property owners, we are hopeful for rapid adoption of Open C-PACE.

Sincerely,

A handwritten signature in cursive script that reads "Sarah Smiley".

Sarah Smiley

Director of Member Services

Open C-PACE municipal status

As of September 11th, 2019

Completed:

1. Town of Bedford
2. Franklin County
3. City of Saratoga Springs
4. City of Beacon
5. Town of Lewisboro
6. Town of Ossining
7. City of Yonkers
8. Wyoming County
9. Mount Kisco
10. Niagara County
11. North Tonawanda
12. Town of North Salem
13. Rockland County
14. Oneida County
15. Warren County
16. Town of Rye
17. Otsego County

In-Process: Adopted Local Law

1. Town of New Castle
2. City of New Rochelle
3. Suffolk County
4. City of Schenectady
5. Montgomery County
6. Town of Cortlandt
7. Broome County
8. Clinton County
9. City of White Plains
10. Columbia County
11. Dutchess County
12. City of Troy
13. Putnam County
14. Nassau County
15. Town of Yorktown
16. City of Geneva

In-Process: Scheduled votes

17. City of Kingston – Sept 10th vote (following up for confirmation)

18. Town of Greenburgh – Sept 11th vote
19. Sullivan County – Sept 19th vote
20. City of Syracuse – Aug 19th intro to Council, Sept 9th vote, Sept 23 vote on MA
21. Niagara Falls – Sept 4th public hearing/maybe vote, Sept 16th Mayor's public hearing, then MA vote (date tbd)
22. Madison County – Sept 10th intro, Oct 8th public hearing and vote
23. Albany County – Sept 9th vote to schedule public hearing, Sept 24th public hearing, Oct 14th vote or Nov 11th, then CE's public hearing
24. City of Canandaigua – Sept 5th intro, Oct 3rd public hearing/vote, maybe MA also
25. Cayuga County – Sept 24th public hearing (vote at same or Oct meeting)
26. Lewis County – Sept 17th committee mtg
27. Ulster County – Sept 10th committee, Sept 17 vote to schedule public hearing

As of Sept 11, 2019

Total completed and in-process: 44



Energize NY Open C-PACE channels private capital to commercial and non-profit building owners to make energy upgrades to their buildings, enabling them to improve their properties, lower operating expenses and positively impact their communities.

Property Assessed Clean Energy (PACE) financing is a public benefit authorized by state and local law, with repayment secured through a benefit assessment lien on the improved property.

The Energy Improvement Corporation (EIC), a non-profit, statewide local development corporation, administers Energize NY Open C-PACE on behalf of its member municipalities.

Energize NY Open C-PACE differs from traditional bank loans:

- Financing is available for up to 100% of the project cost, or can be combined with other financing
- Competitive private financing from EIC-approved capital providers
- Customizable loan terms up to the expected life of the improvement(s) (generally 20-30 years)
- Benefit assessment lien is subordinate to municipal taxes and senior to other liens (consent from mortgage holder is required)
- Automatically transfers to new owner upon sale of property
- Available for energy efficiency and renewable energy measures (Projects are qualified according to NYSERDA's C-PACE Guidelines)

Open C-PACE paves the way for higher levels of energy efficiency or renewable energy to be included as part of a building's redevelopment or rehabilitation – and might be the pivotal element needed to move the project forward.

Visit www.EnergizeNY.org or Call (914) 302-7300 x8105

Enabling Open C-PACE in your community

- Municipalities must pass a local law and sign an EIC municipal agreement to offer Energize NY Open C-PACE. EIC provides template documents.
- Any New York State municipality with tax lien authority is eligible.
- Open C-PACE is available to all local municipalities within a member county except for cities (and towns in Westchester County) that have tax lien authority, which must join separately.



Benefits to member municipalities:

- No fees to join
- No responsibility for program administration
- No financial exposure for the municipality

Once Open C-PACE is enabled, the member municipality provides the public benefit of PACE and EIC administers the program.

- EIC records the lien on the land record.
- EIC bills the property owner directly and administers collection of the payment.
- The capital provider enforces the PACE lien only *after* paying any delinquent municipal taxes owed by the property owner to the municipality.

Questions? Visit www.EnergizeNY.org or call (914) 302-7300 x8105

LOCAL LAW NO. – 20

**A LOCAL LAW TO ESTABLISH A SUSTAINABLE ENERGY LOAN
PROGRAM (OPEN C-PACE) IN THE _____**

Be it enacted by the [County/City/Town/Village] of _____ (the “Municipality”) as follows:

Section 1. This local law shall be known as the “Energize NY Open C-PACE Financing Program” and shall read as follows:

ARTICLE I

§1. Legislative findings, intent and purpose, authority.

- A. It is the policy of both the Municipality and the State of New York (the “State”) to achieve energy efficiency and renewable energy improvements, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The Municipality finds that it can fulfill this policy by providing property assessed clean energy financing to Qualified Property Owners (as defined below) for the installation of renewable energy systems and energy efficiency measures. This local law establishes a program that will allow the Energy Improvement Corporation (as defined below, “EIC”), a local development corporation, acting on behalf of the Municipality pursuant to the municipal agreement (the “Municipal Agreement”) to be entered into between the Municipality and EIC, to make funds available to Qualified Property Owners that will be repaid through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this local law and accomplishing an important public purpose. This local law provides a method of implementing the public policies expressed by, and exercising the authority provided by, Article 5-L of the General Municipal Law (as defined below, the “Enabling Act”).
- B. The Municipality is authorized to execute, deliver and perform the Municipal Agreement and otherwise to implement this Energize NY Open C-PACE Financing Program pursuant to the Constitution and laws of New York, including particularly Article IX of the Constitution, Section 10 of the Municipal Home Rule Law, the Enabling Act and this local law.
- C. This local law, which is adopted pursuant to Section 10 of the Municipal Home Rule Law and the Enabling Act shall be known and may be cited as the “Energize NY Open C-PACE Local Law”.

§2. Definitions

- A. Capitalized terms used but not defined herein have the meanings assigned in the Enabling Act.
- B. For purposes of this local law, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

Annual Installment Amount – shall have the meaning assigned in Section 8, paragraph B.

Annual Installment Lien – shall have the meaning assigned in Section 8 paragraph B.

Authority – the New York State Energy Research and Development Authority.

Benefit Assessment Lien – shall have the meaning assigned in Section 3, paragraph A.

Benefited Property – Qualified Property for which the Qualified Property Owner has entered into a Finance Agreement for a Qualified Project.

Benefited Property Owner – the owner of record of a Benefited Property.

EIC – the Energy Improvement Corporation, a local development corporation, duly organized under section 1411 of the Not-For-Profit Corporation Law of the State, authorized hereby on behalf of the Municipality to implement the Program by providing funds to Qualified Property Owners and providing for repayment of such funds from money collected by or on behalf of the Municipality as a charge to be levied on the real property.

Eligible Costs – costs incurred by the Benefited Property Owner in connection with a Qualified Project and the related Finance Agreement, including application fees, EIC's Program administration fee, closing costs and fees, title and appraisal fees, professionals' fees, permits, fees for design and drawings and any other related fees, expenses and costs, in each case as approved by EIC and the Financing Party under the Finance Agreement

Enabling Act – Article 5-L of the General Municipal Law of the State, or a successor law, as in effect from time to time.

Finance Agreement – the finance agreement described in Section 6A of this local law.

Financing Charges – all charges, fees and expenses related to the loan under the Finance Agreement including accrued interest, capitalized interest, prepayment premiums, and penalties as a result of a default or late payment and costs and reasonable attorneys' fees incurred by the Financing Party as a result of a foreclosure or other legal proceeding brought against the Benefited Property to enforce any delinquent Annual Installment Liens.

Financing Parties – Third party capital providers approved by EIC to provide financing to Qualified Property Owners or other financial support to the Program which have entered into separate agreements with EIC to administer the Program in the Municipality.

Municipality – the _____ of _____, a municipality of the State constituting a tax district as defined in Section 1102 of the RPTL of the State.

Municipal Lien – a lien on Qualified Property which secures the obligation to pay real property taxes, municipal charges, or governmentally imposed assessments in respect of services or benefits to a Qualified Property.

Non-Municipal Lien – a lien on Qualified Property which secures any obligation other than the obligation to pay real property taxes, municipal charges, or governmentally-imposed assessments in respect of services or benefits to a Qualified Property Owner or Qualified Property.

Program – the Energize NY Open C-PACE Financing Program authorized hereby.

Qualified Project – the acquisition, construction, reconstruction or equipping of Energy Efficiency Improvements or Renewable Energy Systems or other projects authorized under the Enabling Act on a Qualified Property, together with a related Energy Audit, Renewable Energy System Feasibility Study and/or other requirements under or pursuant to the Enabling Act, with funds provided in whole or in part by Financing Parties under the Program to achieve the purposes of the Enabling Act.

Qualified Property – Any real property other than a residential building containing less than three dwelling units, which is within the boundaries of the Municipality that has been determined to be eligible to participate in the Program under the procedures for eligibility set forth under this local law and the Enabling Act and has become the site of a Qualified Project.

Qualified Property Owner – the owner of record of Qualified Property which has been determined by EIC to meet the requirements for participation in the Program as an owner, and any transferee owner of such Qualified Property.

RPTL – the Real Property Tax Law of the State, as amended from time to time.

Secured Amount – as of any date, the aggregate amount of principal loaned to the Qualified Property Owner for a Qualified Project, together with Eligible Costs and Financing Charges, as provided herein or in the Finance Agreement, as reduced pursuant to Section 8, paragraph C.

State – the State of New York.

§3. Establishment of an Energize NY Open C-PACE Financing Program

- A. An Energize NY Open C-PACE Financing Program is hereby established by the Municipality, whereby EIC acting on its behalf pursuant to the Municipal Agreement, may arrange for the provision of funds by Financing Parties to Qualified Property Owners in accordance with the Enabling Act and the procedures set forth under this local law, to finance the acquisition, construction, reconstruction, and installation of Qualified Projects and Eligible Costs and Financing Charges approved by EIC and by the Financing Party under the Finance Agreement. EIC, on behalf of the Municipality, and with the consent of the Benefited Property Owner, will record a Benefit Assessment Lien on the Benefited Property in the Secured Amount (the “Benefit Assessment Lien”) on the land records for the Municipality. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality.
- B. Before a Qualified Property Owner and a Financing Party enter into a Finance Agreement which results in a loan to finance a Qualified Project, repayment of which is secured by a Benefit Assessment Lien, a written consent from each existing mortgage

holder of the Qualified Property shall be obtained, permitting the Benefit Assessment Lien and each Annual Installment Lien to take priority over all existing mortgages.

§4. Procedures for eligibility

- A. Any property owner in the Municipality may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the Municipality's offices.
- B. Every application submitted by a property owner shall be reviewed by EIC, acting on behalf of the Municipality, which shall make a positive or negative determination on such application based upon the criteria enumerated in the Enabling Act and § 5 of this local law. EIC may also request further information from the property owner where necessary to aid in its determination.
- C. If a positive determination on an application is made by EIC, acting on behalf of the Municipality, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Program in accordance with § 6 of this local law.

§5. Application criteria

Upon the submission of an application, EIC, acting on behalf of the Municipality, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

- A. The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;
- B. The amount financed under the Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property as determined by EIC;
- C. Sufficient funds are available from Financing Parties to provide financing to the property owner;
- D. The property owner is current in payments on any existing mortgage on the Qualified Property;
- E. The property owner is current in payments on any real property taxes on the Qualified Property; and
- F. Such additional criteria, not inconsistent with the criteria set forth above, as the State, the Municipality, or EIC acting on its behalf, or other Financing Parties may set from time to time.

§6. Energize NY Finance Agreement

- A. A Qualified Property Owner may participate in the Program through the execution of a finance agreement made by and between the Qualified Property Owner and a Financing Party, to which EIC, on behalf of the Municipality, shall be a third-party beneficiary (the “Finance Agreement”). Upon execution and delivery of the Finance Agreement, the property that is the subject of the Finance Agreement shall be deemed a “Benefited Property”).
- B. Upon execution and delivery of the Finance Agreement, the Benefited Property Owner shall be eligible to receive funds from the Financing Party for the acquisition, construction, and installation of a Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, provided the requirements of the Enabling Act, the Municipal Agreement and this local law have been met.
- C. The Finance Agreement shall include the terms and conditions of repayment of the Secured Amount and the Annual Installment Amounts.
- D. EIC may charge fees to offset the costs of administering the Program and such fees, if not paid by the Financing Party, shall be added to the Secured Amount.

§7. Terms and conditions of repayment

The Finance Agreement shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds loaned to the Benefited Property Owner for the Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, shall be specially assessed against the Benefited Property and will be evidenced by a Benefit Assessment Lien recorded against the Benefited Property on the land records on which liens are recorded for properties within the Municipality. The special benefit assessment shall constitute a “charge” within the meaning of the Enabling Act and shall be collected in annual installments in the amounts certified by the Financing Party in a schedule provided at closing and made part of the Benefit Assessment Lien. Said amount shall be annually levied, billed and collected by EIC, on behalf of the Municipality, and shall be paid to the Financing Party as provided in the Finance Agreement.
- B. The term of such repayment shall be determined at the time the Finance Agreement is executed by the Benefited Property Owner and the Financing Party, not to exceed the weighted average of the useful life of the systems and improvements as determined by EIC, acting on behalf of the Municipality.
- C. The rate of interest for the Secured Amount shall be fixed by the Financing Party in conjunction with EIC, acting on behalf of the Municipality, as provided in the Finance Agreement.

§8. Levy of Annual Installment Amount and Creation of Annual Installment Lien

- A. Upon the making of the loan pursuant to the Finance Agreement, the Secured Amount shall become a special Benefit Assessment Lien on the Benefited Property in favor of the Municipality. The amount of the Benefit Assessment Lien shall be the Secured Amount. Evidence of the Benefit Assessment Lien shall be recorded by EIC, on behalf of the Municipality, in the land records for properties in the Municipality. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality. The Benefit Assessment Lien shall not be foreclosed upon by or otherwise enforced by the Municipality.
- B. The Finance Agreement shall provide for the repayment of the Secured Amount in installments made at least annually, as provided in a schedule attached to the Benefit Assessment Lien (the “Annual Installment Amount”). The Annual Installment Amount shall be levied by EIC, on behalf of the Municipality, on the Benefited Property in the same manner as levies for municipal charges, shall become a lien on the Benefited Property as of the first day of January of the fiscal year for which levied (the “Annual Installment Lien”) and shall remain a lien until paid. The creation or any recording of the Annual Installment Lien shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality. Payment to the Financing Party shall be considered payment for this purpose. Such payment shall partly or wholly discharge the Annual Installment Lien. Delinquent Annual Installment Amounts may accrue Financing Charges as may be provided in the Finance Agreement. Any additional Financing Charges imposed by the Financing Party pursuant to the Finance Agreement shall increase the Annual Installment Amount and the Annual Installment Lien for the year in which such overdue payments were first due.
- C. The Benefit Assessment Lien shall be reduced annually by the amount of each Annual Installment Lien when each Annual Installment Lien becomes a lien. Each Annual Installment Lien shall be subordinate to all Municipal Liens, whether created by Section 902 of the RPTL or by any other State or local law. No portion of a Secured Amount shall be recovered by the Municipality, EIC, or an assignee upon foreclosure, sale or other disposition of the Benefited Property unless and until all Municipal Liens are fully discharged. Each Annual Installment Lien, however, shall have priority over all Non-Municipal Liens, irrespective of when created, except as otherwise required by law.
- D. Neither the Benefit Assessment Lien nor any Annual Installment Lien shall be extinguished or accelerated in the event of a default or bankruptcy of the Benefited Property Owner. Each Annual Installment Amount shall be considered a charge upon the Benefited Property and shall be collected by EIC, on behalf of the Municipality, at the same time and in the same manner as real property taxes or municipal charges. Each Annual Installment Lien shall remain a lien until paid. Amounts collected in respect of an Annual Installment Lien shall be remitted to EIC, on behalf of the Municipality, or the Financing Party, as may be provided in the Finance Agreement.

- E. EIC shall act as the Municipality's agent in collection of the Annual Installment Amounts. If any Benefited Property Owner fails to pay an Annual Installment Amount, the Financing Party may redeem the Benefited Property by paying the amount of all unpaid Municipal Liens thereon, and thereafter shall have the right to collect any amounts in respect of an Annual Installment Lien by foreclosure or any other remedy available at law. Any foreclosure shall not affect any subsequent Annual Installment Liens.
- F. EIC, on behalf of the Municipality, may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens to Financing Parties that provide financing to Qualified Properties pursuant to Finance Agreements. The Financing Parties may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens received from EIC, on behalf of the Municipality, subject to certain conditions provided in the administration agreement between EIC and the Financing Party. The assignee or assignees of such Benefit Assessment Liens and Annual Installment Liens shall have and possess the same powers and rights at law or in equity as the Municipality would have had if the Benefit Assessment Lien and the Annual Installment Liens had not been assigned with regard to the precedence and priority of such lien, the accrual of interest and the fees and expenses of collection.

§9. Verification and report

EIC, on behalf of the Municipality, shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Program in such form and manner as the Authority may establish.

§10. Separability. If any clause, sentence, paragraph, section, or part of this local law 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 involved in the controversy in which such judgment shall have been rendered.

Section 2. This local law shall take effect upon filing with the Secretary of State.

MUNICIPAL AGREEMENT

BETWEEN

ENERGY IMPROVEMENT CORPORATION

AND

[PARTICIPATING MUNICIPALITY]

RELATING TO

ENERGIZE NY OPEN C-PACE FINANCING PROGRAM

DATED AS OF _____, 2019

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ENERGY IMPROVEMENT CORPORATION
MUNICIPAL AGREEMENT (OPEN C-PACE)

This Agreement made as of this ____ day of _____, 2019 (the “*Agreement*”), by and between [County/City/Town/Village], a municipal corporation organized and existing under the laws of the State of New York (the “*Participating Municipality*”) and the Energy Improvement Corporation, a local development corporation formed under the laws of the State of New York (“*EIC*”) (both the Participating Municipality and EIC may hereinafter be referred to individually as a “*Party*” and collectively as the “*Parties*”), sets forth the duties and obligations of each Party in connection with the Participating Municipality’s participation in the Energize NY Open C-PACE Financing Program (“*Open C-PACE*” or the “*Program*”), as more fully described herein. Capitalized terms used herein, unless otherwise defined herein, have the meanings assigned to them in Section 1 herein.

WHEREAS, EIC has established the Program as a sustainable energy financing program pursuant to the Enabling Act through which the member municipalities, including the Participating Municipality, may levy charges against Qualified Properties within the Participating Municipality for the purpose of promoting, facilitating and financing clean energy improvements to Qualified Properties, thereby promoting the public good by reducing greenhouse gas emissions, mitigating the effect of global climate change and lessening the burdens of government;

WHEREAS, the Participating Municipality has adopted the Local Law authorizing the provision of financing through Open C-PACE to Qualified Properties within its geographical boundaries and has authorized EIC to act on its behalf to effectuate Open C-PACE within the Participating Municipality; and

WHEREAS, EIC wishes to provide for the terms and conditions pursuant to which the Participating Municipality will participate in Open C-PACE.

Now, THEREFORE, in consideration of the mutual promises contained in this Agreement, the Parties agree as follows:

1. Definitions.

“Annual Installment Amount” means, with respect to each Benefited Property, the amount of the Benefit Assessment to be repaid by the Benefited Property Owner in installments made at least annually, in accordance with the schedule attached to the Finance Agreement for such Benefited Property. The Annual Installment Amount may be adjusted to reflect any Financing Charges as provided in Section 4(d) of this Agreement.

“Authority” means The New York State Energy Research and Development Authority, as defined by subdivision two of section 1851 of the Public Authorities Law of the State, or its successor.

“Benefit Assessment” means, as of the date a Finance Agreement is executed, the charge assessed against the Qualified Property, as such assessment may be modified pursuant to Section 4(d) of this Agreement, and as otherwise provided in the Finance Agreement.

“Benefit Assessment Lien” means a lien which evidences a Benefit Assessment and is recorded by EIC, on behalf of the Participating Municipality, on the land records against a Benefited Property.

“Benefited Property” means a Qualified Property for which the Qualified Property Owner has entered into a Finance Agreement for a Qualified Project.

“Benefited Property Owner” means the owner of record of a Benefited Property meeting requirements for participation in the Program as an owner.

“Business Day” means any day on which EIC is open for business and banks are not required by law to close in New York, New York.

“Eligible Costs” means costs incurred by the Benefited Property Owner in connection with a Qualified Project and the related Finance Agreement, including application fees, EIC’s Program administration fee, closing costs and fees, title and appraisal fees, professionals’ fees, permits, fees for design and drawings and any other related fees, expenses and costs, in each case as approved by EIC and the Financing Party under the Finance Agreement

“Enabling Act” means Article 5-L of the General Municipal Law of the State, or a successor law, as in effect from time to time.

“Energy Audit” is defined to have the meaning assigned thereto in the Enabling Act, as amended from time to time.

“Energy Efficiency Improvement” is defined to have the meaning assigned thereto in the Enabling Act, as amended from time to time.

“Finance Agreement” means a written agreement between a Financing Party and a Qualified Property Owner for the financing of a Qualified Project on the Qualified Property to which EIC, on behalf of the Participating Municipality, shall be a third-party beneficiary.

“Financing Charges” means all charges, fees and expenses related to the Loan including accrued interest, capitalized interest, prepayment premiums and penalties as a result of a default or late payment and costs and reasonable attorneys’ fees incurred by the Financing Party as a result of a foreclosure or other legal proceeding brought against the Benefited Property to enforce any delinquent Annual Installment Liens.

“Financing Party” means any third-party capital provider approved by EIC to provide financing to Qualified Property Owners or other financial support to Open C-PACE which has entered into an agreement with EIC to administer Open C-PACE in the Participating Municipality.

“Loan” means a loan made by a Financing Party to a Qualified Property Owner for a Qualified Project pursuant to Open C-PACE.

“Local Law” means Local Law No. __ pursuant to Municipal Home Rule Law and the Enabling Act, authorizing the provision of financing through the Energize NY Open C-PACE Financing Program.

“Municipal Lien” means a lien on Benefited Property which secures the obligation to pay real property taxes, municipal charges or governmentally imposed assessments in respect of services of benefits to a Benefited Property.

“Non-Municipal Lien” means a lien on Benefited Property which secures any obligation other than the obligation to pay real property taxes, municipal charges, or governmentally-imposed assessments in respect of services or benefits to a Benefited Property Owner or Benefited Property.

“Policies and Procedures” shall have the meaning assigned thereto in Section 3(a)(ii) of this Agreement.

“Qualified Project” means the acquisition, construction, reconstruction or equipping of Energy Efficiency Improvements or Renewable Energy Systems or other projects authorized under the Enabling Act on a Qualified Property, together with a related Energy Audit, Renewable Energy System Feasibility Study and/or other requirements under or pursuant to the Enabling Act, with funds provided in whole or part by Financing Parties under the Program to achieve the purposes of the Enabling Act.

“Qualified Property” means any real property, other than a residential dwelling containing less than three dwelling units, located within the boundaries of the Participating Municipality that has been determined to be eligible to participate in the Program under the procedures for eligibility set forth under this Agreement, the Local Law and the Enabling Act and has become the site of a Qualified Project.

“Qualified Property Owner” means the owner of record of a Qualified Property meeting requirements for participation in the Program as an owner.

“Renewable Energy Systems” is defined to have the meaning assigned thereto in the Enabling Act, as amended from time to time.

“Renewable Energy System Feasibility Study” is defined to have the meaning assigned thereto in the Enabling Act, as amended from time to time.

“RPTL” means the Real Property Tax Law of the State, as amended from time to time.

“State” means the State of New York.

2. Representation and Warranties of the Parties.

(a) EIC.

- (i) EIC hereby represents that it is a local development corporation, duly organized under section 1411 of the Not-For-Profit Corporation Law of the State, authorized to implement the Program by arranging Loans to Qualified Property Owners and providing for repayment of the Loans from monies collected by or on behalf of the Participating Municipality as a Benefit Assessment.

- (ii) EIC represents and warrants that it has complied with all laws and regulations concerning its organization, its existence and the transaction of its business and that all necessary steps have been taken to authorize it to execute, deliver and perform its respective obligations under this Agreement, and no consent or approval of any third-party is required for EIC's execution of this Agreement or the performance of its obligations contained herein. The individual executing this Agreement on behalf of EIC has been and is duly authorized to bind EIC.

(b) Participating Municipality.

- (i) *Authority.* The Participating Municipality is a municipal corporation, constituting a tax district as defined in Section 1102 of the RPTL of the State, duly organized and existing under the laws of the State and has full legal right, power and authority to (i) adopt the Local Law, (ii) assess, collect, remit and assign Benefit Assessments for Benefited Properties located within its geographical boundaries, (iii) levy Benefit Assessment Liens against Benefited Properties located within its geographical boundaries, (iv) conduct its business and own its properties, (v) enter into this Agreement and to comply with its terms, and (vi) carry out and consummate, by contract or otherwise, all other transactions contemplated by its participation in Open C-PACE.
- (ii) *Adoption of Local Law.* The Participating Municipality has on _____ adopted the Local Law authorizing the provision of financing through Open C-PACE to Qualified Properties for Qualified Projects.
- (iii) *Approvals and Consents.* The Participating Municipality has duly approved the execution and delivery of this Agreement and approved implementation of Open C-PACE by EIC and has authorized EIC to act on its behalf in effectuating Open C-PACE; and any and all consents, authorizations and approvals of any third-party required with respect thereto have been obtained.
- (iv) *Capacity.* The Participating Municipality has the legal, institutional, managerial, technical, contractual and financial capability to (a) ensure adequate and timely assessment and collection of property taxes in the Participating Municipality, (b) levy and record Benefit Assessment Liens on Benefited Properties within its geographical boundaries, and (c) assign or authorize EIC, on its behalf, to assign the Benefit Assessment Liens to third-party capital providers in connection with the financing of Qualified Projects.
- (v) *Binding Obligation.* This Agreement has been duly authorized, executed and delivered by the Participating Municipality and constitutes a legal, valid and binding obligation of the Participating Municipality except as

enforceability may be limited by applicable bankruptcy, insolvency, fraudulent conveyance, reorganization, moratorium or similar laws affecting the enforcement of creditors' rights generally and the application of general principles of equity by a court of competent jurisdiction (whether in an action of law or a proceeding in equity); the defense of sovereign immunity is not available to the Participating Municipality in any proceedings by EIC to enforce any of the obligations of the Participating Municipality under this Agreement.

- (vi) *No Action.* There is no claim, action, suit, litigation, proceeding, arbitration, inquiry or investigation of any kind, at law or in equity, before or by any court, public board or body, pending or known to be threatened against the Participating Municipality, nor is there any basis therefore, (i) affecting the creation, organization or existence of the Participating Municipality or the title of its officers to their respective offices, (ii) seeking to prohibit, restrain or enjoin or in any way contest the execution of this Agreement, the Finance Agreement or any other agreement entered into in connection with the Participating Municipality's participation in the Program, or (iii) seeking to prohibit, restrain, enjoin or in any way contesting or affecting the validity or enforceability of the Local Law, this Agreement or any agreement or instrument relating to any of the foregoing or used or contemplated for use in the consummation of the transactions contemplated by any of the foregoing.
- (vii) *No Material Default.* The Participating Municipality is not in material default under any finance agreement, note, bond, mortgage or other instrument evidencing or securing indebtedness of the Participating Municipality. The execution and delivery of this Agreement, and the adoption of the Local Law and compliance with the respective provisions hereof and thereof, will not conflict with or constitute a breach of or material default under any applicable law or administrative regulation of the State or the United States of America or any applicable judgment or decree or any agreement or other instrument to which the Participating Municipality is a party or by which it or any of its property is bound.

3. Obligations of EIC.

It is understood by the Parties that EIC will be responsible for the performance of the following duties:

- (a) Program Requirements.
 - (i) The establishment and administration of Open C-PACE to provide financing to Qualified Properties within the Participating Municipality in order to promote, facilitate and finance Qualified Projects in accordance with the terms of the Local Law and this Agreement.

- (ii) Receive and review (or provide for the review of) applications submitted by Qualified Property Owners within the Participating Municipality for the financing of Qualified Projects, and the approval or disapproval of such applications in accordance with the Authority's guidelines, any restrictions imposed by the Participating Municipality, and the policies and procedures adopted by EIC with respect to Open C-PACE (the "*Policies and Procedures*"). The governing Board of EIC reserves the right to reject an application for financing for any reason.
- (iii) Prepare and deliver to the Participating Municipality by February 15th of each calendar year an annual report (the "*Annual Report*") which Annual Report may be filed by the Participating Municipality on the land records and shall contain information related to each Benefited Property within the Participating Municipality through December 31st of the immediately preceding calendar year, identified in the Annual Report by address and Tax Map Identification (i.e. section, block and lot) including:
 - A. A list of each Benefited Property for which a Qualified Property Owner executed a Finance Agreement during the prior calendar year (for which a Benefit Assessment Lien was added by EIC, on behalf of the Participating Municipality, to its land records in accordance with Section 3(d) below);
 - B. A list of each Benefited Property within the Participating Municipality where the Benefit Assessment and all obligations under the related Finance Agreement have been satisfied or paid in full during the prior calendar year, including the satisfaction date and a copy of the notice of satisfaction;
 - C. The total Annual Installment Amount paid to each Financing Party for each Benefited Property in the Participating Municipality during the prior calendar year;
 - D. For each Benefited Property with an outstanding Benefit Assessment, (i) the Annual Installment Amount collected in the current year, (ii) any amount of the Annual Installment Amount due and remaining uncollected in the current year, including any Financing Charges, and (iii) the Annual Installment Amount due to be collected in the following calendar year; and
 - E. All other information EIC may deem to be relevant to each Benefited Property within the Participating Municipality.

(b) Qualified Project Requirements.

If a Qualified Property Owner requests financing from EIC under the Program, EIC shall:

- (i) Require performance of an Energy Audit or Renewable Energy System Feasibility Analysis on the Qualified Property that assesses the expected energy cost savings of the Energy Efficiency Improvements or Renewable Energy Systems over the useful life of such Energy Efficiency Improvements and/or Renewable Energy Systems before approving such financing;
 - (ii) Impose requirements and criteria to ensure that the proposed Energy Efficiency Improvements or Renewable Energy Systems are consistent with the purpose of the Program;
 - (iii) Require that the Qualified Property Owner obtain the consent of any existing holder of a mortgage on the Qualified Property substantially in the form of Exhibit C attached hereto, prior to the recording of a Benefit Assessment Lien against the Qualified Property;
 - (iv) Receive the certificates of completion executed by the Benefited Property Owner or its duly authorized representative during or following installation or construction of the Qualified Project to determine compliance with the Policies and Procedures; and
 - (v) Verify and report to the Participating Municipality on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Program.
- (c) Finance Agreement for Qualified Project. The Financing Party and the Qualified Property Owner shall enter into a Finance Agreement for the Qualified Project which shall set forth the terms and conditions for the disbursement and repayment of the Loan and the duties and obligations of the parties with respect to the acquisition, construction and installation of the Qualified Project. EIC, on behalf of the Participating Municipality, shall be a third-party beneficiary to the Finance Agreement. The Finance Agreement shall state (a) the legal description of the Benefited Property, (b) the total Benefit Assessment that will be levied against the Benefited Property which shall include the cost of the Qualified Project together with any Eligible Costs and Financing Charges approved by EIC and by the Financing Party, (c) the fixed rate of interest on the Loan, and (d) a schedule of the Annual Installment Amounts due in each year of the Loan. Additionally, the Finance Agreement shall disclose the Financing Charges and risks associated with participation in the Program, including the risk of foreclosure in case of nonpayment of any Annual Installment Amount. Upon execution of the Finance Agreement by the Financing Party and the Qualified Property Owner, the property

that is the subject of the Finance Agreement shall be deemed a “Benefited Property.”

(d) Levy and Recording of Benefit Assessment Lien.

- (i) Upon execution of a Finance Agreement, EIC, on behalf of the Participating Municipality, shall promptly record the Benefit Assessment Lien against the Benefited Property in the land records for properties in the Participating Municipality. The Benefit Assessment Lien shall be substantially in the form of Exhibit A to this Agreement and include a legal description of the Benefited Property and a schedule of the Annual Installment Amounts due in each year of the Loan. There shall be no charge, mortgage recording tax or other fee for recording the Benefit Assessment Lien on the land records for the Participating Municipality in the same manner as if recorded by the Participating Municipality. As provided in the Enabling Act and the Local Law, the Benefit Assessment levied pursuant to this Agreement and the interest, fees and any penalties thereon shall constitute a lien against the Benefited Property on which they are made until they are paid. The Benefit Assessment shall be payable by the Benefited Property Owner in Annual Installment Amounts as provided in the Finance Agreement. Only delinquent Annual Installment Amounts that are due and owing may be subject to enforcement.
- (ii) Pursuant to the Finance Agreement, the final amount of the Benefit Assessment may be adjusted after the recording of the Benefit Assessment Lien on the land records for the Participating Municipality. Such an adjustment would likely be the result of a change in the energy improvement service contract amount during the construction period, additional Financing Charges, or an amendment to the Finance Agreement. In the event that the final Benefit Assessment needs to be adjusted at the completion of the Qualified Project, or any other time, EIC, on behalf of the Participating Municipality, will record the new Benefit Assessment Lien on the land records to reflect such adjustment, together with a new schedule of Annual Installment Amounts. Such recording of the new Benefit Assessment Lien against the Benefited Property shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Participating Municipality.

(e) Annual Installment Liens.

- (i) As provided in the Local Law, each Annual Installment Amount shall be considered a charge upon the Benefited Property and shall become a lien on the Benefited Property as of the first day of January of the fiscal year for which levied (the “Annual Installment Lien”) and shall remain a lien until paid. Payment to the Financing Party shall be considered payment for this purpose. Delinquent Annual Installment Amounts may accrue Financing Charges as may be provided in the Finance Agreement. Any additional

Financing Charges imposed by the Financing Party pursuant to the Finance Agreement shall increase the Annual Installment Amount and the Annual Installment Lien for the year in which such overdue payments were first due.

- (ii) The Benefit Assessment Lien shall be automatically reduced annually by the amount of each Annual Installment Lien when each Annual Installment Lien becomes a lien. Each Annual Installment Lien shall be subordinate to all Municipal Liens, whether created by Section 902 of the RPTL or any other State or Local Law. No Annual Installment Amount shall be recovered by the Participating Municipality, EIC, or any assignee upon foreclosure, sale or other disposition of the Benefited Property unless and until all Municipal Liens are fully discharged. Each Annual Installment Lien, however, shall have priority over all Non-Municipal Liens, irrespective of when created, except as otherwise required by law.
 - (iii) Neither the Benefit Assessment Lien nor any Annual Installment Lien shall be extinguished or accelerated in the event of a default or bankruptcy of the Benefited Property Owner. Each Annual Installment Amount shall be considered a charge upon the Benefited Property and shall be collected by EIC, on behalf of the Participating Municipality, at the same time and in the same manner as real property taxes or municipal charges. Each Annual Installment Lien shall remain a lien until paid. Amounts collected in respect of an Annual Installment Lien shall be remitted to EIC or the Financing Party, as may be provided in the Finance Agreement.
- (f) Final Payment and Release. Upon notice from the Financing Party that the Benefit Assessment has been satisfied and paid in full, together with all Eligible Costs and Financing Charges provided under the Finance Agreement, EIC, on behalf of the Participating Municipality, will execute a Satisfaction and Release of Benefit Assessment Lien (the “Release”) substantially in the form attached hereto as Exhibit D, and record the Release on the land records for the Participating Municipality. There shall be no charge, mortgage recording tax or other fee for recording the Release on the land records for the Participating Municipality in the same manner as if recorded by the Participating Municipality.
- (g) Billing and Collection of Annual Installment Amounts.
 - (i) The Finance Agreement shall provide for the repayment of the Benefit Assessment in Annual Installment Amounts. EIC will act as the Participating Municipality’s agent in the billing and collection of the Benefit Assessment for each Benefited Property listed in the Annual Report in accordance with the related Finance Agreement.
 - (ii) In the event of a default in payment of any Annual Installment Amount for a Benefited Property, EIC agrees to take at least the following steps to

collect the delinquent Annual Installment Amount on behalf of the Participating Municipality:

- A. Mail a written notice of delinquency and demand for payment to the Benefited Property Owner by both certified mail, return receipt requested, and first class mail; and
- B. Mail a second notice of delinquency to the Benefited Property Owner by both certified mail, return receipt requested, and first class mail at least 30 days after the date of the first notice if the delinquency is continuing.

- (iii) If the Benefited Property Owner fails to cure the delinquency within 30 days after the mailing of the second notice of delinquency, then the Financing Party may redeem the Benefited Property and pursue collection of the delinquent Annual Installment Amounts as provided in paragraph (h) of this Section 3.

(h) Collection of Delinquent Payments.

- (i) If any Benefited Property Owner fails to pay an Annual Installment Amount, the Financing Party may redeem the Benefited Property by paying the amount of all unpaid Municipal Liens thereon, and thereafter have the right to collect any amounts in respect of an Annual Installment Lien by foreclosure pursuant to the RPTL or any other remedy available at law.
- (ii) EIC shall provide written notice to the Participating Municipality of the institution of a judicial foreclosure or other proceeding against any Benefited Property located within the Participating Municipality for payment of delinquent Annual Installment Amounts.

4. Obligations of the Participating Municipality.

- (a) Appointment of EIC as Agent. The Participating Municipality hereby appoints EIC to act as its agent in the administration of the Open C-PACE Program within the Participating Municipality and in its dealings with Financing Parties, Qualified Property Owners and Benefited Property Owners. EIC is authorized on behalf of the Participating Municipality to levy and record the Benefit Assessment Lien, any amendments or assignments thereof and the Release in the land records for properties in the Participating Municipality without charge, and to take any reasonable actions in the performance of its duties hereunder.
- (b) Assignment of Benefit Assessment Lien.
 - (i) The Participating Municipality authorizes EIC, on its behalf, to sell or assign any and all Benefit Assessment Liens and Annual Installment Liens to a Financing Party that provides financing to a Qualified Property pursuant to a Finance Agreement. The Assignment of Benefit Assessment Lien shall

be in substantially the form attached hereto as Exhibit B, and shall be filed by EIC, on behalf of the Participating Municipality, in the land records for the Participating Municipality at the same time as the Benefit Assessment Lien.

The Financing Party may sell or assign for consideration any and all Benefit Assessment Lien and Annual Installment Liens received from EIC, on behalf of the Participating Municipality, subject to certain conditions provided in the administration agreement between EIC and the Financing Party. Any such assignment shall be in a form acceptable to EIC, and shall be filed by the Financing Party or, at its request and upon indemnification, by EIC, on the land records for the Participating Municipality. The assignee or assignees of such Benefit Assessment Liens and Annual Installment Liens shall have and possess the same powers and rights at law or in equity as EIC would have had if the Benefit Assessment Lien and Annual Installments Liens had not been assigned with regard to the precedence and priority of such lien, the accrual of interest and the fees and expenses of collection. There shall be no charge, mortgage recording tax or other fee for recording of any assignment on the land records for the Participating Municipality if filed by EIC, in the same manner as if recorded by the Participating Municipality.

(c) Notices.

- (i) Within 10 days of EIC's request, the Participating Municipality will provide written notice to EIC of any delinquency in the payment of real property taxes by a Benefited Property Owner if the Benefited Property is subject to a Benefit Assessment Lien.
- (ii) The Participating Municipality will also provide written notice to EIC of any sale or assignment of its real property taxes or any institution of a judicial foreclosure or other proceeding against any Benefited Property for delinquent real property taxes if such Benefited Property is subject to a Benefit Assessment Lien.

(d) Promotion of Program; Assistance to EIC; Modification of Program.

- (i) The Participating Municipality shall use good faith efforts to assist EIC in local marketing efforts and outreach to the local business community to encourage participation in the Program such as including Program information on the Participating Municipality's website.
- (ii) The Participating Municipality shall use good faith efforts to assist in gathering and providing information for EIC to administer the Program.
- (iii) Except with respect to Qualified Properties for which an application has previously been submitted, the Participating Municipality may at any time modify Open C-PACE by changing the types of properties that may receive financing for Qualified Projects. The Participating Municipality shall

provide written notice to EIC of such proposed modification. The proposed modification shall only become effective upon written approval from EIC provided to the Participating Municipality, which shall not be unreasonably withheld. Such approval shall have no effect on the duties and obligations owed by each Party hereto in connection with this Agreement and any Benefited Property for which a Finance Agreement was executed prior thereto.

5. Indemnification

EIC agrees that it will protect, defend, indemnify and hold harmless the Participating Municipality and its officers, agents and employees from and against all claims, demands, causes of action, damages, judgments, losses and expenses, including reasonable attorney's fees, arising out of or in connection with the negligent actions of EIC's officers, employees and agents under this Agreement. This provision shall survive termination of this Agreement.

6. Term.

The term of this Agreement shall commence upon the date first written above. This Agreement shall be in full force and effect until all of the Benefit Assessments for Benefited Properties in the Participating Municipality have been paid in full or deemed no longer outstanding. The Participating Municipality may opt-out of continuation in the program at any time on sixty (60) days advance notice to EIC, provided that the provisions of this Agreement shall continue with regard to Benefit Assessments assessed prior to such termination date until the Benefit Assessments have been paid in full or are no longer outstanding.

7. Default.

Each Party shall give the other Party written notice of any breach of any covenant or agreement under this Agreement and shall allow the defaulting Party 30 days from the date of its receipt of such notice within which to cure any such default or, if it cannot be cured within 30 days, to commence and thereafter diligently pursue to completion, using good faith efforts to effect such cure and to thereafter notify the other Party of the actual cure of any such default. The Parties shall have all other rights and remedies provided by law, including, but not limited to, specific performance, provided, however, in no event shall either Party have the right to terminate this Agreement prior to the expiration of the Term, except as provided in accordance with Section 6 of this Agreement.

8. Remedies Upon Default.

Should the Participating Municipality default in any of its obligations hereunder, EIC shall be entitled to any remedy it may have at law and as set forth below. EIC may utilize any one or all of these remedies at EIC's sole discretion:

- (a) EIC may sue the Participating Municipality for specific enforcement of this Agreement;

- (b) EIC shall have the right to discontinue providing any new financings to Qualified Properties located within the Participating Municipality.
- (c) EIC may suspend the Participating Municipality's membership in EIC.
- (d) EIC shall have all other rights and remedies provided by law.

9. Miscellaneous.

(a) Assignment or Transfer.

Except as provided in Section 4(b) hereof, neither Party may assign or transfer its rights or obligations under this Agreement to another unit of local government, political subdivision or agency of the State or to a private party or entity without the prior written consent of the other Party.

(b) Severability.

If any clause, provision or section of this Agreement is held to be illegal or invalid by any court, the invalidity of the clause, provision or section will not affect any of the remaining clauses, provisions or sections, and this Agreement will be construed and enforced as if the illegal or invalid clause, provision or section has not been contained in it.

(c) Counterparts.

This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original, and all of which together shall constitute but one and the same instrument.

(d) Notices.

Any and all notices, demands, or other communications required or desired to be given hereunder by either Party shall be delivered electronically and in writing by certified mail, return receipt requested as follows:

EIC:

Susan Morth
Co-Executive Director
Energy Improvement Corporation
2051 Baldwin Road
Yorktown Heights, NY 10598
E-mail: susanm@energizeny.org

Mark Thielking
Co-Executive Director
Energy Improvement Corporation
2051 Baldwin Road
Yorktown Heights, NY 10598
E-mail: mark@energizeny.org

Alain Pierroz
Co-Executive Director
Energy Improvement Corporation
2051 Baldwin Road
Yorktown Heights, NY 10598
E-mail: alainp@energizeny.org

With a copy to:

Anna Lee, Esq.
Partner
Norton Rose Fulbright US LLP
1301 Avenue of the Americas
New York, New York 10019

PARTICIPATING MUNICIPALITY:

Municipality Contact Name/Address:

With a copy to Participating Municipality's counsel:

Contact Name/Address:

Either Party hereto may change its address for purposes of this Section by providing written notice to the other Party in the manner provided above.

(e) Amendment and Waivers.

Except as otherwise set forth in this Agreement, any amendment to or waiver of any provision of this Agreement must be in writing and mutually agreed to by EIC and the Participating Municipality.

(f) Governing Law.

This Agreement shall be construed and governed in accordance with the laws of the State of New York. Any legal action to be brought under this Agreement must be instituted in State or Federal Courts having jurisdiction located in Westchester County, New York.

(g) Entire Agreement.

This instrument constitutes the entire agreement between the Parties with respect to the Open C-PACE Program and supersedes all previous discussions, understandings and agreements between the Parties relating to the Open C-PACE Program.

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

Date: _____, 20____

ENERGY IMPROVEMENT CORPORATION

By: _____

Name:

Title:

Date: _____, 20____

PARTICIPATING MUNICIPALITY NAME:

By: _____

Name:

Title:

EXHIBIT A

CERTIFICATE OF LEVY AND LIEN OF BENEFIT ASSESSMENT

Energy Improvement Corporation, a local development corporation formed under the laws of the State of New York ("EIC"), acting on behalf of [County/City/Town/Village] (the "Participating Municipality") pursuant to Article 5-L of the General Municipal Law of the State of New York and the Local Law adopted by the Participating Municipality establishing the Energize NY Open C-PACE Financing Program in the Participating Municipality, and the Municipal Agreement between the Participating Municipality and EIC dated _____, 2019, HEREBY LEVIES A BENEFIT ASSESSMENT AGAINST AND LIEN UPON certain real property commonly referred to as _____ and described more particularly in the attached **Exhibit A** (the "Benefited Property"), situated in the Participating Municipality and owned on the date hereof in whole or in part by _____ (the "Benefited Property Owner"), said levy and lien shall secure the repayment of financing for energy improvements or other improvements from time to time authorized by the Enabling Act made or to be made to the Benefited Property pursuant to that certain Finance Agreement, by and between the Benefited Property Owner and [Capital Provider] dated _____, 2019, as may be amended (the "Finance Agreement"). The amount and repayment of said levy and lien, as determined by EIC, on behalf of the Participating Municipality, are as follows: an installment payment schedule set forth in the attached **Exhibit B** is in effect for payment of the Benefit Assessment, and is based on the principal amount of the Benefit Assessment of \$_____, with interest thereon at a fixed rate equal to _____% per annum, with [#] annual installments of principal and interest (the "Annual Installment Amount") due and payable pursuant to the Finance Agreement. The Annual Installment Amount may be adjusted to reflect any permitted prepayments received or additional interest or charges due to late payments or defaults, as provided in the Finance Agreement.

Each Annual Installment Amount shall be considered a charge upon the Benefited Property and shall become a lien on the Benefited Property as of the first day of January of the fiscal year for which levied (the "Annual Installment Lien") and shall remain a lien until paid. In the event that any Annual Installment Amount shall remain unpaid for thirty days after the same shall become due and payable, interest and other charges shall be charged upon the unpaid Annual Installment Amount at the rate of _____% per annum, as provided in the Finance Agreement. All existing holders of any mortgage on the Benefited Property have consented to the levy and assessment of the Benefit Assessment Lien by the Participating Municipality against the Benefitted Property, and copies of such consents have been provided to EIC.

At such time as the principal and interest payments of the Benefit Assessment have been satisfied and paid in full, a release of this Certificate shall be filed by EIC, on behalf of the Participating Municipality, in the land records for the Participating Municipality evidencing such release.

This Certificate constitutes a certificate of lien and is filed pursuant to the provisions of the Local Law to evidence a lien for the Benefit Assessment levied upon the Benefited Property for the special benefits conferred upon said Benefited Property by the energy improvements related thereto. Pursuant to the Act, this lien shall take precedence over all other liens or encumbrances

except a lien for taxes of the Participating Municipality on real property, municipal charges, or governmentally imposed assessments in respect of services or benefits to the Property, which liens shall have priority over this lien.

The portion of this Certificate which constitutes a levy of Benefit Assessment and notice of installment payment of Benefit Assessment is filed pursuant to the provisions of the Local Law and the General Municipal Law of the State of New York, as amended.

Dated at _____, New York this ____ day of _____ 20____.

By: _____
Energy Improvement Corporation
Name:
Title:

Acknowledged and Agreed:

this ____ day of _____, 20____

Property Owner

STATE OF NEW YORK)
)
COUNTY OF _____)

SS.: _____

On this the ____ day of _____ 20____, before me _____,
the undersigned officer, personally appeared _____, known to me
(or satisfactorily proven) to be the person whose name is subscribed to the within instrument and
acknowledged that he/she executed the same for the purposes therein contained and that he/she
acknowledged the same to be his/her free act and deed, before me, in his/her capacity as an
authorized officer of the Energy Improvement Corporation, acting on behalf of
[County/City/Town/Village].

SS.: _____

Received for Record: _____, 20__ at _____ A.M./P.M.

Recorded in the _____ land records at Volume _____, Page _____.

Clerk of [County/City/Town/Village]

EXHIBIT B

ASSIGNMENT OF BENEFIT ASSESSMENT LIEN

KNOW ALL PERSONS BY THESE PRESENTS, that Energy Improvement Corporation, a local development corporation formed under the laws of the State of New York (hereinafter referred to as “EIC” or the “Assignor”), acting on behalf of [County/City/Town/Village], a New York municipal corporation (the “Municipality”), pursuant to Article 5-L of the General Municipal Law of the State of New York and the Local Law adopted by the Municipality establishing the Energize NY Open C-PACE Financing Program in the Municipality, and the Municipal Agreement between the Municipality and EIC dated _____, 2019 (the “Municipal Agreement”), in consideration of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, hereby quit-claims, grants, bargains, sells, conveys, assigns, transfers and sets over unto [Capital Provider] (the “Assignee”) under that certain Finance Agreement, by and between the Benefited Property Owner and [Capital Provider] dated _____, 2019, as may be amended (the “Finance Agreement”), without warranty and without recourse, all of its right, title and interest in and to that certain Benefit Assessment Lien and each Annual Installment Lien and the debts secured thereby together with such interest, fees, and expenses of collection as may be provided by law, filed by EIC, on behalf of the Municipality, on the land records, on property owned on the date hereof in whole or in part by _____ and as described on **Exhibit A** and also commonly referred to as _____, attached hereto and made a part hereof (the “Benefit Assessment Lien”), to have and to hold the same unto the said Assignee, its successor and assigns forever.

This Assignment is made, given and executed pursuant to the authority granted to Assignor as agent of the Municipality pursuant to Article 5-L of the General Municipal Law of the State of New York, the Local Law and the Municipal Agreement.

By execution of this Assignment, the Assignor assigns to Assignee, and the Assignee assumes, all of the rights at law or in equity, obligations, powers and duties as EIC would have with respect to the Benefit Assessment Lien, if the Benefit Assessment Lien had not been assigned with regard to precedence and priority of such Benefit Assessment Lien, the accrual of interest, charges, fees and expenses of collection, pursuant to the Local Law.

This Assignment by the Assignor is absolute and irrevocable and the [County/City/Town/Village] shall retain no interest, reversionary or otherwise, in the Benefit Assessment Lien.

IN WITNESS WHEREOF, we have hereunto set our hands and seal this ____ day of _____, 20____.

Assignor

By: _____
Energy Improvement Corporation
Name:
Title:

Acknowledged and Agreed:

this ____ day of _____, 20____

[Capital Provider]

SS.: _____

STATE OF NEW YORK)
)
COUNTY OF _____)

SS.: _____

On this the ____ day of _____, 20____, before me _____,
the undersigned officer, personally appeared _____, known to me
(or satisfactorily proven) to be the person whose name is subscribed to the within instrument and
acknowledged that he/she executed the same for the purposes therein contained and that he/she
acknowledged the same to be his/her free act and deed, before me, in his/her capacity as an
authorized officer of the [Capital Provider].

Received for Record: _____, 20__ at _____ A.M./P.M.

Recorded in the _____ land records at Volume _____, Page _____.

Clerk of [County/City/Town/Village]

EXHIBIT C

FORM OF CONSENT OF MORTGAGE HOLDERS

Date: _____

Property/Loan Information: _____

Address: _____

Owner: _____

Municipality: _____

APN: _____

Loan Number: _____

This Mortgage Holder Consent to Benefit Assessment (this “Consent”) is given by the undersigned entity, which is a mortgage holder (“Mortgage Holder”) on the above-referenced property (the “Property”) with respect to the above-referenced loan (the “Loan”).

RECITALS

Mortgage Holder is in receipt of written notice (the “Notice”) from the above-referenced owner of the Property (the “Property Owner”) that it intends to finance installation on the Property of certain energy efficiency and/or renewable energy improvements that will be permanently fixed to the Property (the “Authorized Improvements”) by participating in the Energize NY Open C-PACE Financing Program (the “Program”), sponsored by the Municipality.

Mortgage Holder understands that, as a result of an agreement between Energy Improvement Corporation (“EIC”), on behalf of the Municipality, and the Property Owner, the Benefit Assessment described in the Notice will be levied on the Property, and that the Benefit Assessment will be collected in annual installments as provided in the financing agreement for the Authorized Improvements (the “Finance Agreement”), in the same manner as and subject to the same penalties, remedies and lien priorities as real property taxes or municipal charges.

CONSENT

The undersigned hereby represents that it is authorized to execute this Consent on behalf of Mortgage Holder. Mortgage Holder hereby confirms:

A. Mortgage Holder is in receipt of written notice (the “Notice”) from the above-referenced owner of the Property (the “Property Owner”) that it intends to finance installation on the Property of certain energy efficiency and/or renewable energy improvements that will be permanently fixed to the Property by participating in the Program sponsored by the Municipality.

B. Mortgage Holder understands that, as a result of an agreement between EIC, on behalf of the Municipality, and the Property Owner, the Benefit Assessment described in the Notice will be levied on the Property, and that the Benefit Assessment will be collected by EIC, on behalf of the Municipality, in annual installments as provided in the Finance Agreement in the same manner as and subject to the same penalties, remedies and lien priorities as real property taxes or municipal

charges. Mortgage Holder acknowledges that each annual installment in respect of the Benefit Assessment shall create an Annual Installment Lien, and if such annual installment is not paid when due, each Annual Installment Lien shall constitute a statutory lien on the Property that is superior to the lien of the Loan.

C. Mortgage Holder acknowledges that the Benefit Assessment constitutes a statutory lien on the Property that is superior to the lien of the Loan.

D. This Consent shall not prohibit Mortgage Holder from pursuing any and all rights and remedies available to collect from Property Owner all amounts due to it under the Loan documents. Mortgage Holder shall have the right to cure any nonpayment by Property Owner of real property taxes and assessments (including the Benefit Assessment) to the same extent as Mortgage Holder has a right to cure nonpayment of real property taxes.

E. Mortgage Holder agrees that the levy of the Benefit Assessment will not constitute an event of default or trigger the exercise of any remedies under the Loan documents.

Mortgage Holder hereby acknowledges that the Property Owner and the Municipality will rely on the representation and consent of Mortgage Holder set forth in this Consent.

Dated this ____ day of _____, 2019

MORTGAGE HOLDER

By: _____
Name:
Title:

STATE OF NEW YORK)
)
COUNTY OF _____)

ss.: _____

On this the ____ day of _____ 20____, before me _____,
the undersigned officer, personally appeared _____, known to me
(or satisfactorily proven) to be the person whose name is subscribed to the within instrument and
acknowledged that he/she executed the same for the purposes therein contained and that he/she
acknowledged the same to be his/her free act and deed, before me, in his/her capacity as an
authorized officer of the [Mortgage Holder].

EXHIBIT D

SATISFACTION AND RELEASE OF BENEFIT ASSESSMENT LIEN

Energy Improvement Corporation, a local development corporation formed under the laws of the State of New York ("EIC"), acting on behalf of [County/City/Town/Village] (the "Participating Municipality") pursuant to Article 5-L of the General Municipal Law of the State of New York (the "Enabling Act") and the Local Law adopted by the Participating Municipality establishing the Energize NY Open C-PACE Financing Program in the Participating Municipality, and the Municipal Agreement between the Participating Municipality and EIC dated _____, 2019, having filed a Certificate of Levy and Lien of Benefit Assessment against the property of [Property Owner], on the ____ day of _____, 20__ in the land records of _____, Book _____ page _____ on the following described real property in _____, New York in the amount of \$ _____:

[Property description]

NOW, THEREFORE, the undersigned does hereby acknowledge satisfaction of the Lien of Benefit Assessment and does direct the Clerk of the [County/City/Town/Village] to release, cancel and discharge the Benefit Assessment Lien in accordance with the Enabling Act and the Local Law.

IN WITNESS WHEREOF, we have hereunto set our hands and seal this ____ day of _____, 20__.

Energy Improvement Corporation

By: _____
Name: _____
Title: _____

Acknowledged and Agreed:

this ____ day of _____, 20__

[Capital Provider]

Acknowledged and Agreed:

this ____ day of _____, 20__

[Property Owner]

STATE OF NEW YORK)
)
COUNTY OF _____)

SS.: _____

On this the ____ day of _____ 20____, before me _____,
the undersigned officer, personally appeared _____, known to me
(or satisfactorily proven) to be the person whose name is subscribed to the within instrument and
acknowledged that he/she executed the same for the purposes therein contained and that he/she
acknowledged the same to be his/her free act and deed, before me, in his/her capacity as an
authorized officer of the Energy Improvement Corporation, acting on behalf of
[County/City/Town/Village].

STATE OF NEW YORK)
)
COUNTY OF _____)

SS.: _____

On this the ____ day of _____ 20____, before me _____,
the undersigned officer, personally appeared _____, known to me
(or satisfactorily proven) to be the person whose name is subscribed to the within instrument and
acknowledged that he/she executed the same for the purposes therein contained and that he/she
acknowledged the same to be his/her free act and deed, before me, in his/her capacity as an
authorized officer of the [Capital Provider].

STATE OF NEW YORK)
)
COUNTY OF _____)

SS.: _____

On this the ____ day of _____ 20____, before me _____,
the undersigned officer, personally appeared _____, known to me
(or satisfactorily proven) to be the person whose name is subscribed to the within instrument and
acknowledged that he/she executed the same for the purposes therein contained and that he/she
acknowledged the same to be his/her free act and deed, before me, in his/her capacity as an
authorized officer of the [Property Owner].

Received for Record: _____, 20__ at _____ A.M./P.M.

Recorded in the _____ land records at Volume _____, Page _____.

Clerk of [County/City/Town/Village]

LOCAL LAW NO. – 20

**A LOCAL LAW TO ESTABLISH A SUSTAINABLE ENERGY LOAN
PROGRAM (OPEN C-PACE) IN THE _____**

Be it enacted by the [County/City/Town/Village] of _____ (the “Municipality”) as follows:

Section 1. This local law shall be known as the “Energize NY Open C-PACE Financing Program” and shall read as follows:

ARTICLE I

§1. Legislative findings, intent and purpose, authority.

- A. It is the policy of both the Municipality and the State of New York (the “State”) to achieve energy efficiency and renewable energy improvements, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The Municipality finds that it can fulfill this policy by providing property assessed clean energy financing to Qualified Property Owners (as defined below) for the installation of renewable energy systems and energy efficiency measures. This local law establishes a program that will allow the Energy Improvement Corporation (as defined below, “EIC”), a local development corporation, acting on behalf of the Municipality pursuant to the municipal agreement (the “Municipal Agreement”) to be entered into between the Municipality and EIC, to make funds available to Qualified Property Owners that will be repaid through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this local law and accomplishing an important public purpose. This local law provides a method of implementing the public policies expressed by, and exercising the authority provided by, Article 5-L of the General Municipal Law (as defined below, the “Enabling Act”).
- B. The Municipality is authorized to execute, deliver and perform the Municipal Agreement and otherwise to implement this Energize NY Open C-PACE Financing Program pursuant to the Constitution and laws of New York, including particularly Article IX of the Constitution, Section 10 of the Municipal Home Rule Law, the Enabling Act and this local law.
- C. This local law, which is adopted pursuant to Section 10 of the Municipal Home Rule Law and the Enabling Act shall be known and may be cited as the “Energize NY Open C-PACE Local Law”.

§2. Definitions

- A. Capitalized terms used but not defined herein have the meanings assigned in the Enabling Act.
- B. For purposes of this local law, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

Annual Installment Amount – shall have the meaning assigned in Section 8, paragraph B.

Annual Installment Lien – shall have the meaning assigned in Section 8 paragraph B.

Authority – the New York State Energy Research and Development Authority.

Benefit Assessment Lien – shall have the meaning assigned in Section 3, paragraph A.

Benefited Property – Qualified Property for which the Qualified Property Owner has entered into a Finance Agreement for a Qualified Project.

Benefited Property Owner – the owner of record of a Benefited Property.

EIC – the Energy Improvement Corporation, a local development corporation, duly organized under section 1411 of the Not-For-Profit Corporation Law of the State, authorized hereby on behalf of the Municipality to implement the Program by providing funds to Qualified Property Owners and providing for repayment of such funds from money collected by or on behalf of the Municipality as a charge to be levied on the real property.

Eligible Costs – costs incurred by the Benefited Property Owner in connection with a Qualified Project and the related Finance Agreement, including application fees, EIC's Program administration fee, closing costs and fees, title and appraisal fees, professionals' fees, permits, fees for design and drawings and any other related fees, expenses and costs, in each case as approved by EIC and the Financing Party under the Finance Agreement

Enabling Act – Article 5-L of the General Municipal Law of the State, or a successor law, as in effect from time to time.

Finance Agreement – the finance agreement described in Section 6A of this local law.

Financing Charges – all charges, fees and expenses related to the loan under the Finance Agreement including accrued interest, capitalized interest, prepayment premiums, and penalties as a result of a default or late payment and costs and reasonable attorneys' fees incurred by the Financing Party as a result of a foreclosure or other legal proceeding brought against the Benefited Property to enforce any delinquent Annual Installment Liens.

Financing Parties – Third party capital providers approved by EIC to provide financing to Qualified Property Owners or other financial support to the Program which have entered into separate agreements with EIC to administer the Program in the Municipality.

Municipality – the _____ of _____, a municipality of the State constituting a tax district as defined in Section 1102 of the RPTL of the State.

Municipal Lien – a lien on Qualified Property which secures the obligation to pay real property taxes, municipal charges, or governmentally imposed assessments in respect of services or benefits to a Qualified Property.

Non-Municipal Lien – a lien on Qualified Property which secures any obligation other than the obligation to pay real property taxes, municipal charges, or governmentally-imposed assessments in respect of services or benefits to a Qualified Property Owner or Qualified Property.

Program – the Energize NY Open C-PACE Financing Program authorized hereby.

Qualified Project – the acquisition, construction, reconstruction or equipping of Energy Efficiency Improvements or Renewable Energy Systems or other projects authorized under the Enabling Act on a Qualified Property, together with a related Energy Audit, Renewable Energy System Feasibility Study and/or other requirements under or pursuant to the Enabling Act, with funds provided in whole or in part by Financing Parties under the Program to achieve the purposes of the Enabling Act.

Qualified Property – Any real property other than a residential building containing less than three dwelling units, which is within the boundaries of the Municipality that has been determined to be eligible to participate in the Program under the procedures for eligibility set forth under this local law and the Enabling Act and has become the site of a Qualified Project.

Qualified Property Owner – the owner of record of Qualified Property which has been determined by EIC to meet the requirements for participation in the Program as an owner, and any transferee owner of such Qualified Property.

RPTL – the Real Property Tax Law of the State, as amended from time to time.

Secured Amount – as of any date, the aggregate amount of principal loaned to the Qualified Property Owner for a Qualified Project, together with Eligible Costs and Financing Charges, as provided herein or in the Finance Agreement, as reduced pursuant to Section 8, paragraph C.

State – the State of New York.

§3. Establishment of an Energize NY Open C-PACE Financing Program

- A. An Energize NY Open C-PACE Financing Program is hereby established by the Municipality, whereby EIC acting on its behalf pursuant to the Municipal Agreement, may arrange for the provision of funds by Financing Parties to Qualified Property Owners in accordance with the Enabling Act and the procedures set forth under this local law, to finance the acquisition, construction, reconstruction, and installation of Qualified Projects and Eligible Costs and Financing Charges approved by EIC and by the Financing Party under the Finance Agreement. EIC, on behalf of the Municipality, and with the consent of the Benefited Property Owner, will record a Benefit Assessment Lien on the Benefited Property in the Secured Amount (the “Benefit Assessment Lien”) on the land records for the Municipality. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality.
- B. Before a Qualified Property Owner and a Financing Party enter into a Finance Agreement which results in a loan to finance a Qualified Project, repayment of which is secured by a Benefit Assessment Lien, a written consent from each existing mortgage

holder of the Qualified Property shall be obtained, permitting the Benefit Assessment Lien and each Annual Installment Lien to take priority over all existing mortgages.

§4. Procedures for eligibility

- A. Any property owner in the Municipality may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the Municipality's offices.
- B. Every application submitted by a property owner shall be reviewed by EIC, acting on behalf of the Municipality, which shall make a positive or negative determination on such application based upon the criteria enumerated in the Enabling Act and § 5 of this local law. EIC may also request further information from the property owner where necessary to aid in its determination.
- C. If a positive determination on an application is made by EIC, acting on behalf of the Municipality, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Program in accordance with § 6 of this local law.

§5. Application criteria

Upon the submission of an application, EIC, acting on behalf of the Municipality, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

- A. The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;
- B. The amount financed under the Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property as determined by EIC;
- C. Sufficient funds are available from Financing Parties to provide financing to the property owner;
- D. The property owner is current in payments on any existing mortgage on the Qualified Property;
- E. The property owner is current in payments on any real property taxes on the Qualified Property; and
- F. Such additional criteria, not inconsistent with the criteria set forth above, as the State, the Municipality, or EIC acting on its behalf, or other Financing Parties may set from time to time.

§6. Energize NY Finance Agreement

- A. A Qualified Property Owner may participate in the Program through the execution of a finance agreement made by and between the Qualified Property Owner and a Financing Party, to which EIC, on behalf of the Municipality, shall be a third-party beneficiary (the “Finance Agreement”). Upon execution and delivery of the Finance Agreement, the property that is the subject of the Finance Agreement shall be deemed a “Benefited Property”).
- B. Upon execution and delivery of the Finance Agreement, the Benefited Property Owner shall be eligible to receive funds from the Financing Party for the acquisition, construction, and installation of a Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, provided the requirements of the Enabling Act, the Municipal Agreement and this local law have been met.
- C. The Finance Agreement shall include the terms and conditions of repayment of the Secured Amount and the Annual Installment Amounts.
- D. EIC may charge fees to offset the costs of administering the Program and such fees, if not paid by the Financing Party, shall be added to the Secured Amount.

§7. Terms and conditions of repayment

The Finance Agreement shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds loaned to the Benefited Property Owner for the Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, shall be specially assessed against the Benefited Property and will be evidenced by a Benefit Assessment Lien recorded against the Benefited Property on the land records on which liens are recorded for properties within the Municipality. The special benefit assessment shall constitute a “charge” within the meaning of the Enabling Act and shall be collected in annual installments in the amounts certified by the Financing Party in a schedule provided at closing and made part of the Benefit Assessment Lien. Said amount shall be annually levied, billed and collected by EIC, on behalf of the Municipality, and shall be paid to the Financing Party as provided in the Finance Agreement.
- B. The term of such repayment shall be determined at the time the Finance Agreement is executed by the Benefited Property Owner and the Financing Party, not to exceed the weighted average of the useful life of the systems and improvements as determined by EIC, acting on behalf of the Municipality.
- C. The rate of interest for the Secured Amount shall be fixed by the Financing Party in conjunction with EIC, acting on behalf of the Municipality, as provided in the Finance Agreement.

§8. Levy of Annual Installment Amount and Creation of Annual Installment Lien

- A. Upon the making of the loan pursuant to the Finance Agreement, the Secured Amount shall become a special Benefit Assessment Lien on the Benefited Property in favor of the Municipality. The amount of the Benefit Assessment Lien shall be the Secured Amount. Evidence of the Benefit Assessment Lien shall be recorded by EIC, on behalf of the Municipality, in the land records for properties in the Municipality. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality. The Benefit Assessment Lien shall not be foreclosed upon by or otherwise enforced by the Municipality.
- B. The Finance Agreement shall provide for the repayment of the Secured Amount in installments made at least annually, as provided in a schedule attached to the Benefit Assessment Lien (the “Annual Installment Amount”). The Annual Installment Amount shall be levied by EIC, on behalf of the Municipality, on the Benefited Property in the same manner as levies for municipal charges, shall become a lien on the Benefited Property as of the first day of January of the fiscal year for which levied (the “Annual Installment Lien”) and shall remain a lien until paid. The creation or any recording of the Annual Installment Lien shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality. Payment to the Financing Party shall be considered payment for this purpose. Such payment shall partly or wholly discharge the Annual Installment Lien. Delinquent Annual Installment Amounts may accrue Financing Charges as may be provided in the Finance Agreement. Any additional Financing Charges imposed by the Financing Party pursuant to the Finance Agreement shall increase the Annual Installment Amount and the Annual Installment Lien for the year in which such overdue payments were first due.
- C. The Benefit Assessment Lien shall be reduced annually by the amount of each Annual Installment Lien when each Annual Installment Lien becomes a lien. Each Annual Installment Lien shall be subordinate to all Municipal Liens, whether created by Section 902 of the RPTL or by any other State or local law. No portion of a Secured Amount shall be recovered by the Municipality, EIC, or an assignee upon foreclosure, sale or other disposition of the Benefited Property unless and until all Municipal Liens are fully discharged. Each Annual Installment Lien, however, shall have priority over all Non-Municipal Liens, irrespective of when created, except as otherwise required by law.
- D. Neither the Benefit Assessment Lien nor any Annual Installment Lien shall be extinguished or accelerated in the event of a default or bankruptcy of the Benefited Property Owner. Each Annual Installment Amount shall be considered a charge upon the Benefited Property and shall be collected by EIC, on behalf of the Municipality, at the same time and in the same manner as real property taxes or municipal charges. Each Annual Installment Lien shall remain a lien until paid. Amounts collected in respect of an Annual Installment Lien shall be remitted to EIC, on behalf of the Municipality, or the Financing Party, as may be provided in the Finance Agreement.

- E. EIC shall act as the Municipality's agent in collection of the Annual Installment Amounts. If any Benefited Property Owner fails to pay an Annual Installment Amount, the Financing Party may redeem the Benefited Property by paying the amount of all unpaid Municipal Liens thereon, and thereafter shall have the right to collect any amounts in respect of an Annual Installment Lien by foreclosure or any other remedy available at law. Any foreclosure shall not affect any subsequent Annual Installment Liens.
- F. EIC, on behalf of the Municipality, may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens to Financing Parties that provide financing to Qualified Properties pursuant to Finance Agreements. The Financing Parties may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens received from EIC, on behalf of the Municipality, subject to certain conditions provided in the administration agreement between EIC and the Financing Party. The assignee or assignees of such Benefit Assessment Liens and Annual Installment Liens shall have and possess the same powers and rights at law or in equity as the Municipality would have had if the Benefit Assessment Lien and the Annual Installment Liens had not been assigned with regard to the precedence and priority of such lien, the accrual of interest and the fees and expenses of collection.

§9. Verification and report

EIC, on behalf of the Municipality, shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Program in such form and manner as the Authority may establish.

§10. Separability. If any clause, sentence, paragraph, section, or part of this local law 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 involved in the controversy in which such judgment shall have been rendered.

Section 2. This local law shall take effect upon filing with the Secretary of State.



CITY COUNCIL AGENDA

NO.

DEPT.: Legal

DATE: August 8, 2019

CONTACT: Kristen Wilson, Corporation Council

AGENDA ITEM: Continuation of a public hearing to adopt a local law, Article 21 "Financial Procedures" of the Charter of the City of Rye section § C21-9 "Bond Resolutions" to add a new subsection G to allow certain well-qualified debt of enterprise funds outside the charter debt limit.

FOR THE MEETING OF:

September 18, 2019

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the City Council continue the public hearing.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: See attached amendment.

September 12, 2019

Mayor Cohn and Rye City Council Members;

We are writing to you in unanimous support to the change of local law to allow well-qualified enterprise funds to issue bonds for capital improvements separate from the City general fund's charter debt limit. A change to the law would be instrumental in permitting Rye Golf Club to continue to meet its obligation of maintaining the Club's recreational golf and pool infrastructures and the historical Whitby Castle.

Rye Golf Club has an exemplary record of meeting financial obligations. The club successfully repaid pool facility and Whitby improvement bonds in excess of \$7million over their 20 year terms. The club consistently achieved an annual surplus with strong membership enrollment since 2012. Throughout this time the club has reinvested into the golf course, pool facility, and throughout our buildings while also providing an excess of \$400,000 to the City's General Fund on an annual basis via interfund charges.

In order to continue to address our priority infrastructure projects in Club facilities we will need to incur debt. At a minimum the club needs to replace our antiquated and inefficient golf course irrigation system, resurface the interior and decks of our pools, and continue to address the maintenance of Whitby Castle. Conservative estimates on such projects are \$4.5million.

The ability to utilize bond debt to fund these projects would permit the Club to address the priority projects before aging infrastructure conditions worsen and potentially impact membership enrollment. The Club looks forward to the opportunity to meet and exceed the pending financial means tests that would be put in place to show that the Club's annual operations can sustain Council approved project debt as it did between 1998 and 2018 (annual enterprise operating budget debt of \$400,000).

We thank you for considering this City Charter change and supporting Rye Golf Club's ability to continue to maintain an amazing amenity which is an asset for the entire City of Rye community.

Sincerely,

Members of the Rye Golf Club Commission



RYE GOLF CLUB

330 BOSTON POST ROAD

RYE, NEW YORK 10580

T 914-835-3200

F 914-835-3229

CITY OF RYE

LOCAL LAW NO. ____ 2019

A local law to amend Article 21 “Financial Procedures” of the Charter of the City of Rye by amending § C21-9 “Bond Resolutions” to add a new subsection G as follows:

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

Section 1. Charter Article 21 “Financial Procedures”

§ C21-9. Bond Resolutions.

G. The provisions of this section shall not apply to bond resolutions authorizing the issuance of bonds for the payment of capital improvements or equipment proposed to be constructed or acquired for a purpose determined by resolution of the Council in an amount not exceeding an amount determined by resolution of the Council in any fiscal year if the principal of and interest on the bonds is paid first from moneys in an Enterprise Fund. For purposes of this subsection G an Enterprise Fund shall be an account separate from the general fund containing user fees or assessments paid for a service or purpose of the City, in lieu of or in addition to real property taxes. No bonds shall be authorized or issued pursuant to the provisions of this subsection G unless: 1) the Council or a committee thereof holds a public hearing upon no less than ten (10) days’ notice prior to taking action on such bond resolution, at which hearing the object or purpose to be financed and Financial Tests relating to such object or purpose are presented; and 2) the financing structure and the object or purpose to be financed with such bonds has been approved by a majority of the Council. For the purpose of this subsection G, Financial Tests shall mean: i) financial statements of the Enterprise Fund for the current and last four fiscal years demonstrating that full coverage of operating and debt service expenses have been paid in full from user fees or assessments in the Enterprise Fund as verified by the City Comptroller and the City Manager; ii) pro forma financial statements for the next five fiscal years demonstrating full coverage of operating expenses, outstanding debt service, and debt service generated from the issuance of such bonds as verified by the City Comptroller and the City Manager; iii) a current fiscal year reserve in the Enterprise Fund equal to or in excess of ten per centum (10%) of current year operating and debt service expenses; iv) a pro forma reserve in the Enterprise Fund for each fiscal year such bonds are outstanding equal to or in excess of ten per centum (10%) of pro forma operating expenses, outstanding debt service and debt service generated from the issuance of such bonds in each such fiscal year; and v) representations to the Council by the Enterprise Fund that such fund shall establish user fees and assessments to be paid at the times and in the amounts sufficient to satisfy the requirements of clauses ii) and iv) of this subsection G.

Section 2. If any provision of this Local Law is declared illegal, unconstitutional or unenforceable by a court of competent jurisdiction, the remainder of this Local Law shall be declared to have been separately adopted and shall remain in full force and effect.

Section 3. This local law shall take effect immediately upon filing in the Office of the Secretary of State of the State of New York.

Dated:

BY THE ORDER OF THE CITY COUNCIL
OF THE CITY OF RYE

CAROLYN D'ANDREA, CITY CLERK



CITY COUNCIL AGENDA

NO. DEPT.: City Manager DATE: August 26, 2019
CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Ratify the Memorandum of Agreement with the DPW-CSEA union.

FOR THE MEETING OF:

September 18, 2019

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council ratify the MOA with the City and the DPW-CSEA union.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:

The DPW-CSEA union and the City of Rye have reached a contract agreement that has been outstanding since December 31, 2015.

See attached MOA.

MEMORANDUM OF AGREEMENT

Memorandum of Agreement by and between the City of Rye (the "City") and the CSEA, Local 1000 AFSCME, AFL-CIO, City of Rye Public Works Unit #9175, Westchester County Local 860 (the "Union") dated this ___ day of August, 2019.

WHEREAS, the City and the Union are parties to a collective bargaining agreement which expired December 31, 2015; and

WHEREAS, the City and the Union have entered into negotiations for a successor agreement in accordance with the Taylor Law; and

WHEREAS, the City and the Union have reached a tentative agreement subject to ratification by the City Council and membership of the Union, it is stipulated and agreed as follows:

1. All proposals not addressed by this Memorandum of Agreement are dropped.
2. The term of the Agreement shall be January 1, 2016 through December 31, 2023.
3. Wages

Modify Article III, Section 1 to provide that the pay plan shall be increased as follows:

- A) 2.25% effective January 1, 2016;
- B) 2.25% effective January 1, 2017;
- C) 2.25% effective January 1, 2018;
- D) 3.0% effective January 1, 2019;
- E) 3.0% effective January 1, 2020;
- F) 3.0% effective January 1, 2021;
- G) 3.0% effective January 1, 2022; and
- H) 3.0% effective January 1, 2023.

The wage increases set forth in this Memorandum of Agreement shall not apply to employees who retired on or before ratification of this Memorandum of Agreement. Retroactive wage payments shall be made within ninety (90) days from the date the Memorandum of Understanding is ratified. Sections "E" and "F" of Article III shall be re-named "I" and "J" respectively.

4. Longevity

Amend Article III, Section 2(C), Longevity, to provide as follows:

Effective January 1, 2020, the following cumulative longevity payments shall be made for employees on the payroll hired on or after January 1, 1977:

1. At the completion of seven (7) years of service, an additional \$600.00;
2. At the completion of ~~twelve~~ ^{ten} (10) years of service, an additional \$600.00;
3. At the completion of fifteen (15) years of service, an additional \$650.00; and
4. At the completion of twenty (20) years of service, an additional \$650.00.

Longevity payments shall be added to base pay for the sole purpose of calculating employee overtime rates. Longevity increases shall not be used to calculate wage increases.

5. Overtime

Article IV, Section F shall be replaced with the following provision:

F. All employees in the Department of Public Works shall be separated into three (3) "watch crews" (Crew 1, 2 and 3). Each "watch crew" shall be designated by the City to be available every third week. The "watch crew" overtime week shall begin on Monday at 7:30 a.m. and end at 7:30 a.m. the following Monday. The City reserves its right to modify or change this provision at any time and in its sole discretion.

Article IV, Section G shall be replaced with the following provision:

G. A voluntary overtime signup sheet shall be posted above the time clock every Thursday and remain until Monday at 7:30 a.m. The signup sheet shall state the Crew number that is "on call" and the dates of the overtime week. Any employee can sign the signup sheet under their Crew number. Any employee who signs must be available if an overtime event occurs. For all overtime that does not require specialized training, the following shall be the practice: the most senior employee capable of performing the required task on the current "on call" Crew, who has signed the sheet for voluntary overtime, shall be the first person called for overtime and so on until the signup sheet is exhausted. Crews shall be called in seniority order. If more employees are needed for overtime, the current "on call" Crew employees, starting with the most senior, shall be required to report to work as needed, regardless of whether their name is on the voluntary overtime signup sheet. Failure to respond to a call for an overtime assignment may result in disciplinary action. The provisions of this subsection (G) and any disputes arising thereunder shall not be subject to the Grievance Procedure, Article XXIV, of the collective bargaining agreement.

6. Sick Leave

Article XI, Section E shall be amended to provide that employees who request sick leave shall notify their supervisors within one hour "prior to the start time."

Article XI, Section G shall be amended to provide that sick leave certificates must be signed by a registered physician or "medical professional" certifying as to the period of disability, examination or treatment.

Article XI, Section I shall be amended to provide that "[a] doctor's certificate, medical professional's certificate, or other medical proof satisfactory to the City may, at the option of the City, be required of any employee returning from sick leave as proof of such employee's fitness for work.

7. Health Plan

Article XIX shall be replaced as follows:

Man 9/6/15
January 1, 2020
A. Effective January 1, 2020, the City shall have the right to cease offering Aetna health insurance coverage and instead shall offer coverage under the New York State Health Insurance Plan ("NYSHIP") at its highest level that NYSHIP offers. The transition to NYSHIP shall include all bargaining unit members. Effective January 1, 2020, the NYSHIP health insurance contribution for all employees who were on the City's payroll as of the date of execution of this agreement shall be twenty-five percent (25%) of the applicable premium capped at five percent (5%) of base salary. The contribution for any employee hired on or after the date of execution of this agreement shall be twenty-five percent (25%) of the premium capped at six and one-half percent (6.5%) of base salary. *Man 9/6/15*
January 1, 2020
Man 9/6/15
Employees hired on or after the date of execution of the agreement shall continue to contribute during their retirement at twenty-five percent (25%) of the applicable premium capped at nine and one-half percent (9.5%) of base salary at the time of retirement.

B. The Association agrees that the City shall have the option to request discussions with the Association on any proposed change in the health insurance plan. This request shall not be unnecessarily denied. In addition to those rights to change health insurance carriers under Article XIX (B) and (C), the City shall have the right to resume coverage under MEBCO Plan or its successor on sixty days' notice to the CSEA.

C. Upon mutual consent of the City and the CSEA, the City shall have the right to change health insurance carriers based on the following conditions:

1. Any anticipated change shall be brought to the CSEA at least 45 days in advance to allow review of benefits.
2. All benefits shall be equivalent, if not greater, than benefits currently enjoyed by the employees under the current health plan.

3. In the event of diminished benefits, the CSEA has the right to go directly to arbitration to recover the difference in payments. Such costs of arbitration shall be split equally between the City CSEA and the City.
- D. Effective January 1, 2020, to the extent permissible by law and the terms of the health insurance plan from which the employee withdraws from coverage, the City shall provide a health insurance buyout for any member who has alternate coverage, and who chooses not to take the City-offered NYSHIP plan. The value of the buyout shall be 25% of the City's net savings, and the dollar amount shall be prorated throughout the yearly payroll so that if a qualifying event takes place which necessitates that the employee re-enroll, the buyout payments shall cease.
- E. Effective January 1, 2020, in case of a line-of-duty death, the City shall continue to provide full premium payments for the deceased member's spouse until the spouse is eligible for continuing coverage under Medicare or obtains coverage by another source, such as employer or spousal coverage. Dependents are also eligible for continued participation at the City's expense for premium payments in health insurance plan until emancipation, the attainment of the maximum age for dependent eligibility, or until coverage is obtained by another source.
- F. The City shall provide employees with access to ^{flexible (8/23/19 Mag)} health savings accounts ("FSAs"), which may also include access to dependent care savings. *AP*
- G. In reaching agreement regarding health insurance issues as set forth above, including newly hired employees upon their retirement, the parties agree not to seek in future negotiations retiree health insurance contributions from any individuals employed prior to January 1, 2020. The parties shall not, therefore, submit proposals in negotiations or impasse proceedings on the subject of retiree health insurance contributions for any individuals employed by the City prior to January 1, 2020. The parties shall, however, reserve their rights to negotiate changes in retiree health insurance contributions for any individuals hired on or after January 1, 2020.

8. Uniforms

Article XXVII shall be amended to provide that on an annual-basis, members employed by the Department of Public Works will receive a combined uniform and shoe allowance of \$600.00 per employee. The uniform allowance will be pro-rated for the calendar year 2019, from the date of ratification of this Memorandum of Agreement.

[CONTINUE TO NEXT PAGE (P. 5) FOR SIGNATURES]

FOR THE CITY

Mary Anne

FOR THE UNION

Miss D. Cagle

Andrew M. Ferris

[Signature]

FOR THE CITY

Heather P. Harris

FOR THE UNION

Miss D. Cagle

Andrew M. Ferris

[Signature]



CITY COUNCIL AGENDA

NO. DEPT.: Planning DATE: September 13, 2019
CONTACT: Christian K. Miller, City Planner

AGENDA ITEM: Consideration of setting a public hearing on a local law to add Article VI "Vestibules" to Chapter 167 (Streets and Sidewalks) of the City Code of the City of Rye.

FOR THE MEETING OF:
September 18, 2019

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: Discuss the proposed local law and consider setting a public hearing.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND:

Please see attached memorandum.

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



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

CITY OF RYE
Department of Planning

Memorandum

To: Marcus Serrano, City Manager

From: Christian K. Miller, City Planner
Kristen K. Wilson, Esq. Corporation Counsel

cc: Kerry Lenihan, Building Inspector

Date: January 3, 2019, (Revised September 13, 2019)

Subject: **Local Law for the Regulation of Temporary Seasonal Vestibules**

Attached hereto for consideration by the City Council is a draft local law amending the City Code to add new regulations for the review, approval and installation of vestibules at entrances to businesses during winter months. These vestibules allow for a reduction of heat loss at commercial properties. The local law establishes new standards and requirements when they encroach into the City right-of-way and adjacent sidewalks.

The local law is modeled after the proposed seasonal outdoor seating regulations currently under consideration for amendment by the City Council to reduce procedural and cost burdens to City businesses. Applicant's seeking to install vestibules would need annual approval from the City Building Inspector and must maintain a minimum of five feet of unobstructed sidewalk for pedestrian passage. Each vestibule would require approval by the Board of Architectural Review once every three years and would only be permitted between November 1 and April 15 of each year.

Attached for the City Council's consideration is a draft resolution implementing the local law and amending the City's Fee Schedule to establish a \$200 annual vestibule application fee (which is the same fee charged for outdoor dining applications). Consistent with City Council direction of a desire to reduce fees, no licensing fee is proposed for the use of City property.

Also attached as required by law a short Environmental Assessment Form (EAF). It is not anticipated that the proposed local law will have any significant environmental impact.

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CITY OF RYE LOCAL LAW NO. __ OF 2019

A Local Law to add Article VI “Vestibules” to Chapter 167 (Streets and Sidewalks) of the City Code of the City of Rye to facilitate the use and implementation of seasonal vestibules on the City’s sidewalks, allowing commercial properties to insulate interiors in a safe and proper manner.

Section 1. General

§ 167-66 Purpose.

The purpose of this chapter is to establish regulations for the design, construction, installation and maintenance of seasonal vestibules in the City of Rye, in order to maintain safe conditions that protect the well-being of the community and to allow for additional insulation and protections to be provided during the winter season.

§ 167-67 Permit required.

- A. No person, firm or corporation conducting or maintaining any place of business in the entire City shall keep, use, erect, construct or maintain any vestibule in or upon the sidewalks or rights-of-way in the City unless the person, firm or corporation obtains a vestibule permit from the City of Rye Building Inspector.

§ 167-68 Permit applications.

- A. All applications for vestibule permits shall be submitted to the City of Rye Building Department and contain the following information:
 - (1) The name and business address of the applicant.
 - (2) The name of the street, alley or sidewalk onto which it is desired to place the vestibule.
 - (3) A site plan with appropriate dimensions showing the size and configuration of the vestibule and the extent of encroachment on adjacent City property, the location of adjacent buildings and storefront entrances and the dimensions to City curb and other existing obstructions (e.g. trees, signs, planters or other street amenities).

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- (4) A drawing showing the materials, color and other physical elements and appearance of the vestibule in sufficient detail to facilitate review by the Board of Architectural Review.
- (5) Other information and plans as may be required by the City of Rye Building Department.
- (6) Application form and fee as set forth in the Fee Schedule adopted by the City Council.

B. No vestibule permit shall be issued until the Building Inspector has approved the proposed vestibule location and the sufficiency of the pedestrian pathway.

§ 167-69 Permit conditions; effect on existing vestibules.

A. Any vestibule permit shall be conditioned on the following:

- (1) Vestibule permits are effective from November 1 to April 15 each year. Vestibule permits are only effective for one winter season.
- (2) Any vestibule must allow for at least five (5) feet of unobstructed sidewalk to allow for sufficient pedestrian passage.
- (3) Before any permit is issued, the applicant shall furnish the City with proof of insurance naming the City of Rye as an additional insured in the amount of at least two-million dollars (\$2 Million) in addition to a signed and notarized hold harmless and indemnification agreement holding the City of Rye harmless from any liability and indemnifying the City of Rye. All documents shall be submitted to the Building Department and subject City Attorney for review and approval.
- (4) All vestibules shall be approved by the City of Rye Board of Architectural Review prior to receiving a permit, which approval shall be valid for a period not to exceed three (3) seasons.

B. Any person, firm or corporation which has a vestibule located on the sidewalk along any streets or City rights-of-way in the City shall immediately remove same or comply with the terms of this article.

§ 167-70 Permit denial or revocation; appeal.

A. The Building Inspector may deny a vestibule permit or modify the above requirements if such vestibule would interfere with safe pedestrian passage on a particular area of sidewalk. If the Building Inspector denies a permit, he/she must state his/her reason(s) for

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denying the vestibule permit, in writing, and mail a copy of the written decision to the applicant.

- B. The Building Inspector may issue a notice of violation for persons or entities violating any provision of this article or conditions of the approved vestibule permit. Such notice shall be in writing and specify the provision(s) violated, the remedial action to be taken and the time limit for compliance, which shall be no less than three (3) days from the date of the mailing of the notice of violation.
- C. If a person, firm or corporation willfully and consistently fails to comply with the provisions of this article, the City may take any necessary steps to ensure a clear pedestrian pathway of at least five (5) feet and assess against such party the costs of maintaining such pedestrian pathway.
- D. Right of appeal. Any holder of a vestibule permit who has had his/her permit revoked or who has been ordered by the Building Inspector to incur expense in connection with the clearing or maintenance of a vestibule, or any applicant whose application has been denied, may appeal to the Board of Appeals within 15 days of such revocation, order or decision.

§ 167-71 Fees.

Prior to the issuance of a vestibule permit, application and seasonal licensing fees as set forth in the Fee Schedule adopted by the City Council.

Section 2. Severability

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

Section 3. Effective Date

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

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

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

Part 1 – Project and Sponsor Information				
Name of Action or Project:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:			Telephone:	
			E-Mail:	
Address:				
City/PO:			State:	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO	YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<input type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO	YES
If Yes, list agency(s) name and permit or approval:			<input type="checkbox"/>	<input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned _____ acres or controlled by the applicant or project sponsor?				
4. Check all land uses that occur on, are adjoining or near the proposed action: 5. Urban Rural (non-agriculture) Industrial Commercial Residential (suburban) <input type="checkbox"/> Forest Agriculture Aquatic Other(Specify): <input type="checkbox"/> Parkland				

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	N/A <input type="checkbox"/> <input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest Agricultural/grasslands Early mid-successional Wetland <input type="checkbox"/> Urban Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO <input type="checkbox"/>	YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
49. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: _____ Date: _____ Signature: _____ Title: _____		

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

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

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

Project:

Date:

Short Environmental Assessment Form

Part 3 Determination of Significance

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

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)



CITY COUNCIL AGENDA

NO. DEPT.: Planning DATE: September 13, 2019
CONTACT: Christian K. Miller, City Planner

AGENDA ITEM: Consideration of Setting a Public Hearing on a Local Law to amending §197-86 of the Code of the City of Rye to Amend the Regulation of Accessory Seasonal Outdoor Customer Seating.

FOR THE MEETING OF:
September 18, 2019

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: Discuss the proposed local law and consider setting a public hearing.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND:

Please see attached memorandum.

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




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

CITY OF RYE
Department of Planning

Memorandum

To: Marcus Serrano, City Manager

From: Christian K. Miller, City Planner 

cc: Kristen K. Wilson, Esq., Corporation Council
Kerry Lenihan, Building Inspector
Rye City Planning Commission

Date: September 13, 2019

Subject: **Amendments to the City's Accessory Outdoor Seating Requirements**

Attached hereto for consideration by the City Council is a draft local law amending the current regulations of accessory seasonal outdoor seating. These revisions were initiated at the City Council's request and in response to the concerns of the Rye Chamber of Commerce that the current regulations are procedurally burdensome and costly to businesses. Attached hereto is a copy of a July 18 email from Pam Dwyer, Rye Chamber of Commerce President, requesting changes to the current regulations.

Consistent with the City Council's suggestion the attached law changes the requirement that outdoor seating must be approved annually by the City Planning Commission to once every three years. For renewal years the applicant must file with the City Building Department. No other changes to the law are proposed.

The attached resolution amends the City Fee schedule to reduce the Outdoor Dining Fee from six-hundred and fifty dollars (\$650) to the prior fee of five-hundred dollars (\$500) and to remove the Outdoor Dining License Fee of one-hundred dollars (\$100) per table located on City property. The resolution adds a new Outdoor Dining Renewal Fee of two-hundred dollars (\$200) for filing with the City Building Department.

Also attached as required by law is a short Environmental Assessment Form (EAF). It is not anticipated that the proposed local law does not have any significant environmental impact.

Miller, Christian K.

From: Dwyer, Pamela <PDwyer@WebsterBank.com>
Sent: Thursday, July 18, 2019 2:03 PM
To: Souza, Julie A.; Miller, Christian K.
Cc: Hurd, Emily P.
Subject: RE: Outdoor seating permit

Good afternoon, Christian

Emily and Julie suggested that I contact you for some feedback.

I am representing the Rye Chamber of Commerce member's concerns regarding the high permit fees for outdoor seating and additional fees for each table.

- We were told the permit fees are to cover administrative costs. We find \$650 excessive. How do you arrive at that number? Last year it was \$500 which was high, but this new fee is quite an increase.
- It is a burden for our businesses to pay the \$650 and then \$100 for each additional table. This impacts the cash flow of our members, who cannot make up the expense. These tables are aesthetically pleasing adding to the beauty and charm of Rye. The Chamber pays for the hanging flowers, which adds to the beauty of our town.
- Getting the permits is time consuming. How can this be simplified? Can this be done online?
- Does this permit apply to places like Longford's? Some businesses would like to put benches out front, does this apply to them?
- Who enforces the permits?

I have spoken to other Chambers. The general consensus is that our fees are extremely high. Many towns do not charge fees. Those that do charge are between \$100 to \$250 without additional fees.

Could we reach a compromise on a two year permit at \$300 with the understanding that establishment would need to resubmit if changes are made before the permit expires. No Table tax.

If the fee is to cover the administration and enforcement of the permit, then do away with it and require the businesses to lodge and insurance rider with the town to cover their liability. Many members view this as a tax. I hope we can work together to reach a good solution for all.

I welcome your comments.

Pam Dwyer
Rye Chamber of Commerce President

Pamela Dwyer VP, Banking Center Manager
Webster Bank 72 Purchase St, Rye NY 10580
Office: 914 967-1679 fax 914 967-7397
Email: pdwyer@websterbank.com
Encryptwebster

-----Original Message-----

From: Souza, Julie A. [mailto:jsouza@ryeny.gov]
Sent: Wednesday, June 05, 2019 9:44 PM
To: Dwyer, Pamela; Miller, Christian K.
Cc: Hurd, Emily P.
Subject: [EXTERNAL] Outdoor seating permit

Pam,

Emily and I raised the topic of the outdoor seating permit process at this evening's council meeting. The council has asked our city planner, Christian, to consider the current process and see if there are opportunities for efficiencies and cost savings. I am connecting you with Christian here in the event that there are specific thoughts or ideas that the Chamber would like to share and he considers the issue.

Emily and I look forward to seeing you tomorrow evening at the Chamber's meeting.
Best,
Julie and Emily

Caution: This email came from outside Webster Bank.

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Webster Bank, N.A - Equal Housing Lender

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CITY OF RYE LOCAL LAW NO. ____-2019

A local law amending §197-86 of the Code of the City of Rye to Allow Accessory Seasonal Outdoor Customer Seating

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

Section 1. §197-86 Table of Regulations: Table B Business Districts-Use Regulations, Column 3, Permitted Accessory Uses, Row B-1 Central Business Districts, of the Code of the City of Rye is hereby amended to add the following new subsection:

(3) Seasonal outdoor customer seating ~~annual~~ permit. Upon application to the City Planning Department, the Planning Commission may annually permit for a period of up to three (3) years seasonal outdoor customer seating and tables on a property and, to a limited degree, extensions onto abutting City property, subject to the following limitations:

(a) The applicant shall submit an application form, plans detailing the area of proposed seasonal outdoor dining and fee as set forth in the fee schedule of the City budget adopted by the City Council.

(b) Outdoor customer seating shall only be permitted from April through October and shall require a new permit approved by the Planning Commission after three (3) outdoor dining before each seasons. During the months of November through March, the tables, chairs and any related equipment must be stored inside of the building or removed from the site.

(c) The Planning Commission shall limit the area of outdoor customer seating such that it will not interfere in any way with fire exits or other requirements of the Building Code of New York State.

(d) The Planning Commission shall limit the area to be devoted to outdoor customer seating so that it will not interfere with access by the handicapped and shall maintain on any City sidewalk a safe, adequate and unobstructed passageway for pedestrians not less than five feet in clear width from the edge of the outdoor seating area to the nearest obstruction.

(e) The outdoor area to be devoted to seasonal outdoor customer seating shall not be considered for the purpose of determining on-site parking requirements.

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- (ef) The Planning Commission may impose conditions and requirements as it deems appropriate, including, but not limited to, size and configuration of the outdoor seating area; maximum number of tables and chairs; permitted hours of outdoor seating; type, size and color of tables and chairs; requirements for the daily removal of tables and chairs; limitations on the placement of tables during City-approved outdoor events, and/or standards for cleanliness and removal of debris.
- (fg) The Planning Commission shall not issue a permit if it finds that the proposed outdoor seating would be incompatible with other uses on the property or an abutting property.
- (gh) The Planning Commission may deny the issue of a permit if it finds that during the prior year the permit holder violated any condition of the permit, that during the prior year the applicant or the property owner provided or permitted outdoor seating without having obtained a permit or that there are outstanding notices of violation concerning the property or the applicant's use.
- (hi) Upon Planning Commission approval and prior to the start of each outdoor dining season the applicant shall file with the City Building Department an outdoor dining application form and fee as set forth in the fee schedule of the City budget adopted by the City Council. If such seasonal outdoor dining involves use of City property~~A~~ an insurance certificate naming the City as an additional insured in the amount of at least \$2,000,000 and a signed and notarized indemnification and hold harmless agreement shall also be provided ~~for any seasonal outdoor customer seating approved by the Planning Commission on City property to the City Building Department.~~
- (ij) For properties located in the B-1 Neighborhood Business District, the applicant shall notify the neighbors by sending out a public notification provided by the City. The applicant shall prepare a notification list, based on the most current City of Rye Tax Maps and Tax Assessment roll, showing the Tax Map sheet, block and lot number, the owner's name and owner's mailing address for each property located, wholly or partially, within 300 feet of the subject property. If a property on the public notification list is also listed as a cooperative or an apartment, the notice shall be mailed to the property owner of record. These mailing requirements must be performed in accordance with the following requirements:
 - [1] The mailing shall be limited solely to the notice provided by the City.

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- [2] The notice shall be mailed to all property owners at a post office or official depository of the Postal Service at least 10 days prior to the submission of the outdoor dining application to the City. The applicant must obtain a certificate of mailing for every notice mailed.
- [3] The applicant must provide to the City a copy of the notice that was circulated and a copy of the certificate of mailings.

Section 2. §197-86 Table of Regulations: Table B Business Districts-Use Regulations, Column 3, Permitted Accessory Uses, Row B-2 Central Business Districts, of the Code of the City of Rye is hereby amended to add the following new subsection:

- (4) Seasonal outdoor customer seating ~~annual permit~~. Upon application to the City Planning Department, the Planning Commission may annually permit for a period of upto three (3) years seasonal outdoor customer seating and tables on a property and, to a limited degree, extensions onto abutting City property, subject to the following limitations:
 - (a) The applicant shall submit an application form, plans detailing the area of proposed seasonal outdoor dining and fee as set forth in the fee schedule of the City budget adopted by the City Council.
 - (b) Outdoor customer seating shall only be permitted from April through October and shall require a new permit approved by the Planning Commission after three (3) before each outdoor dining seasons. During the months of November through March, the tables, chairs and any related equipment must be stored inside of the building or removed from the site.
 - (c) The Planning Commission shall limit the area of outdoor customer seating such that it will not interfere in any way with fire exits or other requirements of the Building Code of New York State.
 - (d) The Planning Commission shall limit the area to be devoted to outdoor customer seating so that it will not interfere with access by the handicapped and shall maintain on any City sidewalk a safe, adequate and unobstructed passageway for pedestrians not less than five (5) feet in clear width from the edge of the outdoor seating area to the nearest obstruction.
 - (e) The outdoor area to be devoted to seasonal outdoor customer seating shall not be considered for the purpose of determining on-site parking requirements.

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~~(e)~~(f) The Planning Commission may impose conditions and requirements as it deems appropriate, including, but not limited to size and configuration of the outdoor seating area; maximum number of tables and chairs; permitted hours of outdoor seating; type, size and color of tables and chairs; requirements for the daily removal of tables and chairs; limitations on the placement of tables during City-approved outdoor events, and/or standards for cleanliness and removal of debris.

~~(f)~~(g) The Planning Commission shall not issue a permit if it finds that the proposed outdoor seating would be incompatible with other uses on the property or an abutting property.

~~(g)~~(h) The Planning Commission may deny the issue of a permit if it finds that during the prior year the permit holder violated any condition of the permit, that during the prior year the applicant or the property owner provided or permitted outdoor seating without having obtained a permit or that there are outstanding notices of violation concerning the property or the applicant's use.

~~(h)~~(i) Upon Planning Commission approval and prior to the start of each outdoor dining season the applicant shall file with the City Building Department an outdoor dining application form and fee as set forth in the fee schedule of the City budget adopted by the City Council. If such seasonal outdoor dining involves use of City property An insurance certificate naming the City as an additional insured in the amount of at least \$2,000,000 million and a signed and notarized indemnification and hold harmless agreement shall also be provided for any seasonal outdoor customer seating approved by the Planning Commission on City property to the City Building Department.

Section 3. The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law that can be given effect without such invalid part or parts.

Section 4. This local law shall take effect immediately upon filing in the office of the Secretary of State.

R E S O L U T I O N
Adopting a local law amending §197-86 of the Code of the City of Rye to
Amend the Regulation of Accessory Seasonal Outdoor Customer Seating and
Amending the City of Rye Fee Schedule for Fees Related to
Seasonal Outdoor Customer Seating Permits

WHEREAS, on _____ the Rye City Council set a public hearing for _____ on a local law amending §197-86 of the Code of the City of Rye to amend the regulation of accessory seasonal outdoor customer seating; and

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

WHEREAS, the City Council has reviewed the Full Environmental Assessment Form (EAF) dated September 13, 2019 and determines that the proposed action is consider a Type I; and

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

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

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

BE IT FURTHER RESOLVED, that the City Council adopts Local Law #_____-2019 amending §197-86 of the Code of the City of Rye to Allow Accessory Seasonal Outdoor Customer Seating; and

BE IT FURTHER RESOLVED, that the City Council amends the current City Fee Schedule to change the existing Outdoor Dining Fee from six-hundred and fifty dollars (\$650) to five-hundred dollars (\$500), to remove the Outdoor Dining License Fee of one-hundred dollars (\$100) per table located on City property and to add a new Outdoor Dining Renewal Fee of two-hundred dollars (\$200).

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

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

Part 1 – Project and Sponsor Information				
Name of Action or Project:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:			Telephone:	
			E-Mail:	
Address:				
City/PO:		State:	Zip Code:	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO	YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<input type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO	YES
If Yes, list agency(s) name and permit or approval:			<input type="checkbox"/>	<input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres				
b. Total acreage to be physically disturbed? _____ acres				
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres				
4. Check all land uses that occur on, are adjoining or near the proposed action:				
5. Urban	Rural (non-agriculture)	Industrial	Commercial	Residential (suburban)
<input type="checkbox"/> Forest	Agriculture	Aquatic	Other(Specify):	
<input type="checkbox"/> Parkland				

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest Agricultural/grasslands Early mid-successional Wetland <input type="checkbox"/> Urban Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO <input type="checkbox"/>	YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
49. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: _____ Date: _____ Signature: _____ Title: _____		

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

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

Project:

Date:

Short Environmental Assessment Form

Part 3 Determination of Significance

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

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)



CITY COUNCIL AGENDA

NO. DEPT.: Building DATE: August 30, 2019
CONTACT: Christian Miller, City Planner

AGENDA ITEM: A Consideration of a petition from Midland Rye LLC to amend the City of Rye Zoning Code of the B-5 "Interchange Office Building" Zoning District to add two new permitted uses in the B-5 Zoning District, specifically medical office and personal storage, which would each be permitted as uses subject to additional standards and requirements (otherwise referred to as "special exception uses") and referral of the petition to the Planning Commission.

FOR THE MEETING OF:

September 18, 2019

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the council refer the petition to the Planning Commission.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND: The former Avon property at 601-602 Midland Avenue was purchased by Midland Rye LLC. The petitioner believes the proposed zoning changes would allow them to better market the property and make use of the underutilized site by providing more flexibility in pursuing potential tenants.

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FRANK S. MCCULLOUGH (1905-1998)
EVANS V. BREWSTER (1920-2005)

September 4, 2019

Honorable Mayor Josh Cohn
and Members of the City Council
City of Rye
1050 Boston Post Road
Rye, New York 10580

Re: Former Avon Property
601-621 Midland Avenue
Zoning Text Amendment

Dear Mayor Cohn and Members of the City Council:

This office represents Midland Rye LLC, a Delaware limited liability company licensed to do business in the State of New York, under common control with George Comfort & Sons, Inc. (hereinafter "Petitioner" or "George Comfort"). Petitioner is the new owner of a tract of land totaling approximately 18.09 acres of real property, which consist of (a) the 14.84-acre lot identified as 601 Midland Avenue, City of Rye, County of Westchester, State of New York, shown and designated on the City of Rye Tax Map as Tax Parcel 139-20-1-3 (hereinafter referred to as the "Property"); and (b) the 3.25-acre lot identified as 621 Midland Avenue, shown and designated as Tax Parcel 139-20-1-5, which is located north of the Property, between Interstate-95 and Interstate-287, and which is presently unimproved (the "Vacant Lot"). Until recently, the Property was used by Avon Capital Corporation and Avon Products, Inc. ("Avon"), who had operated on the Property since the late 1950's.

The Property is primarily located in the B-5 "Interchange Office Building" Zoning District. A small corner of the Property, which is improved with a driveway, lies within the adjacent R-2 "One-Family" Zoning District. The Property is a corner lot located on the west side of Midland Avenue and the north side of Peck Avenue. The southernmost parcel, 601 Midland Avenue, is a corner lot with frontage on both Midland Avenue and Peck Avenue. The Property is bordered by Interstate-95 to the north and by the Metro North railroad and I-95 to the west. To the east, across Midland Avenue, are access roads to the highway, as well as offices of the Federal Bureau of Investigation. To the south, across Peck Avenue are the Gables Condominiums.

The Property is currently improved with a vacant office building. The building was initially used as a warehouse and distribution center for Avon, and was later converted into Avon's data center and accompanying office space.¹ In light of the current office market in Westchester, the proposed Zoning Text Amendment will allow Petitioner to better market the Property and make use of the underutilized site, by providing more flexibility in pursuing potential tenants. Consequently, Petitioner is proposing to expand the list permissible uses within the B-5 District, to better utilize the Property.

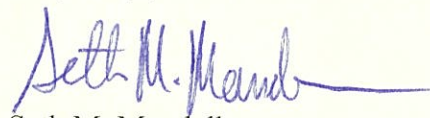
Based on the foregoing, Petitioner is hereby requesting that the City Council of Rye amend the Rye Zoning Ordinance to add two new permitted uses in the B-5 Zoning District, specifically medical office and personal storage, which would each be permitted as uses subject to additional standards and requirements (otherwise referred to as "special exception uses"). This will be beneficial to both Petitioner and Rye, as it will help ensure the financial viability of the Property in the future.

Enclosed please find the following materials in support of the zoning text amendment petition hereby submitted to the City Council, together with a check for the required application fee:

- 1) Petition for Amendments to the City of Rye Zoning Ordinance (the "Petition"), dated September 4, 2019, together with the proposed text amendments to the City of Rye Zoning Ordinance and a Planning Study prepared by AKRF, Inc.; and
- 2) Full Environmental Assessment Form ("EAF"), prepared by AKRF, dated September 3, 2019, relating to the proposed changes.²

Kindly place this matter on the September 18, 2019 City Council agenda, in order for the Council to consider accepting the Petition and referring the Petition to the Planning Commission for their review and recommendation back to the Council. We look forward to discussing this important matter with you.

Very truly yours,



Seth M. Mandelbaum

cc: Christian Miller
Kristen Wilson, Esq.
George Comfort & Sons, Inc.
AKRF
JMC

¹ Kindly note that Avon is currently leasing the existing office space until September 30, 2019.

² You will note that because the proposed action is a zoning text amendment only, several sections of the EAF are not required to be filled out. Nevertheless, we have provided as much information as possible for the Council's convenience, in order to better facilitate your review.

Ent	Name	Acct No	Invoice	Date	Reference	Net	Amount
601	Midland Rye LLC	18800	601-8-29-19	8/29/2019	ZONING CHANGE APP FE	1,000.00	1,000.00
Payor: MIDLAND RYE LLC				Date	Check No.	Check Amount	
Payee: CITY OF RYE				8/30/2019	000102	\$1,000.00	

Retain this statement for your records

THE FACE OF THIS DOCUMENT HAS MICROPRINTING. DO NOT CASH IF MISSING. THE BACKGROUND WILL EXPOSE A HIDDEN VOID WHEN PHOTOCOPIED.

MIDLAND RYE LLC
GEORGE COMFORT & SONS AS AGENT
200 MADISON AVENUE 26 FLOOR
NEW YORK, NY 10016

JP MORGAN CHASE BANK, N.A.
NEW YORK, NY

1-2
210

Date
8/30/2019

Check No.
000102

Check Amount
\$1,000.00

One Thousand AND 00/100 Dollars

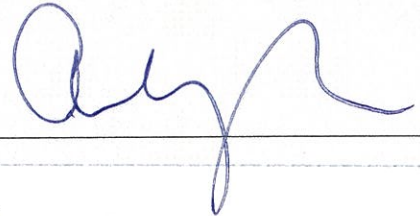
Pay to the order of:

VOID IF NOT CASHED WITHIN 120 DAYS FROM THE DATE OF ISSUE

CITY OF RYE

1051 BOSTON POST ROAD
RYE, NY 10580

MEMO: _____



⑈000102⑈ ⑆021000021⑆510161950⑈

CITY OF RYE CITY COUNCIL
COUNTY OF WESTCHESTER: STATE OF NEW YORK

-----X

In the Matter of the Petition of

MIDLAND RYE LLC
Petitioner,

**PETITION FOR
AMENDMENT TO
CITY OF RYE
ZONING ORDINANCE**

For Amendment to the City of Rye
Zoning Ordinance.

Parcels: 139-20-1-3, 139-20-1-5

-----X

TO THE MAYOR AND MEMBERS OF THE CITY COUNCIL OF THE CITY OF RYE:

PETITIONER, MIDLAND RYE LLC (“Petitioner”), with its principal place of business at 200 Madison Avenue, 26th Floor, New York, New York hereby petitions the City Council of the City of Rye (“Rye”) for amendments to the Zoning Ordinance of Rye as follows:

INTRODUCTION

1. Petitioner is a duly formed and existing Delaware limited liability company licensed to do business in the State of New York, with its principal place of business at 200 Madison Avenue, 26th Floor, New York, NY 10016.

2. Petitioner is the owner of a tract of land totaling approximately 18.09 acres of real property, which consist of (a) the 14.84-acre lot identified as 601 Midland Avenue, City of Rye, County of Westchester, State of New York, shown and designated on the City of Rye Tax Map as Tax Parcel 139-20-1-3 (hereinafter referred to as the “Property”); and (b) the 3.25-acre lot identified as 621 Midland Avenue, shown and designated as Tax Parcel 139-20-1-5, which is located north of the Property, between Interstate-95 and Interstate-287, and which is presently unimproved (the “Vacant Lot”). Until recently, the Property was used by Avon Capital Corporation and Avon Products, Inc. (“Avon”), who had operated on the Property since the late 1950’s.

3. The Property is primarily located in the B-5 “Interchange Office Building” Zoning District. A small corner of the Property, which is improved with a driveway, lies within the adjacent R-2 “One-Family” Zoning District.

4. The Property is a corner lot located on the west side of Midland Avenue and the north side of Peck Avenue. The southernmost parcel, 601 Midland Avenue, is a corner lot with frontage on both Midland Avenue and Peck Avenue. The Property is bordered by Interstate-95 to the north and by the Metro North railroad and I-95 to the west. To the east, across Midland Avenue, are access roads to the highway, as well as offices of the Federal Bureau of Investigation. To the south, across Peck Avenue are the Gables Condominiums.

5. The Property is currently improved with a vacant office building. The building was initially used as a warehouse and distribution center for Avon, and was later converted into Avon’s data center and accompanying office space. Consequently, Petitioner is proposing to expand the list permissible uses within the B-5 District, to better utilize the Property.

6. Therefore, Petitioner is hereby requesting that the City Council of Rye amend the Rye Zoning Ordinance to add two new permitted uses in the B-5 Zoning District, specifically medical office and personal storage, which would each be permitted as uses subject to additional standards and requirements (otherwise referred to as “special exception uses”).

PROPOSED TEXT AMENDMENTS TO ZONING ORDINANCE

7. Petitioner respectfully requests the adoption of a Local Law codifying a Zoning Text Amendment consisting of modifications to the Table of Use Regulations for Business Districts to permit medical office and personal storage as special exception uses in the B-5 District.

8. A copy of the proposed Local Law for said Zoning Text Amendment is attached hereto and made a part hereof as Exhibit A.

9. The Zoning Text Amendment would not have any adverse impact on the Zoning Ordinance or the City of Rye for several reasons. First, the proposed Zoning Text Amendment will only impact the B-5 District, which affects a very limited number of properties in Rye totaling approximately 32 acres, including lots now owned by the Thruway Authority, which will likely not be impacted by any change in zoning.

10. Secondly, the proposed uses would be consistent with other permitted uses in the B-5 District, and would not substantially change the character of the Property, which is already developed as a commercial site, and would be consistent with regional trends in the use of professional and medical office space. See Planning Study prepared by AKRF, Inc., dated September 3, 2019, attached hereto as Exhibit B.

11. Moreover, both the medical office and personal storage uses can be accommodated within the existing building on the Property, which was originally designed to house a much more impactful distribution facility for Avon.

12. Finally, in light of the current office market in Westchester, the proposed Zoning Text Amendment will allow Petitioner to better market the Property and make use of the underutilized site, by providing more flexibility in pursuing potential tenants. This will be beneficial to both Petitioner and Rye, as it will help ensure the financial viability of the Property in the future.

13. For all of the foregoing reasons, it is respectfully submitted that the proposed Zoning Ordinance Amendments should be granted.

WHEREFORE, Petitioners respectfully request that the City Council of Rye amend the Zoning Ordinance of Rye as set forth above.

Dated: New York, New York
September 4, 2019

Respectfully submitted,
MIDLAND RYE LLC,
a Delaware limited liability company

By: **MIDLAND RYE JOINT VENTURE LLC**, a Delaware
limited liability company

By: **GCS MIDLAND LLC**, a Delaware limited liability company,
its managing member

By: 
Peter S. Duncan, Manager

EXHIBIT A
PROPOSED ZONING TEXT

EXHIBIT B

AKRF PLANNING STUDY

**CITY COUNCIL
CITY OF RYE, NEW YORK**

LOCAL LAW NO. ____-2019

**A LOCAL LAW TO REVISE THE ZONING ORDINANCE
OF THE CITY OF RYE**

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

Section One. Section 197-1 of the City of Rye Zoning Ordinance shall be amended by adding a new defined term entitled “Personal Storage”, which shall state as follows:

PERSONAL STORAGE

A fully enclosed commercial and/or business establishment providing varying sizes of individual compartmentalized and/or controlled access to stalls or lockers for the storage of individual vehicles and business, recreation, and/or household goods. Such facilities shall not include warehouse or distribution uses.

Section Two. Section 197-28.A of the City of Rye Zoning Ordinance shall be amended by adding a new use to the Schedule of Off-Street Parking Requirements, as follows:

A. Schedule of parking requirements. Off-street automobile parking facilities shall be provided as follows:

Use	Number of Spaces per Unit (by Parking District)			Unit of Measurement and Conditions
	A	B	C	
Personal Storage	1	1	1	100 storage units

Section Three. Section 197-86 of the City of Rye Zoning Ordinance shall be amended by adding new sections (3) and (4) to Table B, Column 2, under the heading “B-5 Interchange Office Building District”, which shall state as follows:

(3) Medical offices for physicians or dentists, exclusive of bed care of patients. Said offices shall comply with all dimensional regulations applicable to office buildings within the B-5 District.

(4) Personal storage, provided the following criteria are met:

- (a) Signage must comply with all elements of the Rye Sign Ordinance (Chapter 165).
- (b) Unless expressly provided otherwise, personal storage uses shall comply with all other dimensional requirements applicable to office buildings within the B-5 District.

- (c) No personal storage use shall exceed 2/3 of the usable floor area of any existing or proposed building within the B-5 District.

Section Four. If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

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



Environmental, Planning, and Engineering Consultants

34 South Broadway
Suite 401
White Plains, NY 10601
tel: 914 949-7336
fax: 914 949-7559
www.akrf.com

Memorandum

To: City of Rye City Council
From: AKRF, Inc. (Peter Feroe, AICP)
Date: September 3, 2019
Re: Proposed Zoning Text Amendment

A. INTRODUCTION

AKRF, Inc. ("AKRF") has been retained by Midland Rye LLC, Delaware LLC under common control with George Comfort & Sons, Inc. (the "Applicant"), to prepare a land use, zoning, and public policy analysis for the existing 160,000 square foot (sf) office building located at 601 and 621 Midland Avenue in the City of Rye (the "Project Site"). The Project Site is located in the B-5 Zoning District, "Interchange Office Buildings," and is approximately 18.09 acres. The Applicant is proposing a zoning text amendment to expand the list permissible uses within the B-5 District to include "medical office" and "personal storage" as "special exception" uses (the "Proposed Action"). The Proposed Action would facilitate the adaptive reuse of the existing office building by providing flexibility in attracting new tenants.

The Proposed Action requires a zoning text amendment from the City of Rye's City Council. As such, the Proposed Action is required to comply with the State Environmental Quality Review Act (SEQRA) and its implementing regulations (6 NYCRR Part 617). AKRF understands that, as part of the SEQRA review, the City of Rye (the "City") would like to evaluate the need for medical offices and personal storage facilities in context with the Project Site. The Applicant does not have a specific user or tenant fit-out program, and therefore is not pursuing site plan approval at this time.

PROJECT LOCATION AND SITE HISTORY

The Project Site is bounded by Interstate 95 (I-95) to the north, Peck Avenue to the south, Midland Avenue to the east, and the Metro-North railroad tracks to the west. The Project Site is located in a mixed-use area with a neighborhood of low-rise multi-family apartments and townhouses to the south of Peck Avenue, commercial and retail uses to the north, office uses to the west, and transportation uses to the east.

The Project Site is currently improved with an approximately 160,000 sf office building that was formerly owned by the Avon Capital Corporation. The building was constructed as an office and distribution center in the 1950s, and was initially approved for use by up to 445 employees. Over time, the number of employees increased to a peak of 600. From 2016-2017, the Avon Capital Corporation reduced the number of employees on-site to 500. By the end of 2018, there were approximately 325 employees on the Project Site. AKRF understands that Avon most recently used the Project Site for a mix of professional office, data

center, and call center uses. In July 2019, the Applicant purchased the Project Site from the Avon Capital Corporation.

EXISTING B-5 ZONING DESIGNATION

The Project Site is located in the B-5 Zoning District, “Interchange Office Buildings.” The B-5 district permits, among other uses, hotels, professional offices, and schools. To increase the flexibility of the B-5 Zoning District, and to facilitate the re-tenanting of the existing building, the Applicant has requested that the City of Rye amend its Zoning Ordinance to permit medical office and personal storage uses as special exception uses within the district. This memorandum analyzes the consistency of the Proposed Action with applicable policy documents of the City and County, as well as with land-use trends affecting professional office, medical office, and personal storage uses in the region.

B. CONSISTENCY WITH PUBLIC POLICY

CITY OF RYE COMPREHENSIVE PLAN

The *City of Rye 1985 Development Plan* (“the Plan”) is the comprehensive master plan of record. The City initiated the process of updating its comprehensive plan in 2017, but this document is not yet available.

The *Plan*, which documents the development pressures and economic trends of the 1980s, notes the trend towards corporate office buildings and corporate parks. The *Plan* identifies Midland Avenue, and the Project Site specifically, as one of two areas within the City where office buildings are concentrated and that have access to I-95. The Avon building is identified as a “notable development” that has the permission to expand to a maximum of 967,000 sf through a three phased development plan. At full build-out, the Avon building was projected to have a total of 2,000 workers and 2,400 vehicles arriving and departing. However, Phases II and III were never constructed.

The Plan sets forth a number of goals and policies to guide future development within the City of Rye. Specific to the Business Development (BD) Districts and the Project Site, the Plan establishes the following goal:

Maintain the City's existing economic base without making substantial changes in scale. (pg. 27)

To implement this goal, the Plan sets forth the following policy:

Limit retail uses outside the CBD [Central Business District] to neighborhood business areas in order to preserve the residential integrity of the neighborhood and the retail strength of the CBD. (pg. 27)

The Proposed Action, which would facilitate the adaptive reuse of an existing office building, is consistent with both this goal and policy. The Proposed Action would increase the flexibility of the future use of the Project Site. The Proposed Action would expand the permitted uses within the B-5 Zoning District, which would enhance the ability to adaptively reuse the existing office building and keep development consistent with its current scale. In fact, should the existing building be re-occupied with a new use, it would be significantly smaller than the Avon building envisioned in the 1985 *Plan*. The proposed medical office and personal storage uses are not traditional downtown uses, such as retail or restaurant. As such, they are not anticipated to compete with the CBD and would not adversely affect its strength. Therefore, the Proposed Action would be consistent with the goals and policies of the *Plan*.

CITY OF RYE LOCAL WATERFRONT REVITALIZATION PROGRAM

The City of Rye adopted its Local Waterfront Revitalization Plan (LWRP) in June 1991. In the vicinity of the Project Site, the landward boundary of the LWRP follows Midland Avenue north to Grace Church Street, and then follows Grace Church Street into Port Chester. Therefore, the Project Site does not fall within the boundary of the LWRP.

PATTERNS FOR WESTCHESTER

In 1996, the Westchester County Planning Board developed and published a document entitled *Patterns for Westchester: The Land and the People*. This document provides a general policy framework for Westchester County's review of local applications and major development proposals, defined as 50,000 or more sf of commercial floor area, or 25 or more housing units. *Patterns for Westchester* sets forth general policies for Westchester County's involvement in local and regional land use planning. It recommends strategies to balance economic growth with a sound environment by directing growth to centers, reinventing developed corridors as multiuse places, and factoring open space elements into the development process.

Patterns documented that during the late 1980s vacancy rates for traditional office and commercial space increased, eroding the tax base and weakening the construction industry. One of the strategies identified in the *Patterns* document is for municipalities to, "permit new uses in underutilized office buildings." The Proposed Action is consistent with this strategy as it proposes new uses within the B-5 Zoning District to facilitate the repurposing of an existing underutilized office building.

WESTCHESTER 2025

Westchester 2025 is a countywide planning effort that emphasizes the importance of regional planning and makes planning resources accessible to communities and their residents. As part of that effort, the *2025 Context for County and Municipal Planning and Policies to Guide County Planning* (the "Context") was adopted by the Westchester County Planning Board in 2008 and amended in 2010. This document replaces and updates the "Assumptions and Policies" section of *Patterns for Westchester* with new principles and policies for development in Westchester County.

The 2025 *Context* notes that greenfield development, "is a shrinking component of new construction" and that, "the future of development in Westchester will be found in redevelopment." The *Context* recommends that development be channeled to existing community centers and should be "consistent with defined community character." Consistent with the *Context*, the Proposed Action would facilitate the repurposing of an existing underutilized office building with convenient access to multiple modes of transportation, and within an existing business area. By facilitating adaptive reuse of existing structures, the Proposed Action would preserve existing community character.

C. LAND-USE TRENDS

PROFESSIONAL OFFICE

The demand for professional office space in a corporate park setting has declined since its peak in the 1980s. This trend is evidenced by the repurposing and redevelopment of corporate office buildings throughout Westchester County, and most notably the "Platinum Mile" in nearby Harrison, NY. In 2017, Commercial Real Estate Services ("CBRE") reported that the number of office buildings in Westchester County severely decreased over the past decade. Specifically, office space decreased from 33,202,550 sf (282 buildings) in 2011 to 27,911,304 sf (208 buildings) in 2017. In total, Westchester County office inventory dropped 16%, equivalent to a loss of 5,291,246 sf or approximately 74 buildings.¹

The decrease in demand for traditional corporate office space has been attributed to millennial influence on the workplace setting. There is a rising demand for more dynamic, fluid, and interactive workspaces as today's workers prefer collaborative spaces, transparency, and freedom of choice.² In terms of space, this means a more open floorplan with shared spaces and fewer dedicated offices.³ As a result of this trend, the

¹ Cuddy, William. "Westchester County Market Overview and Development Trends." Alfred B. DelBello Land Use and Sustainable Development Conference, 7 Dec 2017, Pace University, White Plains, NY.

² Cuddy, William. "Westchester County Market Overview and Development Trends." Alfred B. DelBello Land Use and Sustainable Development Conference, 7 Dec 2017, Pace University, White Plains, NY.

³ CBRE Research. "Solving for the Future with Agility, Americas Occupier Survey Report." 2018.

amount of office space per worker dropped 8% in the United States from 2009 to 2018, and 6% in Westchester County during the same period.⁴

There is also strong demand for office space that is near public transportation, as it creates better access to quality labor and a broader demographic pool of employees. Transit-oriented developments (TODs) have attracted corporations away from traditional office parks and into central business districts. According to CBRE, as reported in the *Westchester Business Journal Daily Voice Plus*, some office tenants relocating to TODs have been able to shrink their footprints even though their employee counts have remained the same or increased. Transit access, combined with lower space needs per employee, have contributed to the trend away from traditional isolated office buildings and instead towards TOD. This trend towards TOD is projected to continue and to increase going forward.⁵

These changing workplace trends have influenced the corporate office market, and jeopardized the future of some corporate office buildings due to size, location, and demand. In Westchester County, this trend has resulted in standalone office buildings either being converted or demolished to develop new uses, while office buildings within downtown core areas, such as White Plains, have continued to attract tenants due to their proximity to public transportation and services. This is reflected in office vacancy rates—southern Westchester has a vacancy rate of 8.8%, whereas northern Westchester has a vacancy rate of 21.2%.⁶

The removal of some of these older, standalone office buildings from the existing office stock has helped to improve the overall office market in Westchester County. As reported in *Westchester Magazine*, the repurposing of obsolete office properties has affected supply and demand. Major conversions underway in 2019 include the former IBM campus in Somers, two Harrison Platinum Mile buildings (104 Corporate Park Drive and 3 Westchester Park Drive), and 900 King Street in Rye Brook. The repurposing of these and other properties reduced the Westchester office space inventory from 32 million sf to 26.7 million sf, and helped to lower the overall vacancy rate to 16.5%.⁷

The trend towards flexible workspaces close to public transportation and the downtown core contributed to the decline and increased vacancy rates of the Platinum Mile. To address the underutilization and deterioration of office park properties along the Platinum Mile, the Town of Harrison updated its comprehensive plan to establish a new vision that meets current real estate needs. A driving factor in this effort was the preservation of the tax base created by corporate office development. To meet these needs, the Town is considering a new SB-MX (mixed-use) Zoning District to permit new land uses and increase flexibility. The new Zoning District would utilize special use permits to give the Town additional oversight in the development review process.⁸

Based on the above data, demand for standalone office buildings like the Avon building is decreasing. This is due to evolving market trends, office space needs, work styles, and transit access. The Proposed Action, which would increase the flexibility of the B-5 Zoning District, would facilitate the repurposing an existing and underutilized office building. The existing office building does not meet the needs of the current corporate office market due to its location, size, and floorplate. It is not located in a central business district. Although it is within 0.5 miles of the Rye Metro-North Station, the site is isolated from other amenities that

⁴ Cushman & Wakefield. "Space Matters, Key Office Trends and Metrics for US Occupiers." Spring 2018.

⁵ Katz, Peter. "Reports Show Westchester Office Market Trending Up." *Westchester Business Journal Daily Voice Plus*, April 12, 2019.

⁶ Donelson, Dave. "Development Boom Strengthens commercial Real Estate Market." *Westchester Magazine*, Q2 2019.

⁷ Donelson, Dave. "Development Boom Strengthens commercial Real Estate Market." *Westchester Magazine*, Q2 2019.

⁸ Cleary, Patrick. "Repurposing of Obsolete & Underutilized Office Park Properties in Westchester County – The Planner's Perspective." Alfred B. DelBello Land Use and Sustainable Development Conference, 7 Dec 2017, Pace University, White Plains, NY.

characterize a TOD. Best access to the Project Site is from I-95, which is desirable for potential personal storage and medical office uses. The reuse of this building would help preserve the commercial tax base within the City of Rye, without adding new structures or altering community character.

ADAPTIVE REUSE - MEDICAL OFFICE

While traditional corporate office space has declined over the last decade, the need for medical office has increased. As reported in *Westchester Magazine*, this trend is evident in Westchester County where healthcare companies have torn down or repurposed vacant office buildings to meet the specific needs of the healthcare industry. In Westchester, this trend is driven by the migration of major hospitals to the County and the County's aging population. Healthcare companies expanding in Westchester County include WESTMED, CareMount Medical (formerly Mount Kisco Medical Group), Montefiore Medical Center, and ENT and Allergy Associates. There is high demand for spaces that can provide ambulatory care where services are delivered on an outpatient basis. These services can be provided in healthcare facilities that are easily accessible to intergenerational users, such as repurposed office parks and even retail centers. Medical office space also requires adequate and easily accessible parking, generally at ratios higher than traditional office space. These parking needs can be accommodated in traditional office park locations where there is a greater amount of land than in central business districts.⁹

In a 2017 report on medical office buildings, CBRE stated that the, "absorption of medical office space has outpaced completions of new supply for the past seven years, driving steady decreases in the national vacancy rate, which was 8% as of the first quarter of 2017."¹⁰ In Westchester County specifically, William Cuddy of CBRE reported that 2,113,952 sf of office space was repurposed for medical office use between 2001 and 2017. These buildings were predominately located along the I-287 corridor in former office park locations.¹¹

As reported in *Westchester Magazine*, Cornell University projects that Westchester's 65-and-older population grow at, "nearly four times the rate of the total population from 2010-2025," and is the largest consumer of healthcare.¹² It is worth noting that this specific population bracket accounts for the highest per-capita health care spending overall, and that the precipitous increase of the 65-and-older population and their anticipated need for in-office physician services, signals a continued rising need for medical office space.¹³

The Proposed Action is consistent with the above trends, as it would facilitate the transitioning of former office space to medical office use. The Project Site location, with easy access to I-95 and the Rye Metro-North Station, is well suited for medical office use. While a site plan has not been developed as tenants have not been secured, it is presumed that the building would ultimately contain a mix of permitted uses. As such, the higher parking needs of medical office space could be balanced by the lower parking needs of a potential personal storage use.

⁹ Donelson, Dave. "Healthcare Generates Big Demand for Westchester Commercial Real Estate – Medical Tenants are Prescribing More Space." *Westchester Magazine*, Q3 2014.

¹⁰ CBRE Research. "U.S Medical Office Buildings – a Cure for Market Vitality." August 2017.

¹¹ Cuddy, William. "Westchester County Market Overview and Development Trends." Alfred B. DelBello Land Use and Sustainable Development Conference, 7 Dec 2017, Pace University, White Plains, NY.

¹² Donelson, Dave. "Healthcare Generates Big Demand for Westchester Commercial Real Estate – Medical Tenants are Prescribing More Space." *Westchester Magazine*, Q3 2014.

¹³ CBRE Research. "U.S Medical Office Buildings – a Cure for Market Vitality." August 2017.

ADAPTIVE REUSE - PERSONAL STORAGE FACILITIES

Personal storage facilities are a growing \$39 billion industry with an annual growth of 3.1%.¹⁴ Vacancy rates for personal storage in the New York-Newark-Jersey City mega market have fallen for three consecutive years, reaching 6 percent in 2019.¹⁵ According to IBIS World, demand for personal storage facilities is typically from households that rent rather than own their residences. However, as disposable income rises and homeowners purchase more items, demand for personal storage increases from this demographic as well.¹⁶ County Executive George Latimer's office estimated in 2019 that 16,000 new rental units were under construction or planned for Westchester in the near future. This represents an 11% increase from 2017, and this growing rental market supports the demand for new personal storage facilities.¹⁷ In Rye, a 95-unit luxury condominium development for active adults age 55 and over is under development. This, and similar developments geared towards downsizers in the luxury market within Rye, also support the demand for new personal storage facilities.¹⁸

Another market that is driving the need for personal storage space is growing small businesses. Private businesses comprise 19% of customers at a typical storage complex. As businesses expand, or relocate to smaller footprint offices in the central business district, personal storage facilities offer a cost-effective option compared to office or retail rents. Businesses use these facilities to house items such as excess inventory or records.¹⁹ With office vacancy rates decreasing and rental rates rising in central business districts in Westchester,²⁰ the adaptive re-use of suburban office space by businesses for personal storage fills the vacancy left by the relocating office tenant and is a cost effective solution for their storage needs.

In terms of re-purposing spaces for personal storage use, vacant office park properties are the sites most readily available in Westchester. There is very little industrial or warehouse space within Westchester County, and the demand for this space is being driven up by industrial tenants relocating from the Bronx. Supply is further restricted by the loss of industrial inventory due to multi-family conversions in prime locations within the County.²¹

Therefore, the Proposed Action would meet current market needs by adding personal storage as a new use within the B-5 Zoning District, and permit the potential conversion of existing and underutilized office space to personal storage use.

D. CONCLUSION

Although corporate office buildings on Westchester's Platinum Mile and Westchester Avenue have declined over the past two decades, the affected communities have been able to adapt and preserve their tax base by permitting the re-purposing or adaptive reuse of these properties. The Proposed Action would build on this trend by updating the zoning text to permit medical office and personal storage uses—both of which are in demand. This zoning text change would facilitate the adaptive reuse of underutilized office buildings

¹⁴ IBIS World. "Storage & Warehouse Leasing Industry in the US – Market Research Report." July 2019.

¹⁵ Marcus & Millichap. "2019 Self-Storage U.S. Investment Forecast." 2019.

¹⁶ IBIS World. "Storage & Warehouse Leasing Industry in the US – Market Research Report." July 2019.

¹⁷ Donelson, Dave. "Development Boom Strengthens commercial Real Estate Market." *Westchester Magazine*, Q2 2019.

¹⁸ Matsuda, Akiko. "St. Regis Residences Draws Empty-Nesters Seeking Luxury Living and a Downsized Lifestyle." *LoHud*, July 8, 2019.

¹⁹ Marcus & Millichap. "2019 Self-Storage U.S. Investment Forecast." 2019.

²⁰ Greenberg, Howard. "Westchester Commercial Real Estate Market is Healthier than It Has Been in Decades." *Westchester Business Journal Daily Voice Plus*, August 5, 2019.

²¹ Greenberg, Howard. "Westchester Commercial Real Estate Market is Healthier than It Has Been in Decades." *Westchester Business Journal Daily Voice Plus*, August 5, 2019.

in the B-5 Zoning District, such as the former Avon building. Adaptive reuse of vacant and underutilized office space is consistent with the City of Rye's comprehensive plan, as well as Westchester County's *2025 Context for County and Municipal Planning and Policies to Guide County Planning*. By amending the current B-5 Zoning District to include medical office and personal storage uses, the Proposed Action would enable contextual reuse of existing building stock and would help sustain the City's commercial tax base.

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Proposed Zoning Text Amendment		
Project Location (describe, and attach a general location map): 601 and 621 Midland Ave, Rye, NY 10580.		
Brief Description of Proposed Action (include purpose or need): The Applicant is proposing a zoning text amendment to expand the list permissible uses within the B-5 District to include "medical office" and "personal storage" as "special exception" uses (the "Proposed Action"). The Proposed Action would facilitate the adaptive reuse of an existing 160,000 square foot (sf) office building located at 601 and 621 Midland Avenue in the City of Rye (the "Project Site"). The Project Site is located in the B-5 Zoning District, "Interchange Office Buildings," and is approximately 18.09 acres. The Proposed Action requires a zoning text amendment from the City of Rye's City Council. As such, the Proposed Action is required to comply with the State Environmental Quality Review Act (SEQRA) and its implementing regulations (6 NYCRR Part 617). The Applicant does not have a specific user, and therefore is not pursuing site plan approval at this time.		
Name of Applicant/Sponsor: Midland Rye LLC	Telephone: (212) 481-1137 E-Mail: pduncan@gcomfort.com	
Address: c/o George Comfort & Sons, Inc., 200 Madison Avenue, 26th Floor		
City/PO: New York	State: NY	Zip Code: 10016
Project Contact (if not same as sponsor; give name and title/role):	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	City of Rye City Council - zoning amendment for special exceptions in the B-5 zoning district.	Fall 2019
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	Zoning petition referral	Fall 2019
c. City, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	239-m referral	Fall 2019
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources. i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☒ Yes ☐ No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☒ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☒ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐ Yes ☒ No

If Yes, identify the plan(s):

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☒ No

If Yes, identify the plan(s):

C.3. Zoning	
a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. If Yes, what is the zoning classification(s) including any applicable overlay district?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
The Project Site is zoned B-5, "Interchange Office Buildings" This zone permits, among other uses, hotels, professional offices, and schools. The applicant proposes a zoning text amendment to add medical office and self-storage facilities as "special exception uses" in the B-5 district.	
b. Is the use permitted or allowed by a special or conditional use permit?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
c. Is a zoning change requested as part of the proposed action? If Yes,	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
i. What is the proposed new zoning for the site? Amendment to allow medical offices and self-storage facilities uses in the B-5 zoning district.	
C.4. Existing community services.	
a. In what school district is the project site located? Rye City School District	
b. What police or other public protection forces serve the project site? Rye Police Department	
c. Which fire protection and emergency medical services serve the project site? Rye Fire Department	
d. What parks serve the project site? Abendroth Park, Garibaldi Park, Columbus Park, Playland Park, Gagliardo Park	

D. Project Details

D.1. Proposed and Potential Development	
a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Zoning text amendment to facilitate the re-tenanting of an existing office building.	
b. a. Total acreage of the site of the proposed action?	+/-18.09 acres
b. Total acreage to be physically disturbed?	0 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	+/-18.09 acres
c. Is the proposed action an expansion of an existing project or use? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____	
d. Is the proposed action a subdivision, or does it include a subdivision? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes,	
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)	
ii. Is a cluster/conservation layout proposed? <input type="checkbox"/> Yes <input type="checkbox"/> No	
iii. Number of lots proposed? _____	
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____	
e. Will the proposed action be constructed in multiple phases? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
i. If No, anticipated period of construction: _____ months	
ii. If Yes:	
<ul style="list-style-type: none"> • Total number of phases anticipated _____ • Anticipated commencement date of phase 1 (including demolition) _____ month _____ year • Anticipated completion date of final phase _____ month _____ year • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____ 	

f. Does the project include new residential uses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes,	
i. Total number of structures _____ ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes,	
i. Purpose of the impoundment: _____ ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____ iii. If other than water, identify the type of impounded/contained liquids and their source. _____ iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:	
i. What is the purpose of the excavation or dredging? _____ ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site? • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____ _____ _____ iv. Will there be onsite dewatering or processing of excavated materials? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe. _____ _____ _____ v. What is the total area to be dredged or excavated? _____ acres vi. What is the maximum area to be worked at any one time? _____ acres vii. What would be the maximum depth of excavation or dredging? _____ feet viii. Will the excavation require blasting? <input type="checkbox"/> Yes <input type="checkbox"/> No ix. Summarize site reclamation goals and plan: _____ _____ _____ _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____ _____ _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No
If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No
If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☒ No
If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No
If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No
If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☒ No
If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No
If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No • Will a line extension within an existing district be necessary to serve the project? <input type="checkbox"/> Yes <input type="checkbox"/> No <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ 	
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):</p> <p>_____</p> <p>_____</p>	
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____</p> <p>_____</p> <p>_____</p>	
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p style="padding-left: 40px;">_____ Square feet or _____ acres (impervious surface)</p> <p style="padding-left: 40px;">_____ Square feet or _____ acres (parcel size)</p> <p>ii. Describe types of new point sources. _____</p>	
<p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?</p> <p>_____</p> <p>_____</p> <ul style="list-style-type: none"> • If to surface waters, identify receiving water bodies or wetlands: _____ <p>_____</p> <ul style="list-style-type: none"> • Will stormwater runoff flow to adjacent properties? <input type="checkbox"/> Yes <input type="checkbox"/> No 	
<p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)</p> <p>_____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)</p> <p>_____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)</p> <p>_____</p>	
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 	

<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>			
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>			
<p>j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend <input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p>ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____</p> <p>iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____</p> <p>iv. Does the proposed action include any shared use parking? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p> <p>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____</p> <p>iii. Will the proposed action require a new, or an upgrade, to an existing substation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 		

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p>	
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p> <p>_____</p>	
<p>n. Will the proposed action have outdoor lighting? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p> <p>_____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p> <p>_____</p> <p>_____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p> <p>_____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ <p>_____</p>	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☐ Aquatic ☒ Other (specify): Transportation (I-95 and Metro-North)

ii. If mix of uses, generally describe:

Site is bounded by I-95 to the north and Metro-North tracks to the west. Site is located in a mixed-use area with low-rise multi-family apartments and townhouses to the south of Peck Ave, commercial and retail uses to the north, office uses to the west, and transportation uses to the east.

b. Land uses and covertsypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	7.8	7.8	0
• Forested	0	0	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0	0	0
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: <u>Maintained lawn and landscaping</u>	10.29	10.29	0

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☒ No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☒ No
If Yes,
i. Identify Facilities: _____

e. Does the project site contain an existing dam? ☐ Yes ☒ No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☒ No
If Yes:
i. Has the facility been formally closed? ☐ Yes ☐ No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____

iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☒ No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☒ Yes ☐ No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☒ Yes ☐ No
☒ Yes – Spills Incidents database Provide DEC ID number(s): 1004096, 8904438
☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
☐ Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____
NA _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☒ Yes ☐ No
If yes, provide DEC ID number(s): 360086, C360086
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

Spills 1004096 and 8904438 have been closed by NYSDEC. NYSDEC Environmental Site Remediation database 360086 is classified as "N" (No Further Action at this Time), and C360086 is classified as "A" (Active). C360086 is located at 38-40 Purchase Street and is in the Brownfield Cleanup Program.

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☒ No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐ Yes ☒ No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ 1.5 - 4 feet

b. Are there bedrock outcroppings on the project site? ☐ Yes ☒ No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site:

Ub	_____	22.9 %
UIC	_____	21.2 %
Uf	_____	48.8 %

d. What is the average depth to the water table on the project site? Average: _____ feet

e. Drainage status of project site soils: ☒ Well Drained: 21.2 % of site
☒ Moderately Well Drained: 22.9 % of site
☐ Poorly Drained: _____ % of site

f. Approximate proportion of proposed action site with slopes: ☒ 0-10%: 64.6 % of site
☒ 10-15%: 35.4 % of site
☐ 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? ☐ Yes ☒ No
If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☐ Yes ☒ No

ii. Do any wetlands or other waterbodies adjoin the project site? ☒ Yes ☐ No
If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☒ Yes ☐ No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name Small un-named pond Classification PUBHx
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☒ No
If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? ☐ Yes ☒ No

j. Is the project site in the 100-year Floodplain? ☐ Yes ☒ No

k. Is the project site in the 500-year Floodplain? ☐ Yes ☒ No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ☒ No
If Yes:
i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site:	
Raccoon _____ Norway rat _____ Coyote _____	Gray squirrel _____ Field mice _____
n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:	
i. Describe the habitat/community (composition, function, and basis for designation): _____ _____	
ii. Source(s) of description or evaluation: _____	
iii. Extent of community/habitat:	
<ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:	
i. Species and listing (endangered or threatened): _____ _____ _____	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:	
i. Species and listing: _____ _____	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, give a brief description of how the proposed action may affect that use: _____ _____	
E.3. Designated Public Resources On or Near Project Site	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No i. If Yes: acreage(s) on project site? _____ ii. Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:	
i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:	
i. CEA name: _____ ii. Basis for designation: _____ iii. Designating agency and date: _____	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____ 	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
g. Have additional archaeological or historic site(s) or resources been identified on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> i. Describe possible resource(s): _____ ii. Basis for identification: _____ 	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> i. Identify resource: _____ ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ iii. Distance between project and resource: _____ miles. 	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <input type="checkbox"/> Yes <input type="checkbox"/> No 	

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

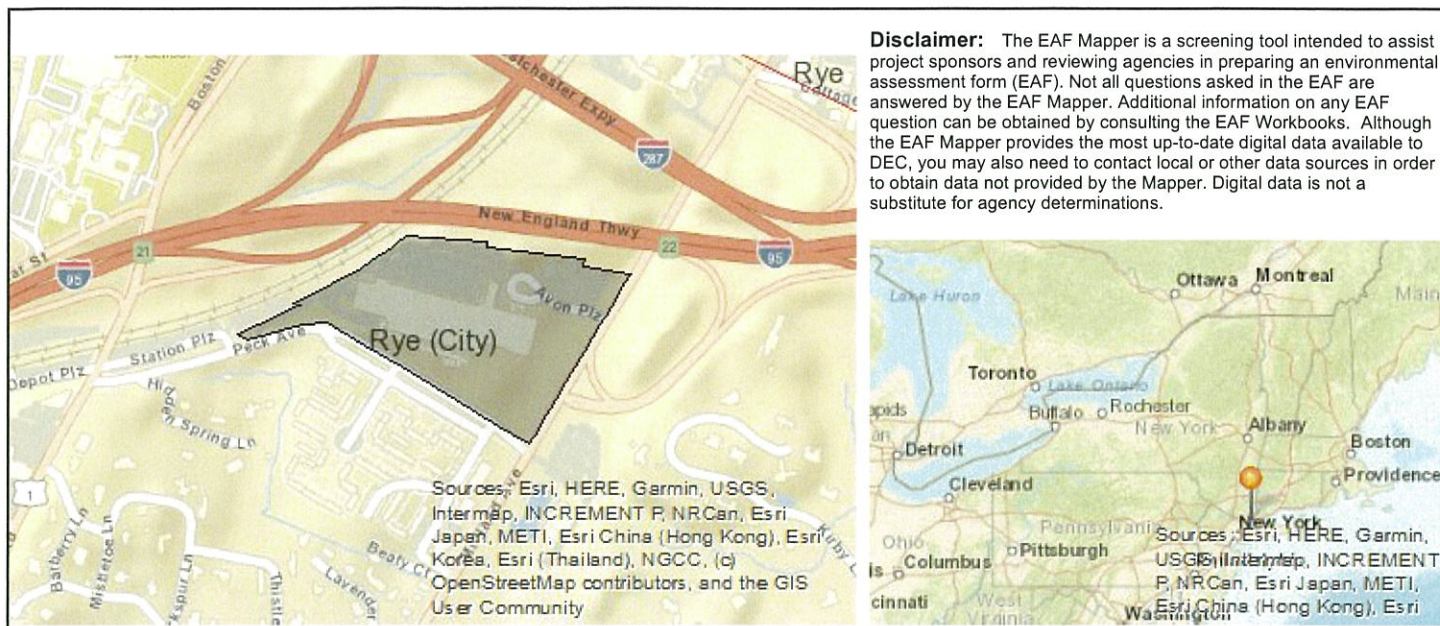
G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Midland Rye LLC Date 9/3/19

Signature  Title Sr. Technical Director - AKRF, for the Applicant

PRINT FORM



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	360086, C360086
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No

E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No



CITY COUNCIL AGENDA

NO.	DEPT.: Planning	DATE:
	CONTACT: Christian K. Miller, City Planner	

AGENDA ITEM: Authorizing the implementation, and funding in the first instance 100% of the federal-aid [[[and State "Marchiselli" Program-aid]]] eligible costs, of a transportation federal-aid project, and appropriating funds therefore for the Forest Avenue Corridor Accessibility Improvement Project.

FOR THE MEETING OF:

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: The City Council should consider adoption of the attached resolution.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:

Attached for the City Council's consideration is a resolution authorizing the implementation of the Forest Avenue Pedestrian Improvement project. The adoption of this resolution (and its contents) are required by NYSDOT as part of the City's award of the TAP Grant in May 2019. The resolution requires that the City identify the appropriation of the funds for the entire \$1,848,500 cost of the project, of which 80% (or \$1,487,800) will be reimbursed by NYS. As identified in the 2020-2024 CIP, staff's current estimate is that this project will cost \$2,178,000. It is anticipated that this cost will increase depending on NYSDOT detailed design requirements, cost of grant compliance and other considerations that emerge in the public input and detailed design process. If additional funding is necessary another City Council resolution will be required to appropriate additional funds. The NYSDOT grant, however would remained capped at its original \$1,487,800 commitment. The City Council's adoption of this resolution will also be considered by staff as the authority to initiate work and to spend money towards the implementation of this project. The first step in that process will be to retain a design engineer. In order for design expenses to be reimbursed, staff will be adhering to NYSDOT procurement practices and procedures.



RESOLUTION

Authorizing the implementation, and funding in the first instance 100% of the federal-aid [[[and State "Marchiselli" Program-aid]]] eligible costs, of a transportation federal-aid project, and appropriating funds therefore.

WHEREAS, a Project for the Forest Avenue Corridor Accessibility Improvement Project in the City of Rye, Westchester County, PIN 8762.52 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the City of Rye desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of preliminary engineering, right-of-way incidentals, right-of-way acquisition, construction and construction inspection work.

NOW, THEREFORE, the Rye City Council, duly convened does hereby

RESOLVE, that the Rye City Council hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Rye City Council hereby authorizes the City of Rye to pay in the first instance 100% of the federal and non-federal share of the cost of preliminary engineering, right-of-way incidental, right-of-way acquisition, construction and construction inspection work for the Project or portions thereof; and it is further

RESOLVED, that the sum of **\$1,848,500** is hereby appropriated from fund balance, debt or general operations and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Rye City Council shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the City Manager thereof, and it is further

RESOLVED, that the Rye City Manager be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of the City of Rye with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding

of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that in addition to the City Manager, the City Engineer is also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement;

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

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

I, Carolyn D'Andrea, Clerk of the City of Rye, New York, do hereby certify that I have compared the foregoing copy of this Resolution with the original on file in my office, and that the same is a true and correct transcript of said original Resolution and of the whole thereof, as duly adopted by said Rye City Council at a meeting duly called and held at the Rye City Hall on _____ by the required and necessary vote of the members to approve the Resolution.

WITNESS My Hand and the Official Seal of the City of Rye, New York, this _____ day of _____, 2019.

Clerk, City of Rye



CITY COUNCIL AGENDA

NO.

DEPT.: Building

DATE: August 30, 2019

CONTACT: Christian Miller, City Planner

AGENDA ITEM: Open a public hearing for a Verizon Wireless application for a special permit to install a public utility wireless communication facility on the roof of the Verizon building located at 182 Purchase Street.

FOR THE MEETING OF:

September 18, 2019

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the Council open the public hearing to consider the application.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND:

Verizon designed the wireless communication facility to be strategy located on the property, concealed behind a screened enclosure, to provide enhanced wireless communication services to the area.

See attached letter referencing BAR approval, copy of the application, affidavit of mailing and sign posting .

LAW OFFICES OF
SNYDER & SNYDER, LLP
94 WHITE PLAINS ROAD
TARRYTOWN, NEW YORK 10591

NEW YORK OFFICE
445 PARK AVENUE, 9TH FLOOR
NEW YORK, NEW YORK 10022
(212) 749-1448
FAX (212) 932-2693

LESLIE J. SNYDER
ROBERT D. GAUDIOSO

DAVID L. SNYDER
(1956-2012)

(914) 333-0700
FAX (914) 333-0743

WRITER'S E-MAIL ADDRESS

lsnyder@snyderlaw.net

NEW JERSEY OFFICE
ONE GATEWAY CENTER, SUITE 2600
NEWARK, NEW JERSEY 07102
(973) 824-9772
FAX (973) 824-9774

REPLY TO:

WESTCHESTER OFFICE

June 28, 2019

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

Re: Special Permit Application by New York SMSA Limited Partnership d/b/a
Verizon Wireless to Install a Public Utility Wireless Telecommunications Facility
on the Roof of the Building Located at 182 Purchase Street, Rye, New York

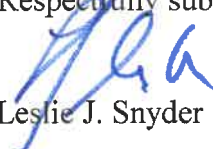
Honorable Mayor Cohn
and Members of the City Council:

We are the attorneys for New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless") in connection with its request for a special permit to install a public utility wireless telecommunications facility ("Facility") at the above referenced property ("Property"). The City of Rye permits wireless telecommunications facilities, such as the Facility, on the Property by special permit from the City Council, in accordance with Chapter 196 of the City Code of the City of Rye ("City Code"). Verizon Wireless is a provider of wireless communications services, and is licensed by the Federal Communications Commission to provide same throughout the New York metropolitan area, including the City of Rye.

The Facility has been strategically designed and located on the Property. It consists of antennas and related equipment concealed behind a screened enclosure on the rooftop of the existing building so that all of the equipment will be shielded from view. Moreover, the Property is already used for telecommunications purposes. The Facility will provide enhanced wireless communication services to the area, including, without limitation, vital emergency wireless 911 communications.

We thank you for your consideration, and look forward to discussing this matter on September 18, 2019. If you have any questions or require any additional documentation, please do not hesitate to contact me at 914-333-0700.

Respectfully submitted,



Leslie J. Snyder

LJS:ap

Enclosures

cc: Verizon Wireless
WFC Architects

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LAW OFFICES OF
SNYDER & SNYDER, LLP

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NEWARK, NEW JERSEY 07102
(973) 824-9772
FAX (973) 824-9774

REPLY TO:

WESTCHESTER OFFICE

September 13, 2019

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

Re: Special Permit Application by New York SMSA Limited Partnership d/b/a
Verizon Wireless to Install a Public Utility Wireless Telecommunications Facility
on the Roof of the Building Located at 182 Purchase Street, Rye, New York

Honorable Mayor Cohn
and Members of the City Council:

As you recall, we are the attorneys for New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless") in connection with its request for a special permit to install a public utility wireless telecommunications facility ("Facility") at the above referenced property ("Property"). The Facility has been strategically designed and located on the Property. It consists of antennas and related equipment concealed behind a screened enclosure on the rooftop of the existing building so that all of the equipment will be shielded from view.

Pursuant to Section 196-16 of the City of Rye Code, the City Council on August 7, 2019 referred Verizon Wireless' application to the Board of Architectural Review ("BAR") for advisory review prior to the public hearing scheduled for September 18, 2019.

I am pleased to report that the BAR reviewed the application on August 19, 2019 and on September 9, 2019. On September 9, 2019, the BAR unanimously voted in favor of application, finding that the screened enclosure has been designed with materials to match the existing building and that the Facility has been integrated as an architectural feature of the building and camouflaged to match the character of the surroundings so that the Facility will be concealed from view by the casual observer. A photograph of the sample of the materials in relation to the building is attached.



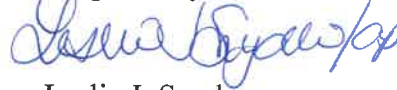
In support of the foregoing, Verizon Wireless is pleased to enclose the following materials:

1. Ten (10) copies of the Wireless Telecommunications Facility Permit Application, together with a Letter of Authorization signed by the owner of the Property;
2. Ten (10) copies of the Statement in Support of the Application, with exhibits; and
3. Ten (10) copies of the Site Plan.

Since the City does not have a fee schedule, kindly advise on any fees associated with the special permit application and we will pay any such required fees.

We thank you for your consideration, and look forward to discussing this matter at the next City Council meeting. If you have any questions or require any additional documentation, please do not hesitate to contact me or Michael Sheridan of my office at 914-333-0700.

Respectfully submitted,



Leslie J. Snyder

LJS:ap

Enclosures

cc: Verizon Wireless

WFC Architects

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Wireless Telecommunications Facility Permit Application

For Eligible Facility Requests, Special Use Permits and
Special Exception Permits

City of Rye, New York

1051 Boston Post Road, Rye, New York 10580

This application should be completed and signed according to Chapter 196 of the Code of the City of Rye, accompanied by any necessary drawings, and submitted to the City with appropriate fees.

PART I – General Information:

A. Application Name New York SMSA Limited Partnership d/b/a Verizon Wireless
Wireless Telecommunications Facility

B. Applicant: *(Please specify if utility provider as defined in Chapter 196 or a governmental Agency).*

Name: New York SMSA Limited Partnership d/b/a Verizon Wireless

Address: 4 Centerock Road

City: West Nyack

State: NY

Zip: 10994

Phone: (914) 714-7352

Fax:

Email:

C. Property Owner:

Name: Verizon New York, Inc.

Address: 140 West Street, 27th Floor

City: New York

State: NY

Zip: 10007

Phone: 212-321-8136

Fax:

Email:

D. Applicant Representative:

Name: Leslie Snyder, Esq.

Firm: Snyder & Snyder, LLP

Address: 94 White Plains Road

City: Tarrytown

State: NY

Zip: 10591

Phone: 914-333-0700

Fax: 914-333-0743

Email: lsnyder@snyderlaw.net

For Internal Use Only:

Application Receipt Date:

--

Application No.: TC

Fee Check No.:

Fee Check No.:

Prior Approvals:



Wireless Telecommunications Facility Permit Application City of Rye, New York

PART II – Project Information:

A. Property Information:

Street Address:	182 Purchase Street		
City:	Rye	State:	NY Zip: 10580
Property Area (Acres):			
Tax Map Designation:	Sheet: 139.19	Block: 3	Lot(s): 68.1
	Sheet:	Block:	Lot(s):
	Sheet:	Block:	Lot(s):
Zoning District:	RA-3		
Flood Insurance Zone:	N/A (installation on roof of existing building)		

B. Project Description:

In the space below, briefly describe the proposed project. A report detailing the specifications of this proposal, pursuant to the requirements set forth in section 196-6 of the Code of the City of Rye, must be attached.

Installation of a wireless telecommunications facility on the roof of the existing building on the property.

C. Regulatory Compliance

1. Will the proposed project place any fill or a structure within a Flood Zone? ☐ Yes ☒ No
(If yes, Chapter 100, Floodplain Management, may apply)
2. Is the proposed facility located within a designated preservation area? ☐ Yes ☒ No
(If yes, Chapter 117, Landmarks Preservation, may apply)
3. Is a fence or wall proposed as part of the application? ☐ Yes ☒ No
(If yes, Chapter 90, Fences and Walls, may apply)
4. Is the facility located within a designated coastal area boundary? ☐ Yes ☒ No
(If yes, Chapter 73, Coastal Zone Management, may apply)
5. Is the facility located within 100 feet of a wetland? ☐ Yes ☒ No
(If yes, Chapter 195, Wetlands and Watercourses, may apply)
6. Is the facility substantial contiguous to a historic structure? ☐ Yes ☒ No



Wireless Telecommunications Facility Permit Application City of Rye, New York

D. Prior Approvals – Application Checklist for Permits

To facilitate the approval process, the City of Rye requests that applicants indicate below all permit applications that are **pending**, have been **approved** or have been **rejected** for the proposed facility. The following checklist will allow the City authorities to be more familiar with properties that are the subject of the current application. Please indicate all applications submitted for the facility in question, including those that were prepared for projects separate from the current one. Intentionally omitting any items from this checklist is cause for delay or rejection of the application(s) being considered.

Board, Commission or Inspector:	Date(s) of Prior Approval(s):	City Identifier Reference(s):	Previous Action(s) on Application(s):	New Permit(s) Applied for: (Check Boxes)
City Council				<input type="checkbox"/>
Appeals				<input type="checkbox"/>
Architectural Review				<input type="checkbox"/>
Conservation				<input type="checkbox"/>
Landmarks				<input type="checkbox"/>
Planning Commission				<input type="checkbox"/>
Building Inspector				<input type="checkbox"/>
City Engineer				<input type="checkbox"/>
City Planner				<input type="checkbox"/>
Other:				<input type="checkbox"/>

PART III – Facility Compliance: Please attach a written statement that affirms the following:

- A. The applicant's proposed wireless telecommunications facility will be maintained in a safe manner and in compliance with all conditions of the eligible facilities permit, special use permit or special exception 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
- B. The construction of the wireless telecommunications facility is legally permissible, including but not limited to the fact that the applicant is authorized to do business in New York State.

PART IV – Fees and Consultant Review Deposit:

Application Fee Submitted: \$ _____

Deposit Submitted for Consultant Review: \$ _____



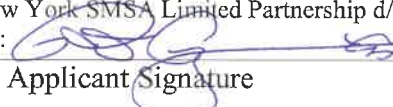
Wireless Telecommunications Facility Permit Application City of Rye, New York

PART V – Signatures

In signing this application, I acknowledge that I have read the Chapter 196 of the Rye City Code, and that the proposed use, to the best of my knowledge, will conform to those provisions. Further, I understand that a written request for re-certification, pursuant to Chapter 196-17 of the Code of the City of Rye, must be submitted prior to each fifth anniversary of the effective date of this application.

New York SMSA Limited Partnership d/b/a Verizon Wireless

By:


Applicant Signature

5/9/19
Date

I, the owner of the property described herein, consent to the filing of this application.
(Property owner signature not required if located in the public right-of-way).

SEE ATTACHED LETTER OF AUTHORIZATION

Property Owner Signature(s)

Date

LETTER OF AUTHORIZATION


Municipality: City of Rye

APPLICATION FOR APPROVALS

Verizon New York Inc., the owner of the property located at 182 Purchase Street, Rye, New York (the "Property"), does hereby appoint New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless"), and its authorized representatives, as the owner's agent for the purpose of consummating any applications necessary to insure Verizon Wireless' ability to use the Property for the purpose of installing a communications facility on the Property, consisting of antennas and related equipment.

Assessor's Parcel Number: Section 139.19, Block 3, Lot 68.1

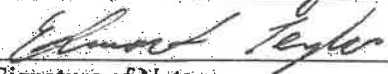
Signature of Property Owner:
VERIZON NEW YORK INC.

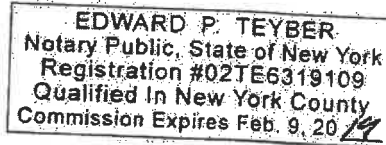
By: 
Authorized Signatory
Name: Wayne Igawa
Title: Verizon Global Real Estate - Program Manager

Authorized Agent:
New York SMSA Limited Partnership d/b/a Verizon Wireless

Sworn to and subscribed to before me on this

4th day of February, 2016


Signature of Notary



CITY COUNCIL
CITY OF RYE

-----X
In the matter of the Application of
NEW YORK SMSA LIMITED PARTNERSHIP
d/b/a VERIZON WIRELESS

Premises: Section 139.19, Block 3, Lot 68.1
 182 Purchase Street
 City of Rye, New York
-----X

**STATEMENT IN SUPPORT OF NEW YORK SMSA LIMITED PARTNERSHIP
d/b/a VERIZON WIRELESS' APPLICATION TO INSTALL
A PUBLIC UTILITY WIRELESS TELECOMMUNICATIONS FACILITY**

I. Introduction

New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless") respectfully submits this statement in support of its special use permit application to install a public utility wireless telecommunications facility ("Facility") at the property located at 182 Purchase Street, Rye, New York ("Property"). The Facility has been strategically designed and located on the rooftop of the existing building ("Building") at the Property. The Facility consists of antennas and related equipment concealed behind a screened enclosure on the rooftop of the Building so that all of the equipment is shielded from view. The Property is used for telecommunications purposes. The Facility is proposed in accordance with Chapter 196 of the City Code of the City of Rye, entitled Wireless Telecommunications Facilities ("Wireless Law").

II. Statement of Facts

The Property consists of approximately +/- .35 acres and is known as Section 139.19, Block 3, Lot 68.1 on the City of Rye's Tax Assessment Map. Although the Property is located in the RA-3 Residential Apartment zoning district, the Property is used exclusively for non-residential telecommunications purposes. Pursuant to the Wireless Law, the Facility is permitted at the Property by special use permit from the City Council.

The Facility will provide enhanced wireless communication services to the area, including, without limitation, vital emergency wireless 911 communications. The Facility is located on the rooftop of the existing Building, with antennas and equipment concealed behind a screening enclosure that has been designed to blend in with the existing Building to shield same from view. A detailed site plan ("Site Plan") prepared by WFC Architects ("WFC") is submitted herewith. The Facility complies with the purposes of the Wireless Law, including without limitation, using innovative camouflaging techniques to conceal the equipment from view and utilizing a non-residential structure for placement of the Facility.

III. Public Utility Status

Under the laws of the State of New York, Verizon Wireless qualifies as a public utility for zoning purposes. See Cellular One v. Rosenberg, 82 N.Y.2d 364 (1993); Cellular One v. Meyer, 607 N.Y.S.2d 81 (2nd Dept. 1994); Sprint Spectrum, L.P. v. Town of West Seneca, (Index No. 1996/9106, Feb. 25, 1997, Sup.Ct. Erie County). In Rosenberg, the Court of Appeals, New York's highest court, held that federally licensed wireless carriers (such as Verizon Wireless) provide an essential public service and are therefore public utilities in the State of New York. Public utilities are accorded favored treatment in zoning matters. Verizon Wireless' status as a public utility is underscored by the fact that its services are an important part of the national telecommunications infrastructure and will be offered to all persons that require advanced digital wireless communications services, including local businesses, public safety entities, and the general public.

The instant application is filed in furtherance of the goals and objectives established by Congress under the federal Telecommunications Act of 1996. The federal Telecommunications Act of 1996 is "an unusually important legislative enactment," establishing national public policy in favor of encouraging "*rapid deployment of new telecommunications technologies* (emphasis supplied)." Reno v. ACLU, 521 U.S. 844, 857 (1997). The federal Telecommunications Act of 1996 builds upon the regulatory framework for commercial mobile [radio] services which Congress established in 1993. Indeed, since 1993, it has been the policy of the United States to "foster the growth and development of *mobile services* that, by their nature, *operate without regard to state lines as an integral part of the national telecommunications infrastructure.*" H.R. Rep. No. 103-111, 103d Cong., 1st Sess. 260 (1993) (emphasis added).

In fact, in 1999, Congress expanded further upon this policy by enacting the Wireless Communications and Public Safety Act of 1999, Pub.L. 106-81, 113 Stat. 1286 (the "911 Act"). The "911 Act," empowered the FCC to develop regulations to make wireless 911 services available to all Americans. The express purpose of the Act, as articulated by Congress, was "*to encourage and facilitate the prompt deployment throughout the United States of seamless, ubiquitous, and reliable end-to-end infrastructure for communications, including wireless communications, to meet the Nation's public safety and other communications needs*" (emphasis added).

On November 18, 2009, the FCC issued a Declaratory Ruling regarding timely review of applications for siting of wireless facilities, WT Docket NO. 08-165 (the "Shot Clock Order").¹ The Shot Clock Order finds that a "reasonable period of time" for a local government to act on this type of application is presumptively 90 days. According to the Shot Clock Order, if the City fails to act within such reasonable period of time, the applicant may commence an action in court for "failure to act" under Section 332(c)(7)(B)(v) of the Federal Communications Act. Please further note that the Shot Clock Order was codified in federal regulation 47 C.F.R. § 1.6003. In addition, the FCC issued a Declaratory Ruling (In re Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, Declaratory Ruling and Third Report and Order, WT Docket No. 17-79 and WC Docket No. 17-84 (adopted Sept. 26, 2018) ("FCC 2019 Order"), which provides that "an effective prohibition [of service] occurs where a

¹ A copy of the Shot Clock Order is available at http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-09-99A1.pdf.

state or local legal requirement materially inhibits a provider's ability to engage in any of a variety of activities related to its provision of a covered service." A local government materially inhibits a provider "not only when filling a coverage gap but also when densifying a wireless network, introducing new services or otherwise improving service capabilities."²

IV. The Proposed Facility Meets the Special Permit Standards

The instant application is for a special use permit. A special permit use is permitted as of right when the applicant has demonstrated compliance with the applicable standards. See Matter of North Shore Steak House v. Board of Appeals of Inc. Vil. of Thomaston, 30 N.Y.2d 238, 331 N.Y.S. 2d 645 (1972). It is respectfully submitted that the Facility conforms to the requirements of the Wireless Law and Section 27 (b) of New York State General City Law, for the following reasons:

- A. Proposed Facility is Not Speculative §196-5(G)(1)(a): The Facility will be built by Verizon Wireless for Verizon Wireless' use, and used promptly upon approval.
- B. Verizon Wireless is a Utility Provider Under New York Law §196-5(G)(1)(b): As discussed above, under the laws of the State of New York, Verizon Wireless qualifies as a public utility for zoning purposes.
- C. No Adverse Visual Impact §196-5(G)(1)(c): The Facility will not have any adverse visual impact on the surrounding area since the Facility has been strategically designed with the antennas and related equipment concealed behind a proposed screening enclosure so that they are concealed from view.
- D. No Significant Site Impact §196-5(G)(1)(d): The Facility will not significantly impact the Site since it affects only a small area of the roof of the Building.
- E. Least Intrusive Alternative §196-5(G)(1)(e): The proposed Facility is necessary to remedy a critical capacity issue in the area of the City surrounding the Property, and by placing the Facility on a Building used for non-residential purposes, the Facility is the least intrusive alternative and consistent with the purposes of the Wireless Law.
- F. Proposed Facility Is a Stealth Facility §196-5(G)(2): The proposed Facility is not on any historic structure or environmentally sensitive area and qualifies as a "Stealth Facility" under the Wireless Law since all of the antennas and equipment will be concealed from view by the screening enclosure so that the Facility is virtually imperceptible to the casual observer, as the enclosure has been designed to blend in with the architectural features of the existing Building.
- G. Location §196-5(I)(1): The Facility has been located on the highest priority location for all installations, namely on an existing tall structure.

² A copy of the FCC Order is available at <https://docs.fcc.gov/public/attachments/FCC-18-133A1.pdf>

- H. Safety and Compliance §196-6(D)(1): Verizon Wireless' Facility will be maintained in a safe manner and in compliance with all conditions of the Special Use Permit, without exception, unless specifically granted relief by the City 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.
- B. Construction §196-6(D)(2): The construction of the Facility is legally permissible, and Verizon Wireless is authorized to do business in the State of New York.
- C. Required Information §196-6(E): In satisfaction of the requirements set forth in Section 196-6(E) of the Wireless Law:

Verizon Wireless has submitted documentation satisfying Section 196-5(G) and the other sections (E, F and H) are not applicable to Verizon Wireless' Facility.

Submitted herewith is the Site Plan signed and sealed by a licensed New York State engineer, Neil MacDonald of WFC, 12-1 Technology Drive, Setauket, New York 11733, containing the following information complying with subsections (2)-(14) and (19) of Section 196-6(E) of the Wireless Law:

1. The name and address of the property owner, operator and applicant. See Site Plan T-100.00;
2. The postal address and tax map parcel number of the Property. See Site Plan T-100.00;
3. The zoning district. See Site Plan T-100.00;
4. The size of the Property and a diagram showing the location of all lot lines. See Site Plan SP-100.00;
5. The location of all residential structures within 750 feet. See Site Plan SP-104.00;
6. The location of all habitable structures within 750 feet. See Site Plan SP-104.00;
7. The location of all structures on the property. See Site Plan SP-100.00-102.00;
8. There are no other proposed or existing wireless telecommunications facilities at the Site;
9. The proposed Facility is located on the roof of the existing Building, as such, no landscaping is proposed;
10. The number, type and design of the telecommunications facility(s) antenna(s) proposed on Site Plan SP-103.00 and the structural letter ("Structural Certification") attached hereto as Exhibit 1;
11. The make, model and manufacturer of the proposed antennas. See Site Plan SP-103.00;
12. A description of the proposed antennas and all related fixtures, structure appurtenances and apparatus, including the height above preexisting grade, materials, color and lighting. See Site Plan SP-100.00 - SP-102.00; and
13. The applicant's proposed maintenance and inspection procedures. See the Note on Site Plan SP-100.00.

Attached hereto as Exhibit 2 is an Antenna Site FCC RF Compliance Assessment and Report (“RF Safety Report”) signed and sealed by a licensed New York State engineer containing the following information complying with subsections (15) – (18) of Section 196-6(E) of the Wireless Law:

- The frequency, modulation and class of service of radio or other transmitting equipment;
- The transmission and maximum effective radiated power of the proposed antennas;
- The direction of maximum lobes and associated radiation of the antennas; and
- Certification that NIER levels at the Facility are within the threshold levels adopted by the FCC.

Attached hereto as Exhibit 3 is a copy of Verizon Wireless’ applicable FCC licenses in accordance with Section 196-6(E)(20).

With respect to Section 196-6(E)(21), such provision is not applicable since the Facility is not a tower.

Attached hereto as Exhibit 4 is an affidavit from Verizon Wireless’ radio-frequency engineer in accordance with Sections 196-6(E)(22) and (25).

With respect to Section 196-6(E)(23), Verizon Wireless is not aware of any agreement in existence that would limit or preclude the ability of Verizon Wireless to share any new wireless telecommunications facility that it constructs.

Attached hereto as Exhibit 5 is a notarized affidavit from Verizon Wireless’ project engineer (“Engineer Letter”) in accordance with Section 196-6(E)(24).

- D. Shared Use §196-6(F): The Alternative Site Analysis attached hereto as Exhibit 6 demonstrates that there are no existing wireless telecommunications facilities upon which Verizon Wireless could collocate and remedy its capacity issues.
- E. Structural Certification §196-6(G): The Structural Certification, attached as Exhibit 1, indicates that the Facility is designed to meet all county, state and federal structural requirements for loads, including wind and ice loads.
- F. Electrical Safety §196-6(H): The Facility will be grounded and bonded so as to protect persons and property and installed with appropriate surge protectors.
- G. EAF §196-6(I): Attached hereto as Exhibit 7, is a long Environmental Assessment Form (“EAF”) demonstrating that the Facility will not have a significant adverse impact on the environment.

- H. Visual Impact §196-6(J): As demonstrated by the Visual Analysis attached hereto as Exhibit 8, the installation of the Facility will not have any adverse visual impact on the surrounding area since the Facility has been strategically designed so that the antennas and related equipment are concealed from view behind a screening enclosure. The screening enclosure has been designed to blend in with the existing Building.
- I. Concealment Elements §196-6(K): The Facility is a Stealth Facility under the wireless law with concealment elements so that the antennas and equipment will be concealed from view by the screening enclosure. The screening enclosure has been designed to blend in with the existing Building. See Site Plan submitted herewith.
- J. Utilities §196-6(L): The utilities will be connected to the existing electrical and telco source within the Building. As noted above, the Facility is a Stealth Facility under the wireless law with concealment elements so that the antennas and equipment will be concealed from view by the screening enclosure designed to blend in with the existing Building.
- K. Access & Parking §196-6(M): The Facility is unmanned requiring maintenance visits of approximately once per month, so that existing access and parking at the Building is sufficient.
- L. Compliance with Codes §196-6(N): Verizon Wireless shall construct, operate, maintain, repair, modify or restore the Facility in strict compliance with all applicable technical, safety, and safety related codes.
- M. Required Permits and Licenses §196-6(O): Verizon Wireless shall obtain all required permits and licenses required by any applicable law, rule or regulation, and shall maintain same in full force and effect.
- N. Future Carriers §196-6(R): The proposed Facility is located on the roof of the existing Building. In connection with the feasibility of colocation on the roof of the Building, attached hereto as Exhibit 9 is a letter (“Colocation Letter”) from Verizon of New York Inc. (“Verizon”), the owner of the Building, confirming that once the Verizon Wireless’ installation is approved, Verizon does not have any issue with allowing additional colocation on the roof of the Building.
- O. Location from Residential Unit §196-6(T)(8)(a): The Facility will be 40 feet from any residential unit for two sectors and for the third sector, to the extent that you consider horizontal and vertical distance the antennas at said sector will be 20’ above the nearest residential unit, and 20’ away from the nearest residential unit.
- P. Height §196-8: The height of the Facility is not higher than the minimum height necessary to remedy Verizon Wireless’ capacity issues in the area. The Facility is in compliance with Section 196-8(A) since the Facility will be at or below 70 feet. Further,

and in accordance with Section 196-6(T)(3), the Facility only increases the height of the Building by 6 feet.

- Q. Visibility §196-9: The Facility will not be artificially lighted or marked.
- R. Security §196-10: The Facility is inaccessible to the public since it is located on the roof of the Building.
- S. Signage §196-11: As required by the Wireless Law, the Facility will contain a sign no larger than four (4) square feet, with the name and emergency telephone number of Verizon Wireless, and a sign in accordance with FCC regulations regarding radio frequency emissions. No commercial or retail signage is proposed.
- T. Setbacks §196-12: The Facility is located on an existing Building so the tower setback requirements are not applicable. With respect to Section 196-12(c), the Facility does not exacerbate the existing setbacks of the Building but it should be noted that the Building is dimensionally non-conforming.
- U. Performance Security & Insurance §196-20 & §196-23: Verizon Wireless respectfully requests that the removal bond and insurance certificates not be required until the issuance of a building permit, so a temporary waiver, pursuant to Section 196-28, is being requested at this time.
- V. Indemnity §196-24: Since the Facility is not proposed to be located on City property, Verizon Wireless respectfully requests a waiver, pursuant to Section 196-28, from the indemnity requirement.

Based on the foregoing, it is respectfully submitted that Verizon Wireless has complied with the requirements for special use permit approval under the Wireless Law and applicable City Law.

Conclusion

By granting the requested approvals, the City Council will permit Verizon Wireless to improve its wireless communications in the area and enable local residents, public service entities and the traveling public, to have enhanced wireless service critical for the public health, safety and welfare of the area. Any potential impact on the community created by the approval will be minimal and without significant adverse effect.

WHEREFORE, for all of the foregoing reasons, Verizon Wireless respectfully prays that this Honorable Board issue a negative declaration under the State Environmental Quality Review Act³ and grant the requested approvals.

Dated: June 21, 2019

Respectfully submitted,
Leslie J. Snyder
SNYDER & SNYDER, LLP
94 White Plains Road
Tarrytown, NY 10591

Z:\SSDATA\WPDATA\SS4\WP\NEWBANM\Breyer\Small Cell Sites\Rye\Zoning\ljs\Memojune2019revapfinal.rtf

³ It should also be noted that the proposal is a Type II action, thereby deemed not to have any significant environmental effect under SEQRA, since it involves the construction of a non-residential facility involving less than 4,000 square feet. See 6 NYCRR 617.5 (c)(9).

Exhibit 1
Structural Certification

Nicholas J. DeFelice, P.E.

Consulting Engineer
22 Hills Park Lane
Smithtown, NY 11787
631-361-7543

May 28, 2019

WFC Architects
12-1 Technology Drive
East Setauket, NY 11733

Attn: Mr. Glen DeMarino

Re: Verizon
RYE VZCO SC
182 Purchase Street
Rye, NY 10580

Dear Mr. DeMarino,

Pursuant to your request, I visited the above referenced site on 9/9/15 to conduct a visual inspection of the existing roof structure. Verizon Wireless is proposing to add (2) antennas mounted to the inside face of the north and south end walls behind RF transparent screening. In addition, Verizon Wireless is proposing to add (2) antennas, (1) equipment cabinet, (6) RRH's and (2) GPS units atop the existing roof top bulkhead behind RF transparent screening.

The locations of the antennas and appurtenances are shown on the zoning drawings prepared by WFC Architects dated 5/10/19.

It is my professional opinion that the existing structure can safely sustain the loads from the proposed antennas and appurtenances. This determination was based on the requirements of the 2015 New York State Building Code.

If you have any questions, please call.

Sincerely,


Nicholas J. DeFelice, P.E.



Exhibit 2
Antenna Site FCC RF Compliance Assessment and Report



PINNACLE TELECOM GROUP

Professional and Technical Services

**ANTENNA SITE FCC COMPLIANCE
ASSESSMENT AND REPORT**

**NEW YORK SMSA LIMITED PARTNERSHIP
d/b/a VERIZON WIRELESS**

**“RYE VZCO SC” SITE
182 PURCHASE STREET
RYE, NY**

FEBRUARY 18, 2019

14 RIDGEDALE AVENUE • SUITE 260 • CEDAR KNOLLS, NJ 07927 • 973-451-1630

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COMPLIANCE CONCLUSION	13

CERTIFICATION

APPENDIX A. BACKGROUND ON THE FCC MPE LIMIT

APPENDIX B. SUMMARY OF EXPERT QUALIFICATIONS

INTRODUCTION AND SUMMARY

At the request of New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless"), Pinnacle Telecom Group (PTG) has performed an independent expert assessment of radiofrequency (RF) levels and related FCC compliance for a proposed wireless base station antenna operation on the roof of a building at 182 Purchase Street in Rye, NY. Verizon Wireless refers to the site as "Rye VZCO SC" and the proposed operation involves directional panel antennas and transmission in the 746 MHz, 1900 MHz, and 2100 MHz frequency bands licensed to Verizon Wireless by the FCC.

The FCC requires wireless system operators to perform an assessment of potential human exposure to RF fields emanating from all the transmitting antennas at a site whenever antenna operations are added or modified, and to ensure compliance with the Maximum Permissible Exposure (MPE) limit in the FCC regulations. In this case, there are no other existing antenna operations at the site to include in the compliance assessment. Note that FCC regulations require any future antenna collocators to assess and assure continuing compliance based on the cumulative effects of all then-proposed and then-existing antennas at the site.

This report describes mathematical analyses of RF levels associated with the antennas. The analyses both at street level and on the roof employ standard FCC mathematical models for calculating the effects of the antennas in a very conservative manner, in order to overstate the RF levels and to ensure "safe-side" conclusions regarding compliance with the FCC limit for safe continuous exposure of the general public.

The results of a compliance assessment can be explained in layman's terms by describing the calculated RF levels as simple percentages of the FCC MPE limit. If the reference for that limit is 100 percent, then calculated RF levels higher than 100 percent indicate the MPE limit is exceeded, while calculated RF levels consistently lower than 100 percent serve as a clear and sufficient demonstration of compliance with the MPE limit.

The results of the FCC RF compliance assessment in this case are as follows:

- ❑ At street level around the site and at any distance from the site, the conservatively calculated maximum RF level from the proposed antenna operation is 4.4314 percent of the FCC general population MPE limit – well below the 100-percent reference for compliance. In other words, even with the significant degree of conservatism incorporated in the analysis, the worst-case calculated RF level is still more than 20 times below the FCC limit established as safe for continuous human exposure to the RF emissions from antennas.
- ❑ A conservative analysis indicates that the RF levels potentially exceed the FCC MPE limit at the Verizon Wireless Beta antenna sector. Therefore, and consistent with the Verizon Wireless policy and FCC guidelines on rooftop compliance, Verizon Wireless will install standard RF alert signage at the Verizon Wireless Beta antenna sector. RF alert signage will also be installed at the roof access point(s).
- ❑ The results of the calculations, along with the proposed mitigation, combine to satisfy the FCC requirements and associated guidelines on RF compliance. Moreover, because of the significant conservatism incorporated in the analysis, RF levels actually caused by the antennas will be lower than these calculations indicate.

The remainder of this report provides the following:

- ❑ relevant technical data on the proposed Verizon Wireless antenna operation at the site;
- ❑ a description of the applicable FCC mathematical models for assessing MPE compliance, and application of the relevant technical data to those models; and
- ❑ the results of the analysis, and the compliance conclusion for the site.

In addition, two Appendices are included. Appendix A provides background on the FCC MPE limit, along with a list of FCC references on compliance.

Appendix B summarizes the expert qualifications of the individual certifying compliance for this site.

ANTENNA AND TRANSMISSION DATA

The table that follows provides the key compliance-related data for the proposed Verizon Wireless antenna operation.

General Data	
Frequency Bands	746 MHz, 1900 MHz, and 2100 MHz
Service Coverage Type	Sectorized
Antenna Type	Directional Panel
Antenna Centerline Height AGL	52 ft. 6 in.
Antenna Line Loss	Assumed 0 dB (conservatively ignored)
746 MHz Antenna Data	
Antenna Models (Max. Gain)	Commscope NHH-45A-R2B (15.5 dBi)
RF Channels per Sector	2 @ 60 watts
1900 MHz Antenna Data	
Antenna Models (Max. Gain)	Commscope NHH-45A-R2B (19.0 dBi)
RF Channels per Sector	2 @ 60 watts
2100 MHz Antenna Data	
Antenna Models (Max. Gain)	Commscope NHH-45A-R2B (19.2 dBi)
RF Channels per Sector	4 @ 45 watts

The area below the antennas at street level is of interest in terms of potential “uncontrolled” exposure of the general public, so the antenna's vertical-plane emission characteristic is used in the compliance analysis.

By way of illustration, Figure 1 that follows shows the vertical-plane pattern for the proposed Verizon Wireless antenna model in the 746 MHz frequency band.

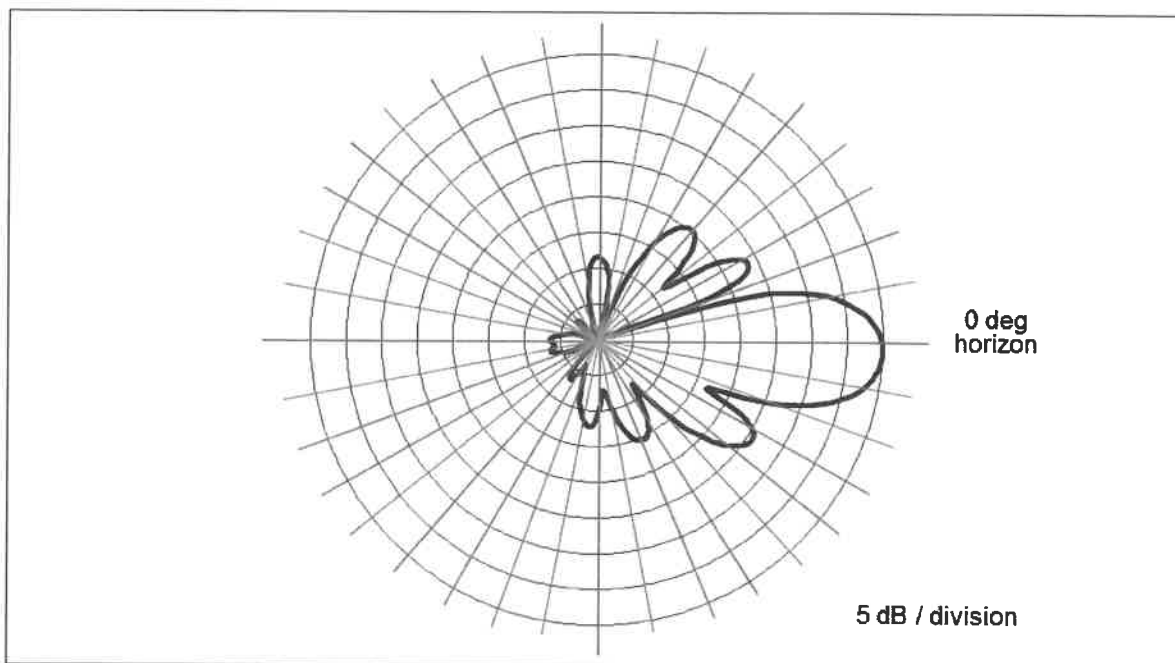
In this type of antenna pattern diagram, the antenna is effectively pointed at the three o'clock position (the horizon) and the relative strength of the pattern at different angles is described using decibel units.

The use of a decibel scale to describe the relative pattern at different angles

actually serves to visually understate the actual focusing effects of the antenna. Where the antenna pattern reads 20 dB the relative RF energy emitted at the corresponding downward angle is 1/100th of the maximum that occurs in the main beam (at 0 degrees); at 30 dB, the energy is 1/1,000th of the maximum.

Note that the automatic pattern-scaling feature of our internal software may skew side-by-side visual comparisons of different antenna models, or even different parties' depictions of the same antenna model.

Fig. 1. Commscope NHH-45A-R2B – 746 MHz Vertical-plane Pattern



Compliance Analysis

FCC Office of Engineering and Technology Bulletin 65 ("OET Bulletin 65") provides guidelines for mathematical models to calculate the RF levels at various points around transmitting antennas.

Different models apply in different areas around antennas, with one model applying to street level around a site, and another applying to the rooftop near

the antennas. We will address each area of interest in turn in the subsections that follow.

Street Level Analysis

At street-level around an antenna site (in what is called the “far field” of the antennas), the RF levels are directly proportional to the total antenna input power and the relative antenna gain in the downward direction of interest – and the levels are otherwise inversely proportional to the square of the straight-line distance to the antenna. Conservative calculations also assume the potential RF exposure is enhanced by reflection of the RF energy from the ground. Our calculations will assume a 100% “perfect” reflection, the worst-case approach.

The formula for street-level RF compliance calculations for any given wireless antenna operation is as follows:

$$\text{MPE\%} = (100 * \text{TxPower} * 10^{(\text{Gmax-Vdisc}/10)} * 4) / (\text{MPE} * 4\pi * R^2)$$

where

MPE%	=	RF level, expressed as a percentage of the MPE limit applicable to continuous exposure of the general public
100	=	factor to convert the raw result to a percentage
TxPower	=	maximum net power into antenna sector, in milliwatts, a function of the number of channels per sector, the transmitter power per channel, and line loss
$10^{(\text{Gmax-Vdisc}/10)}$	=	numeric equivalent of the relative antenna gain in the downward direction of interest; data on the antenna vertical-plane pattern is taken from manufacturer specifications
4	=	factor to account for a 100-percent-efficient ground reflection, and the squared relationship between RF field strength and power density ($2^2 = 4$)
MPE	=	FCC general population MPE limit
R	=	straight-line distance from the RF source to the point of interest, centimeters

The MPE% calculations are performed out to a distance of 500 feet from the facility to points 6.5 feet (approximately two meters, the FCC-recommended standing height) off the ground, as illustrated in Figure 2, below.

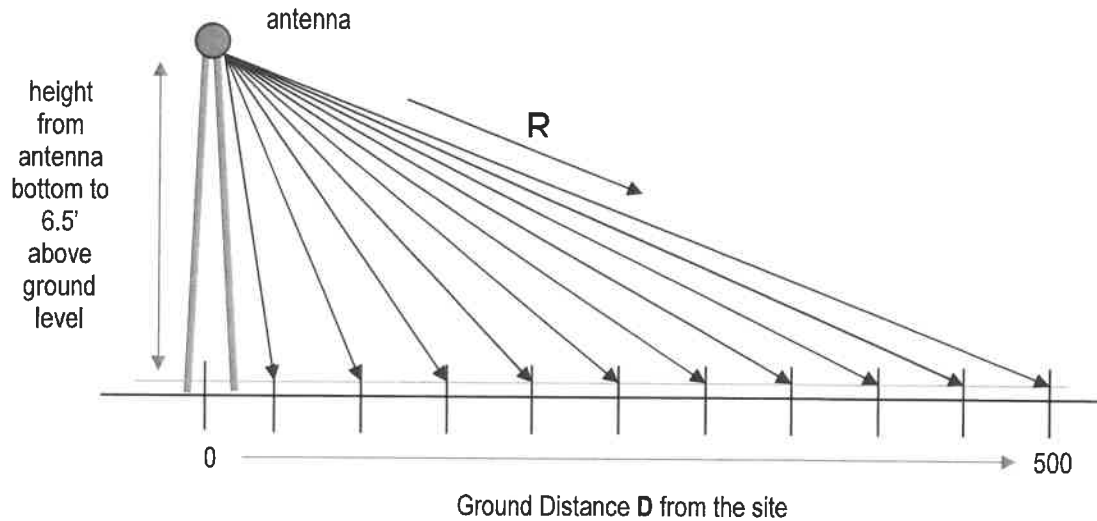


Figure 2. Street-level MPE% Calculation Geometry

It is popularly understood that the farther away one is from an antenna, the lower the RF level – which is generally but not universally correct. The results of MPE% calculations fairly close to the site will reflect the variations in the vertical-plane antenna pattern as well as the variation in straight-line distance to the antennas. Therefore, RF levels may actually increase slightly with increasing distance within the range of zero to 500 feet from the site.

As the distance approaches 500 feet and beyond, though, the antenna pattern factor becomes less significant, the RF levels become primarily distance-controlled, and as a result the RF levels generally decrease with increasing distance, and are well understood to be in compliance.

FCC compliance for a multiple-band antenna operation is assessed in the following manner. At each distance point along the ground, an MPE% calculation is made for the RF effect in each frequency band, and the sum of the individual MPE% contributions at each point is compared to 100 percent, which

serves as the normalized reference for the FCC MPE limit. We refer to the sum of the individual MPE% contributions as “total MPE%”, and any calculated total MPE% result exceeding 100 percent is, by definition, higher than the FCC limit and represents non-compliance and a need to mitigate the RF levels. If, on the other hand, all results are below 100 percent, that set of results serves as a demonstration of compliance with the MPE limit.

The following conservative methodology and assumptions are incorporated into the MPE% calculations on a general basis:

1. The antenna is assumed to be operating continuously at maximum power, and we are conservatively ignoring the power-attenuation effects associated with the antenna cabling.
2. The power-attenuation effects of shadowing or other obstructions to the line-of-sight path from the antenna to the point of interest are ignored.
3. The calculations intentionally minimize the distance factor (R) by assuming a 6’6” human and performing the calculations from the bottom (rather than the centerline) of each operator’s lowest-mounted antenna, as applicable.
4. The potential RF exposure at street level is assumed to be 100-percent enhanced (increased) via a “perfect” field reflection from the intervening ground.

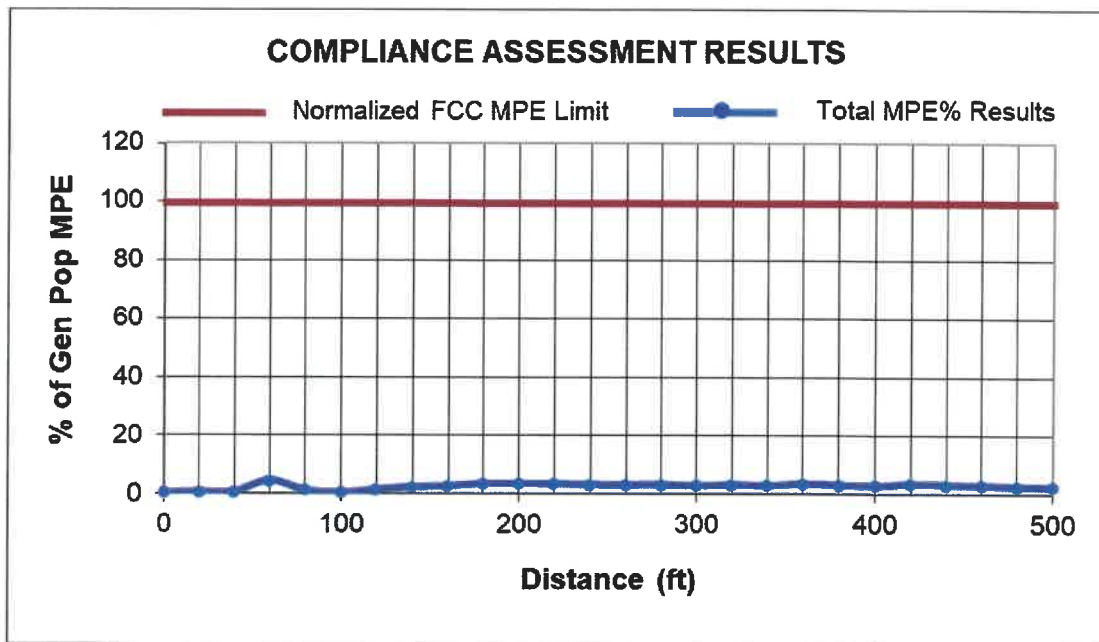
The net result of these assumptions is to significantly overstate the calculated RF exposure levels relative to the levels that will actually occur – and the purpose of this conservatism is to allow very “safe-side” conclusions about compliance.

The table that follows provides the results of the street-level MPE% calculations for each frequency band, with the overall worst-case result highlighted in bold in the last column.

Ground Dist (ft)	Verizon 746 MHz MPE%	Verizon 1900 MHz MPE%	Verizon 2100 MHz MPE%	Total MPE%
0	0.2062	0.0131	0.0145	0.2338
20	0.4383	0.0626	0.0746	0.5754
40	0.1962	0.3337	0.1068	0.6366
60	1.7100	0.4214	2.3001	4.4314
80	0.8341	0.1259	0.1954	1.1554
100	0.1206	0.2065	0.0271	0.3542
120	0.6167	0.4052	0.3637	1.3856
140	1.7621	0.0961	0.3705	2.2287
160	2.5194	0.0036	0.0454	2.5684
180	3.2170	0.0541	0.0683	3.3393
200	3.1813	0.0463	0.1181	3.3457
220	3.1284	0.0163	0.1094	3.2540
240	3.0508	0.0067	0.0507	3.1082
260	2.9579	0.0516	0.0158	3.0254
280	2.8398	0.1990	0.1086	3.1475
300	2.4815	0.1739	0.0949	2.7504
320	2.3810	0.4078	0.3627	3.1515
340	2.1136	0.3620	0.3219	2.7975
360	2.0191	0.6513	0.7428	3.4132
380	1.8149	0.5855	0.6677	3.0680
400	1.6400	0.5291	0.6034	2.7725
420	1.5666	0.8028	1.0610	3.4304
440	1.4288	0.7322	0.9676	3.1286
460	1.3084	0.6705	0.8861	2.8649
480	1.2025	0.6162	0.8144	2.6331
500	1.1089	0.5683	0.7510	2.4282

As indicated, even with the significant degree of conservatism built into the calculations, the maximum calculated RF level is 4.4314 percent of the FCC general population MPE limit.

A graph of the overall calculation results, provided on the next page, probably provides a clearer visual illustration of the relative compliance of the calculated RF levels. The line representing the overall calculation results shows an obviously clear, consistent margin to the FCC MPE limit.



Rooftop Analysis

The rooftop compliance analysis for the rooftop is performed using the Richard Tell Associates *RoofView* program, which is based on the near-field models in FCC Bulletin OET65 and which is considered an industry standard, and is accepted by the FCC for rooftop compliance analyses.

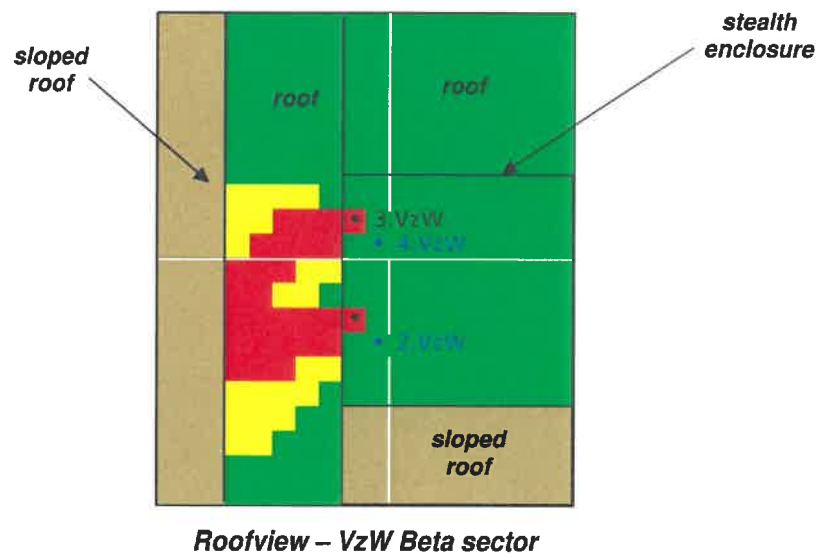
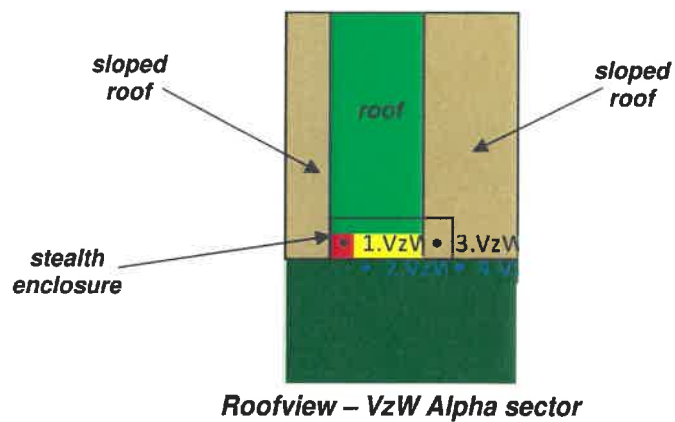
RF levels in the near field of an antenna depend on the power input to the antenna, the antenna's length and horizontal beamwidth, the mounting height of the antenna above nearby roof, and one's position and distance from the antenna. RF levels in front of a directional antenna are higher than they are to the sides or rear, and in any given horizontal direction are inversely proportional to the straight-line distance to the antenna.

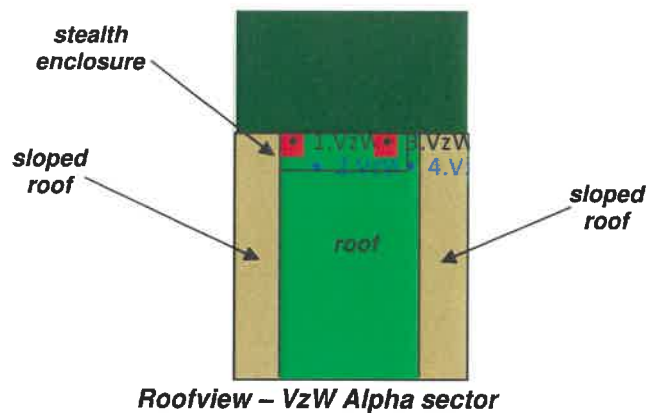
The *RoofView* program's primary output is a color-coded depiction of the calculated RF levels in the vicinity of antennas. The color-coding scheme uses green for areas found to be subject to RF levels satisfying the FCC general

population MPE limit, red for areas where the FCC occupational limit is exceeded, and yellow for RF levels between those extremes.

Note that in a grayscale printout, green appears as medium gray, yellow is a lighter gray, and red is a dark gray.

The *RoofView* graphic outputs for the areas surrounding the Verizon Wireless antenna sectors on the roof are reproduced below and on the next page.





As indicated by the color coding on the roof, the calculated RF levels potentially exceed the FCC MPE limit at the Verizon Wireless Beta antenna sector. Therefore, and consistent with the Verizon Wireless policy and FCC guidelines on rooftop compliance, Verizon Wireless will install standard RF alert signage at the Verizon Wireless Beta antenna sector. RF alert signage will also be installed at the roof access point(s).

Compliance Conclusion

According to the FCC, the MPE limit has been constructed in such a manner that continuous human exposure to RF fields up to and including 100 percent of the MPE limit is acceptable and safe.

The street-level analysis in this case shows a maximum RF level of 4.4314 percent of the applicable FCC general population MPE limit.

The rooftop analysis shows that the calculated RF levels potentially exceed the FCC MPE at the Verizon Wireless Beta antenna sector. Therefore, and consistent with the Verizon Wireless policy and FCC guidelines on rooftop compliance, Verizon Wireless will install standard RF alert signage at the Verizon Wireless Beta antenna sector. RF alert signage will also be installed at the roof access point(s).

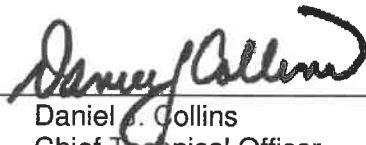
The results of the calculations, along with the described RF mitigation, combine to satisfy the FCC's RF compliance requirements and associated guidelines.

Moreover, because of the conservative calculation methodology and operational assumptions we applied in the analysis, RF levels actually caused by the antennas will be even less significant than the calculation results here indicate.

CERTIFICATION

It is the policy of Pinnacle Telecom Group that all FCC RF compliance assessments are reviewed, approved, and signed by the firm's Chief Technical Officer who certifies as follows:

1. I have read and fully understand the FCC regulations concerning RF safety and the control of human exposure to RF fields (47 CFR 1.1301 *et seq*).
2. To the best of my knowledge, the statements and information disclosed in this report are true, complete and accurate.
3. The analysis of site RF compliance provided herein is consistent with the applicable FCC regulations, additional guidelines issued by the FCC, and industry practice.
4. The results of the analysis indicate that the subject antenna operations will be in compliance with the FCC regulations concerning the control of potential human exposure to the RF emissions from antennas.



Daniel J. Collins
Chief Technical Officer
Pinnacle Telecom Group, LLC

2/18/19

Date

Appendix A. Background on the FCC MPE Limit

FCC Rules and Regulations

As directed by the Telecommunications Act of 1996, the FCC has established limits for maximum continuous human exposure to RF fields.

The FCC maximum permissible exposure (MPE) limits represent the consensus of federal agencies and independent experts responsible for RF safety matters. Those agencies include the National Council on Radiation Protection and Measurements (NCRP), the Occupational Safety and Health Administration (OSHA), the National Institute for Occupational Safety and Health (NIOSH), the American National Standards Institute (ANSI), the Environmental Protection Agency (EPA), and the Food and Drug Administration (FDA). In formulating its guidelines, the FCC also considered input from the public and technical community – notably the Institute of Electrical and Electronics Engineers (IEEE).

The FCC's RF exposure guidelines are incorporated in Section 1.301 *et seq* of its Rules and Regulations (47 CFR 1.1301-1.1310). Those guidelines specify MPE limits for both occupational and general population exposure.

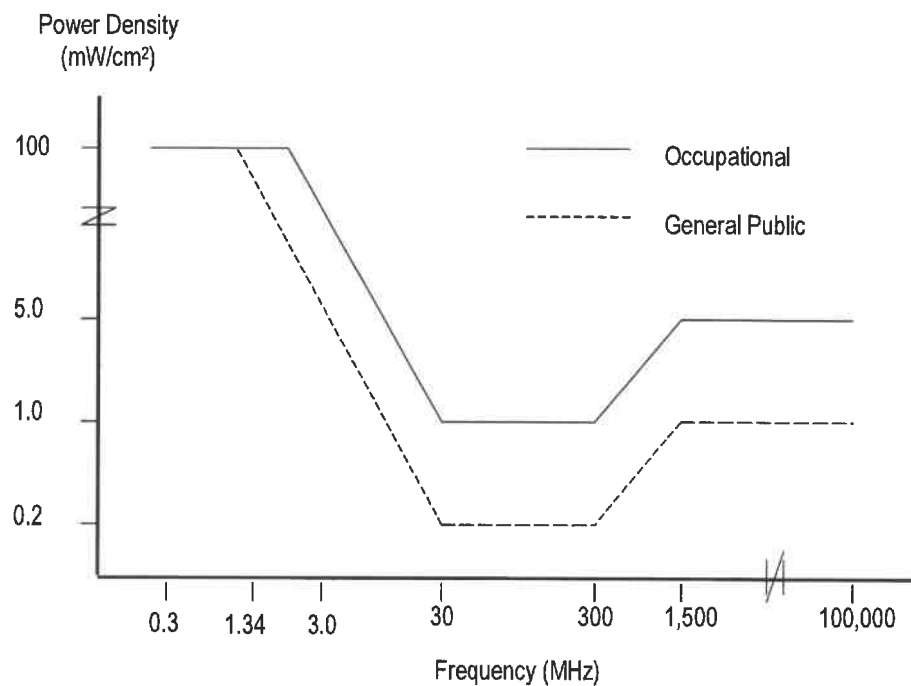
The specified continuous exposure MPE limits are based on known variation of human body susceptibility in different frequency ranges, and a Specific Absorption Rate (SAR) of 4 watts per kilogram, which is universally considered to accurately represent human capacity to dissipate incident RF energy (in the form of heat). The occupational MPE guidelines incorporate a safety factor of 10 or greater with respect to RF levels known to represent a health hazard, and an additional safety factor of five is applied to the MPE limits for general population exposure. Thus, the general population MPE limit has a built-in safety factor of more than 50. The limits were constructed to appropriately protect humans of both sexes and all ages and sizes and under all conditions – and continuous exposure at levels equal to or below the applicable MPE limits is considered to result in no adverse health effects or even health risk.

The reason for *two* tiers of MPE limits is based on an understanding and assumption that members of the general public are unlikely to have had appropriate RF safety training and may not be aware of the exposures they receive; occupational exposure in controlled environments, on the other hand, is assumed to involve individuals who have had such training, are aware of the exposures, and know how to maintain a safe personal work environment.

The FCC's RF exposure limits are expressed in two equivalent forms, using alternative units of field strength (expressed in volts per meter, or V/m), and power density (expressed in milliwatts per square centimeter, or mW/cm²). The table on the next page lists the FCC limits for both occupational and general population exposures, using the mW/cm² reference, for the different radio frequency ranges.

Frequency Range (F) (MHz)	Occupational Exposure (mW/cm ²)	General Public Exposure (mW/cm ²)
0.3 - 1.34	100	100
1.34 - 3.0	100	$180 / F^2$
3.0 - 30	$900 / F^2$	$180 / F^2$
30 - 300	1.0	0.2
300 - 1,500	$F / 300$	$F / 1500$
1,500 - 100,000	5.0	1.0

The diagram below provides a graphical illustration of both the FCC's occupational and general population MPE limits.



Because the FCC's MPE limits are frequency-shaped, the exact MPE limits applicable to the instant situation depend on the frequency range used by the systems of interest.

The most appropriate method of determining RF compliance is to calculate the RF power density attributable to a particular system and compare that to the MPE limit applicable to the operating frequency in question. The result is usually expressed as a percentage of the MPE limit.

For potential exposure from multiple systems, the respective percentages of the MPE limits are added, and the total percentage compared to 100 (percent of the limit). If the result is less than 100, the total exposure is in compliance; if it is more than 100, exposure mitigation measures are necessary to achieve compliance.

Note that the FCC “categorically excludes” certain types of antenna facilities from the routine requirement to specifically (i.e., mathematically) demonstrate compliance with the MPE limit. Among those types of facilities are cellular antennas mounted on any type of tower, when the bottoms of the antennas are more than 10 meters (c. 32.8 feet) above ground. The basis for the categorical exclusion, according to the FCC, is the understanding that because of the low power and the directionality of the antennas, such facilities – individually and collectively – are well understood to have no significant effect on the human environment. As a result, the FCC automatically deems such facilities to be in compliance.

FCC References on Compliance

47 CFR, FCC Rules and Regulations, Part 1 (Practice and Procedure), Section 1.1310 (Radiofrequency radiation exposure limits).

FCC Second Memorandum Opinion and Order and Notice of Proposed Rulemaking (FCC 97-303), *In the Matter of Procedures for Reviewing Requests for Relief From State and Local Regulations Pursuant to Section 332(c)(7)(B)(v) of the Communications Act of 1934 (WT Docket 97-192), Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation (ET Docket 93-62), and Petition for Rulemaking of the Cellular Telecommunications Industry Association Concerning Amendment of the Commission's Rules to Preempt State and Local Regulation of Commercial Mobile Radio Service Transmitting Facilities*, released August 25, 1997.

FCC First Memorandum Opinion and Order, ET Docket 93-62, *In the Matter of Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation*, released December 24, 1996.

FCC Report and Order, ET Docket 93-62, *In the Matter of Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation*, released August 1, 1996.

FCC Office of Engineering and Technology (OET) Bulletin 65, “Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields”, Edition 97-01, August 1997.

Appendix B. SUMMARY of EXPERT QUALIFICATIONS

Daniel J. Collins, Chief Technical Officer, Pinnacle Telecom Group, LLC

<i>Synopsis:</i>	<ul style="list-style-type: none"> • 40+ years of experience in all aspects of wireless system engineering, related regulation, and RF exposure • Has performed or led RF exposure compliance assessments on more than 20,000 antenna sites since the latest FCC regulations went into effect in 1997 • Has provided testimony as an RF compliance expert more than 1,500 times since 1997 • Have been accepted as an FCC compliance expert in New Jersey, New York, Connecticut, Pennsylvania and more than 40 other states, as well as by the FCC
<i>Education:</i>	<ul style="list-style-type: none"> • B.E.E., City College of New York (Sch. Of Eng.), 1971 • M.B.A., 1982, Fairleigh Dickinson University, 1982 • Bronx High School of Science, 1966
<i>Current Responsibilities:</i>	<ul style="list-style-type: none"> • Leads all PTG staff work involving RF safety and FCC compliance, microwave and satellite system engineering, and consulting on wireless technology and regulation
<i>Prior Experience:</i>	<ul style="list-style-type: none"> • Edwards & Kelcey, VP – RF Engineering and Chief Information Technology Officer, 1996-99 • Bellcore (a Bell Labs offshoot after AT&T's 1984 divestiture), Executive Director – Regulation and Public Policy, 1983-96 • AT&T (Corp. HQ), Division Manager – RF Engineering, and Director – Radio Spectrum Management, 1977-83 • AT&T Long Lines, Group Supervisor – Microwave Radio System Design, 1972-77
<i>Specific RF Safety / Compliance Experience:</i>	<ul style="list-style-type: none"> • Involved in RF exposure matters since 1972 • Have had lead corporate responsibility for RF safety and compliance at AT&T, Bellcore, Edwards & Kelcey, and PTG • While at AT&T, helped develop the mathematical models for calculating RF exposure levels • Have been relied on for compliance by all major wireless carriers, as well as by the federal government, several state and local governments, equipment manufacturers, system integrators, and other consulting / engineering firms
<i>Other Background:</i>	<ul style="list-style-type: none"> • Author, <i>Microwave System Engineering</i> (AT&T, 1974) • Co-author and executive editor, <i>A Guide to New Technologies and Services</i> (Bellcore, 1993) • National Spectrum Management Association (NSMA) – former three-term President and Chairman of the Board of Directors; was founding member, twice-elected Vice President, long-time member of the Board, and was named an NSMA Fellow in 1991 • Have published more than 35 articles in industry magazines

Exhibit 3
FCC Licenses



Federal Communications Commission

Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: CELLCO PARTNERSHIP

ATTN: REGULATORY
CELLCO PARTNERSHIP
1120 SANCTUARY PKWY, #150 GA 30009-7630
ALPHARETTA, GA 30009-7630

Call Sign WQGB263	File Number
Radio Service AW - AWS (1710-1755 MHz and 2110-2155 MHz)	

FCC Registration Number (FRN): 0003290673

Grant Date 11-29-2006	Effective Date 01-04-2014	Expiration Date 11-29-2021	Print Date
Market Number CMA001	Channel Block A	Sub-Market Designator 0	
Market Name New York, NY-NJ/Nassau-Suffolk			
1st Build-out Date	2nd Build-out Date	3rd Build-out Date	4th Build-out Date

Waivers/Conditions:

This authorization is conditioned upon the licensee, prior to initiating operations from any base or fixed station, making reasonable efforts to coordinate frequency usage with known co-channel and adjacent channel incumbent federal users operating in the 1710-1755 MHz band whose facilities could be affected by the proposed operations. See, e.g., FCC and NTIA Coordination Procedures in the 1710-1755 MHz Band, Public Notice, FCC 06-50, WTB Docket No. 02-353, rel. April 20, 2006.

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the hardcopy version. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at <http://wireless.fcc.gov/uls/index.htm?job=home> and select "License Search". Follow the instructions on how to search for license information.

Licensee Name: CELLCO PARTNERSHIP

Call Sign: WQGB263

File Number:

Print Date:

The license is subject to compliance with the provisions of the January 12, 2001 Agreement between Deutsche Telekom AG, VoiceStream Wireless Corporation, VoiceStream Wireless Holding Corporation and the Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI), which addresses national security, law enforcement, and public safety issues of the FBI and the DOJ regarding the authority granted by this license. Nothing in the Agreement is intended to limit any obligation imposed by Federal law or regulation including, but not limited to, 47 U.S.C. Section 222(a) and (c)(1) and the FCC's implementing regulations. The Agreement is published at VoiceStream-DT Order, IB Docket No. 00-187, FCC 01-142, 16 FCC Rcd 9779, 9853 (2001).

REFERENCE COPY

This is not an official FCC license. It is a record of public information contained in the FCC's licensing database on the date that this reference copy was generated. In cases where FCC rules require the presentation, posting, or display of an FCC license, this document may not be used in place of an official FCC license.



Federal Communications Commission

Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: CELLCO PARTNERSHIP

ATTN: REGULATORY
CELLCO PARTNERSHIP
5055 NORTH POINT PKWY, NP2NE NETWORK ENGINEERING
ALPHARETTA, GA 30022

Call Sign KNLH264	File Number 0007716974
Radio Service CW - PCS Broadband	

FCC Registration Number (FRN): 0003290673

Grant Date 06-02-2017	Effective Date 06-02-2017	Expiration Date 06-27-2027	Print Date 06-06-2017
Market Number BTA321	Channel Block F	Sub-Market Designator 0	
Market Name New York, NY			
1st Build-out Date 06-27-2002	2nd Build-out Date	3rd Build-out Date	4th Build-out Date

Waivers/Conditions:

This authorization is subject to the condition that, in the event that systems using the same frequencies as granted herein are authorized in an adjacent foreign territory (Canada/United States), future coordination of any base station transmitters within 72 km (45 miles) of the United States/Canada border shall be required to eliminate any harmful interference to operations in the adjacent foreign territory and to ensure continuance of equal access to the frequencies by both countries.

This authorization is conditioned upon the full and timely payment of all monies due pursuant to Sections 1.2110 and 24.716 of the Commission's Rules and the terms of the Commission's installment plan as set forth in the Note and Security Agreement executed by the licensee. Failure to comply with this condition will result in the automatic cancellation of this authorization.

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the hardcopy version. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at <http://wireless.fcc.gov/uls/index.htm?job=home> and select "License Search". Follow the instructions on how to search for license information.

Licensee Name: CELLCO PARTNERSHIP

Call Sign: KNLH264

File Number: 0007716974

Print Date: 06-06-2017

License renewal granted on a conditional basis, subject to the outcome of FCC proceeding WT Docket No. 10-112 (see FCC 10-86, paras. 113 and 126).



Federal Communications Commission

Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: CELLCO PARTNERSHIP

ATTN: REGULATORY
CELLCO PARTNERSHIP
5055 NORTH POINT PKWY, NP2NE NETWORK ENGINEERING
ALPHARETTA, GA 30022

Call Sign WQBT539	File Number 0007490681
Radio Service CW - PCS Broadband	

FCC Registration Number (FRN): 0003290673

Grant Date 12-06-2016	Effective Date 12-06-2016	Expiration Date 01-03-2027	Print Date 12-07-2016
Market Number BTA321	Channel Block C	Sub-Market Designator 4	
Market Name New York, NY			
1st Build-out Date 12-07-2003	2nd Build-out Date	3rd Build-out Date	4th Build-out Date

Waivers/Conditions:

This authorization is subject to the condition that, in the event that systems using the same frequencies as granted herein are authorized in an adjacent foreign territory (Canada/United States), future coordination of any base station transmitters within 72 km (45 miles) of the United States/Canada border shall be required to eliminate any harmful interference to operations in the adjacent foreign territory and to ensure continuance of equal access to the frequencies by both countries.

This authorization is conditioned upon the full and timely payment of all monies due pursuant to Sections 1.2110 and 24.711 of the Commission's Rules and the terms of the Commission's installment plan as set forth in the Note and Security Agreement executed by the licensee. Failure to comply with this condition will result in the automatic cancellation of this authorization.

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the hardcopy version. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at <http://wireless.fcc.gov/uls/index.htm?job=home> and select "License Search". Follow the instructions on how to search for license information.

Licensee Name: CELLCO PARTNERSHIP

Call Sign: WQBT539

File Number: 0007490681

Print Date: 12-07-2016

License renewal granted on a conditional basis, subject to the outcome of FCC proceeding WT Docket No. 10-112 (see FCC 10-86, paras. 113 and 126).

Pursuant to Order DA 03-617 (rel. March 3, 2003), the designated entity holding period for this license is extended by 703 days, or until the licensee meets its five-year construction requirement, whichever is sooner.



Federal Communications Commission

Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: AIRTOUCH CELLULAR

ATTN: REGULATORY
AIRTOUCH CELLULAR
5055 NORTH POINT PKWY, NP2NE NETWORK ENGINEERING
ALPHARETTA, GA 30022

Call Sign KNLF644	File Number 0007490664
Radio Service CW - PCS Broadband	

FCC Registration Number (FRN): 0006146468

Grant Date 12-02-2016	Effective Date 12-02-2016	Expiration Date 01-03-2027	Print Date 12-03-2016
Market Number BTA321	Channel Block C	Sub-Market Designator 3	
Market Name New York, NY			
1st Build-out Date 12-07-2003	2nd Build-out Date 01-03-2007	3rd Build-out Date	4th Build-out Date

Waivers/Conditions:

This authorization is subject to the condition that, in the event that systems using the same frequencies as granted herein are authorized in an adjacent foreign territory (Canada/United States), future coordination of any base station transmitters within 72 km (45 miles) of the United States/Canada border shall be required to eliminate any harmful interference to operations in the adjacent foreign territory and to ensure continuance of equal access to the frequencies by both countries.

Grant of the request to update licensee name is conditioned on it not reflecting an assignment or transfer of control (see Rule 1.948); if an assignment or transfer occurred without proper notification or FCC approval, the grant is void and the station is licensed under the prior name.

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the hardcopy version. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at <http://wireless.fcc.gov/uls/index.htm?job=home> and select "License Search". Follow the instructions on how to search for license information.

Licensee Name: AIRTOUCH CELLULAR

Call Sign: KNLF644

File Number: 0007490664

Print Date: 12-03-2016

License renewal granted on a conditional basis, subject to the outcome of FCC proceeding WT Docket No. 10-112 (see FCC 10-86, paras. 113 and 126).

Original
FCC
0007490664



Federal Communications Commission

Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: CELLCO PARTNERSHIP

ATTN: REGULATORY
CELLCO PARTNERSHIP
1120 SANCTUARY PKWY, #150 GASASREG
ALPHARETTA, GA 30009-7630

Call Sign WQGA906	File Number
Radio Service AW - AWS (1710-1755 MHz and 2110-2155 MHz)	

FCC Registration Number (FRN): 0003290673

Grant Date 11-29-2006	Effective Date 03-30-2016	Expiration Date 11-29-2021	Print Date
Market Number BEA010	Channel Block B	Sub-Market Designator 15	
Market Name New York-No. New Jer.-Long Isl			
1st Build-out Date	2nd Build-out Date	3rd Build-out Date	4th Build-out Date

Waivers/Conditions:

This authorization is conditioned upon the licensee, prior to initiating operations from any base or fixed station, making reasonable efforts to coordinate frequency usage with known co-channel and adjacent channel incumbent federal users operating in the 1710-1755 MHz band whose facilities could be affected by the proposed operations. See, e.g., FCC and NTIA Coordination Procedures in the 1710-1755 MHz Band, Public Notice, FCC 06-50, WTB Docket No. 02-353, rel. April 20, 2006.

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the hardcopy version. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at <http://wireless.fcc.gov/uls/index.htm?job=home> and select "License Search". Follow the instructions on how to search for license information.

Exhibit 4
RF Affidavit

CITY COUNCIL
CITY OF RYE

-----X
In the matter of the Application of

NEW YORK SMSA LIMITED PARTNERSHIP
d/b/a VERIZON WIRELESS

Premises: Section 139.19, Block 3, Lot 68.1
 182 Purchase Street
 Rye, New York

-----X
State of New York)
)ss.:
County of Rockland)

Ali Aljibori, does depose and say:

Introduction

1. I am a radio frequency engineer with New York SMSA Limited Partnership d/b/a Verizon Wireless (“Verizon Wireless”) in connection with its application at the captioned site. As a radio frequency engineer, I am trained to identify issues in wireless communications coverage and to evaluate the ability of proposed wireless communication services facility sites to remedy any issues. In addition, I am familiar with Verizon Wireless’ existing and proposed wireless communication services facility sites in and around the City of Rye (“City”).

2. I respectfully submit this affidavit in support of Verizon Wireless’ application (“Application”) for the required special use permit in connection with a proposed public utility wireless telecommunications facility (“Facility”) located at 182 Purchase Street, Rye, New York (“Site”).

3. The proposed Facility consists of antennas and related equipment concealed within stealth enclosures on the roof of the existing building (“Building”) and the antennas are located at the minimum height necessary to remedy Verizon Wireless’ capacity issues in the area.

Need for the Site

4. Verizon Wireless is licensed by the Federal Communications Commission (“FCC”) to provide wireless telecommunication services. Verizon Wireless provides voice and data communications through its various licensed radio-frequencies.

5. Throughout the New York metropolitan region, including the City of Rye, Verizon Wireless is designing its wireless network to be able to seamlessly transmit wireless data using various frequencies to wirelessly transmit and receive high-speed data.

6. Unlike radio and television broadcast towers, which utilize high power output transmitters to cover large geographical areas, Verizon Wireless’ network relies on geographically close, low power transmitters and antennas. This network is comprised of cell sites which operate within a group of assigned radio frequencies. Reliable wireless communications, including data receipt and transmission, depends on the architecture of the wireless network.

7. Verizon Wireless currently has critical capacity issues in the area of the City surrounding the Site. As mobile phone use continues to increase, especially the demand for data transmitted via such devices, the existing facilities in the area responsible for transmitting and receiving such data have become overburdened resulting in dropped calls, denied access to the network, a reduction in data transmission speed, or an inability to transmit data.

8. The Facility is primarily needed to remedy Verizon Wireless’ capacity needs. All cell sites have capacity/usage limitations, once those limitations are met or exceeded, a new site is required to provide viable service to the area.

9. Forward Data Volume (FDV) is the basic Key Performance Indicator (KPI) used to determine if a site is experiencing capacity limitations. FDV is the amount of data a cell site can provide before users start to experience poor data throughputs. Verizon Wireless keeps a close eye on these and other parameters to determine capacity relief solutions.

10. The charts attached hereto as Exhibit A show the exhaust points for the FDV. As can be seen on the FDV charts, the adjacent sites which serve the area of the City known as Westchester Country Club and Portchester 2 (Fox Island) (hereinafter referred to as

“Adjacent Sites”) reached maximum capacity, causing a slowdown or inability to access data from those sites.

11. The Facility at the Site will provide immediate capacity relief to Verizon Wireless’ Adjacent Sites, providing the residents in that area of the City better access to Verizon Wireless’ services. The proposed Facility will allow for fewer dropped calls, better ability to access Verizon Wireless’ network and faster data transmission speeds from not only the proposed Facility, but also from the Adjacent Sites.

12. In accordance with Section 196-6(E)(22) of the City Code, a list of all adjoining sites is attached hereto as Exhibit B and any propagation study is not relevant since the Site has been designed to address capacity.

Verizon Wireless’ Proposed Facility’s Usefulness

13. In accordance with Section 196-6(E)(25) of the City Code, Verizon Wireless’ proposed Facility is expected to be useful so long as there is capacity/coverage needs in the vicinity of the Property. As noted above, mobile phone use continues to increase, therefore, it is anticipated that the Site will remain useful for the foreseeable future.


Unsuitability of Proposed MTA Tower

14. It is my understanding that the Metropolitan Transportation Authority (“MTA”) may be interested in locating a tower in the vicinity of the Facility and the City has inquired if Verizon Wireless would be interested in collocating on that tower, if such tower were to be built, and if so, whether Verizon Wireless would still need the Facility. Please note that Verizon Wireless cannot make an informed decision about same, as Verizon Wireless does not have any details with respect to the height or location of the hypothetical MTA tower. Without that basic information, it is impossible to make a determination if the MTA tower would be suitable for Verizon Wireless’ needs. As the MTA tower is merely speculative and Verizon Wireless must remedy its current critical capacity needs in the area, it is respectfully submitted that Verizon Wireless’ instant application be approved forthwith.

Conclusion

Based on the foregoing, the requested approvals should be granted forthwith.

Respectfully submitted,



Ali Aljibori

Signed before me this

23rd day of May, 2019 ,



Notary Public

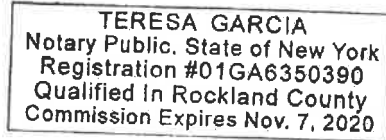
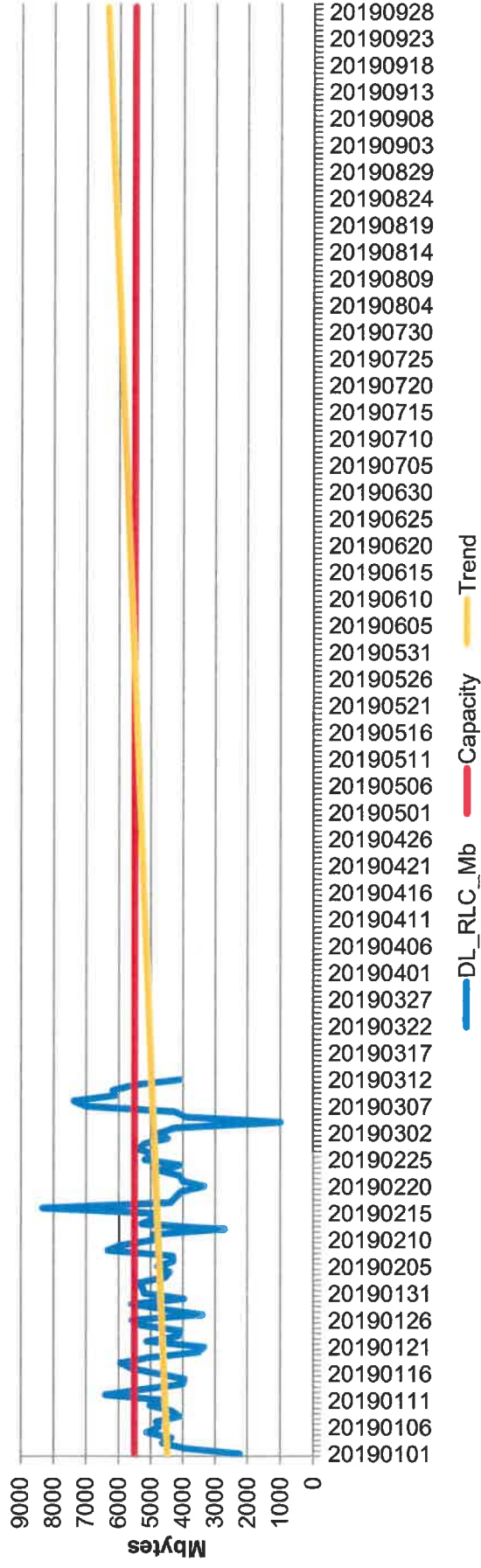


Exhibit A

Westchester Country Club Projected Demand

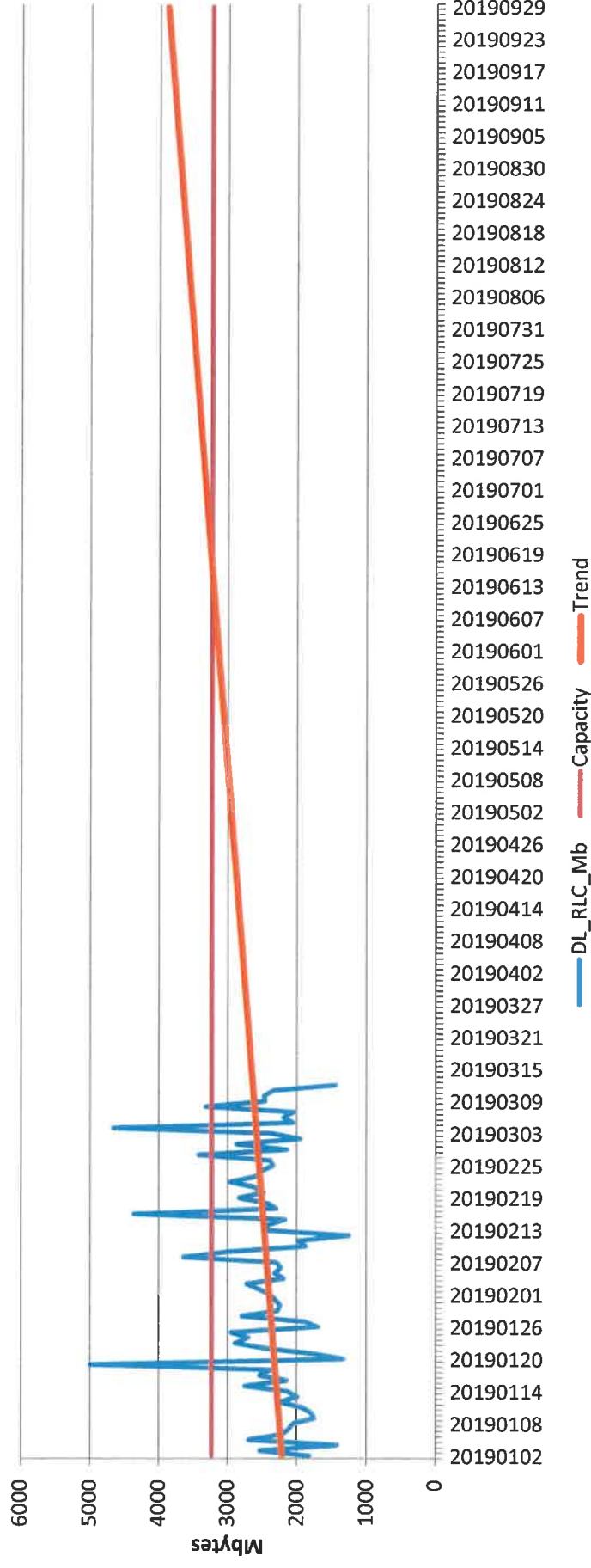
Westchester Country Club (FDV)



Reached Maximum Capacity in Q1 2019

Fox Island Rd, Portchester, NY 10573 Projected Demand

PORTCHESTER_2 - 78293_3 (FDV)



Reached Maximum Capacity in Q1 2019

Exhibit B

	<u>EXHIBIT B - ADJOINING SITES</u>
Westchester Country Club	2500 Westchester Avenue, Town/Village of Harrison, New York
Port Chester 2	82 Fox Island Road, Village of Port Chester, New York
Port Chester 3	330-340 South Regent Street, Village of Port Chester, New York
Rye Playland	66 Milton Road, City of Rye, New York
Harrison 2	275 North Street, Town/Village of Harrison, New York

Exhibit 5
Engineer Letter

X

In the matter of the Application of

NEW YORK SMSA LIMITED PARTNERSHIP
d/b/a VERIZON WIRELESS

Premises: Section 139.19, Block 3, Lot 68.1
182 Purchase Street
Rye, New York

State of New York)
)ss.:
County of Suffolk

Neil MacDonald, does depose and say:

I am the project engineer for New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless") in connection with its application for a proposed public utility wireless telecommunications facility ("Facility") at 182 Purchase Street, Rye, New York ("Property"). The proposed Facility consists of antennas and related equipment concealed within stealth enclosures on the roof of the existing building.

As the project engineer, I am familiar with the Facility and prepared the site plan, dated 6/21/19 ("Site Plan"), depicting such Facility. I am also familiar with the requirements for wireless telecommunications facilities set forth in Section 196 of the City Code ("Code") of the City of Rye.

In compliance with Section 196-6(E)(24) of the Code, I respectfully submit this affidavit in support of Verizon Wireless' application for the required special use permit in connection with the proposed Facility at the Property.

As required by Section 196-6(E)(24) of the Code, the proposed Facility meets all laws, codes and ordinances with the exception of the required variances indicated in the bulk table as shown on the Site Plan.

Signed before me this
27 day of June, 2019

Notary Public

Z:\SSDATA\WPDATA\SS4\WP\NEWBANM\BREYER\SMALL CELL SITES\RYE\ZONING\COMPLIANCE AFFIDAVIT.DOC

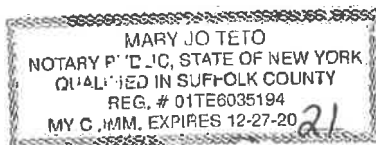


Exhibit 6
Alternatives Analysis

CITY COUNCIL
CITY OF RYE

-----X
In the matter of the Application of

NEW YORK SMSA LIMITED PARTNERSHIP
d/b/a VERIZON WIRELESS

Affidavit

Premises: 182 Purchase Street
City of Rye, New York

-----X
State of New York)
)ss.:
County of Rockland)

John Pepe, does depose and say:

1. I am a site acquisition consultant with more than 10 years of experience and have been retained by New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless") in connection with the captioned matter. I specialize in identifying and evaluating properties for wireless telecommunications purposes.

2. I am familiar with Verizon Wireless' existing and proposed wireless telecommunications facility sites in the City of Rye ("City") and I respectfully submit this affidavit in support of the application by Verizon Wireless for a wireless telecommunications facility ("Facility") located on the existing building ("Building") at 182 Purchase Street, Rye, New York ("Property").

3. Pursuant to Section 196-5(I)(1)(a) of the City Code, I researched whether the Facility could be located on existing tall structures or telecommunications towers. Kindly note that Verizon Wireless' Facility is on the highest priority location since it will be located on an existing tall structure.

4. Pursuant to Section 196-5(I)(1)(b) of the City Code, I researched whether the Facility could be collocated on a site with existing telecommunications towers or tall structures in the area surrounding the Property. It is not feasible for the Facility to be collocated on a site with existing telecommunications towers since none exist in the vicinity of the Property. However, as discussed above, Verizon Wireless' Facility is on the highest priority location since it will be located on an existing tall structure.

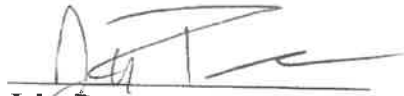
5. Pursuant to Section 196-5(I)(1)(c) of the City Code, I researched whether the Facility could be located in commercially zoned areas along Interstate 95, Interstate 287 or railroad tracks. It is respectfully submitted that there are no properties within commercially zoned areas along Interstate 95, Interstate 287 or railroad tracks that would be suitable to meet Verizon Wireless' needs. However, as discussed above, Verizon Wireless' Facility is on the highest priority location since it will be located on an existing tall structure.

6. Pursuant to Section 196-5(I)(1)(d) of the City Code, I researched whether the Facility could be located in a nonresidential area or on a golf course. It is respectfully submitted that there are no properties within nonresidential areas or golf courses that would be suitable to meet Verizon Wireless' needs. However, as discussed above, Verizon Wireless' Facility is on the highest priority location since it will be located on an existing tall structure.


7. Pursuant to Section 196-5(I)(3) of the City Code, I researched whether the Facility could be located on municipal property. It is respectfully submitted that there is no municipal property in the vicinity of the Facility that would be suitable to meet Verizon Wireless' needs. However, as discussed above, Verizon Wireless' Facility is on the highest priority location since it will be located on an existing tall structure.

Based on the foregoing, the requested approvals for the Facility at the Property should be granted forthwith.

Respectfully submitted,


John Pepe

Signed before me this
25th day of June, 2019


Notary Public

Attorney at Law State of NJ ID: 048302011

Z:\SSDATA\WPDATA\SS4\WP\NEWBANM\Breyer\Small Cell Sites\Rye\Zoning\Alternatives Analysis.firrev.rtf

Exhibit 7
EAF

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Verizon Wireless Public Utility Wireless Telecommunications Facility		
Project Location (describe, and attach a general location map): 182 Purchase Street, Rye, NY		
Brief Description of Proposed Action (include purpose or need): Installation of a Public Utility Wireless Telecommunications Facility consisting of antennas behind stealth screen walls on the roof of the existing building at 182 Purchase Street, Rye, NY, together with related equipment. The project is necessary to provide enhanced wireless services to the public.		
Name of Applicant/Sponsor: New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless")		Telephone: 914714-7235
		E-Mail: lsnyder@snyderlaw.net
Address: 4 Centerock Road		
City/PO: West Nyack	State: NY	Zip Code: 10994
Project Contact (if not same as sponsor; give name and title/role): Leslie Snyder		Telephone: 914-333-0700
		E-Mail: lsnyder@snyderlaw.net
Address: 94 White Plains Road		
City/PO: Tarrytown	State: NY	Zip Code: 10519
Property Owner (if not same as sponsor): Verizon New York Inc.		Telephone: 212-321-8136
		E-Mail:
Address: 140 West Street, 27th Floor		
City/PO: New York	State: NY	Zip Code: 10007

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Special Permit - City Council	
b. City, Town or Village <input type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission		
c. City, Town or <input type="checkbox"/> Yes <input type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Building Permit - Building Department	
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Rockland County Planning - NYS General Municipal Law 239-M	
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources. i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☒ No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☒ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐ Yes ☒ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐ Yes ☒ No

If Yes, identify the plan(s):

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☒ No

If Yes, identify the plan(s):

C.3. Zoning	
a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. If Yes, what is the zoning classification(s) including any applicable overlay district? RA-3	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the use permitted or allowed by a special or conditional use permit?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
c. Is a zoning change requested as part of the proposed action? If Yes, i. What is the proposed new zoning for the site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
C.4. Existing community services.	
a. In what school district is the project site located? Rye City School District	
b. What police or other public protection forces serve the project site? City of Rye Police Department	
c. Which fire protection and emergency medical services serve the project site? City of Rye Fire Department	
d. What parks serve the project site? Gagliardo Park	

D. Project Details

D.1. Proposed and Potential Development	
a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? commercial	
b. a. Total acreage of the site of the proposed action?	_____ acres
b. Total acreage to be physically disturbed?	_____ acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	_____ acres
c. Is the proposed action an expansion of an existing project or use? i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
d. Is the proposed action a subdivision, or does it include a subdivision? If Yes, i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is a cluster/conservation layout proposed?	<input type="checkbox"/> Yes <input type="checkbox"/> No
iii. Number of lots proposed? _____	
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____	
e. Will the proposed action be constructed in multiple phases? i. If No, anticipated period of construction: _____ 1 months	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. If Yes:	
• Total number of phases anticipated _____	
• Anticipated commencement date of phase 1 (including demolition) _____ month _____ year	
• Anticipated completion date of final phase _____ month _____ year	
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____	

f. Does the project include new residential uses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes,	
i. Total number of structures _____ N/A ii. Dimensions (in feet) of largest proposed structure: _____ N/A height; _____ N/A width; and _____ N/A length iii. Approximate extent of building space to be heated or cooled: _____ N/A square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes,	
i. Purpose of the impoundment: _____ ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____ iii. If other than water, identify the type of impounded/contained liquids and their source. _____ iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:	
i. What is the purpose of the excavation or dredging? _____ ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site? • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____ _____ _____	
iv. Will there be onsite dewatering or processing of excavated materials? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe. _____ _____ _____	
v. What is the total area to be dredged or excavated? _____ acres vi. What is the maximum area to be worked at any one time? _____ acres vii. What would be the maximum depth of excavation or dredging? _____ feet viii. Will the excavation require blasting? <input type="checkbox"/> Yes <input type="checkbox"/> No ix. Summarize site reclamation goals and plan: _____ _____ _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____ _____ _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☒ No
If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☒ No
If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☒ No
If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No
If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No
If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☒ No
If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No
If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? If Yes: <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? If Yes: <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No
v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____ _____	
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____ _____	
e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? If Yes: <ul style="list-style-type: none"> i. How much impervious surface will the project create in relation to total size of project parcel? _____ Square feet or _____ acres (impervious surface) _____ Square feet or _____ acres (parcel size) ii. Describe types of new point sources. _____ iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____ _____ • If to surface waters, identify receiving water bodies or wetlands: _____ _____ • Will stormwater runoff flow to adjacent properties? _____ 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? If Yes, identify: <ul style="list-style-type: none"> i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____ ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____ iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____ 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? If Yes, identify: <ul style="list-style-type: none"> i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____ ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____ iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____ 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? If Yes: <ul style="list-style-type: none"> i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ii. In addition to emissions as calculated in the application, the project will generate: <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
If Yes: <ul style="list-style-type: none"> i. Estimate methane generation in tons/year (metric): _____ ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____ 			
i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____			
j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
If Yes: <ul style="list-style-type: none"> i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend <input type="checkbox"/> Randomly between hours of _____ to _____ ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____ iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____ iv. Does the proposed action include any shared use parking? <input type="checkbox"/> Yes <input type="checkbox"/> No v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____ vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <input type="checkbox"/> Yes <input type="checkbox"/> No vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <input type="checkbox"/> Yes <input type="checkbox"/> No viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <input type="checkbox"/> Yes <input type="checkbox"/> No 			
k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
If Yes: <ul style="list-style-type: none"> i. Estimate annual electricity demand during operation of the proposed action: _____ 200 amp- Minimal increase in electrical power ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): Consolidated Edison iii. Will the proposed action require a new, or an upgrade, to an existing substation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 			
l. Hours of operation. Answer all items which apply. <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> i. During Construction: <ul style="list-style-type: none"> • Monday - Friday: _____ 7:30am - 6:30pm • Saturday: _____ 10:00am-5:00pm • Sunday: _____ N/A • Holidays: _____ N/A </td> <td style="width: 50%; vertical-align: top;"> ii. During Operations: <ul style="list-style-type: none"> • Monday - Friday: _____ N/A • Saturday: _____ N/A • Sunday: _____ N/A • Holidays: _____ N/A </td> </tr> </table>		i. During Construction: <ul style="list-style-type: none"> • Monday - Friday: _____ 7:30am - 6:30pm • Saturday: _____ 10:00am-5:00pm • Sunday: _____ N/A • Holidays: _____ N/A 	ii. During Operations: <ul style="list-style-type: none"> • Monday - Friday: _____ N/A • Saturday: _____ N/A • Sunday: _____ N/A • Holidays: _____ N/A
i. During Construction: <ul style="list-style-type: none"> • Monday - Friday: _____ 7:30am - 6:30pm • Saturday: _____ 10:00am-5:00pm • Sunday: _____ N/A • Holidays: _____ N/A 	ii. During Operations: <ul style="list-style-type: none"> • Monday - Friday: _____ N/A • Saturday: _____ N/A • Sunday: _____ N/A • Holidays: _____ N/A 		

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen?</p> <p>Describe: _____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>n. Will the proposed action have outdoor lighting?</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>The proposed lighting will be within the proposed equipment screening enclosure</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?</p> <p>Describe: _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day?</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:</p> <p>_____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>ii. Will the proposed action use Integrated Pest Management Practices?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe:

Surrounding area is a mix of residential and commercial

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

<p>c. Is the project site presently used by members of the community for public recreation? <i>i. If Yes: explain:</i> _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? If Yes, <i>i. Identify Facilities:</i> Rye Country Day School _____ _____</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>e. Does the project site contain an existing dam? If Yes: <i>i. Dimensions of the dam and impoundment:</i> • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet <i>ii. Dam's existing hazard classification:</i> _____ <i>iii. Provide date and summarize results of last inspection:</i> _____ _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? If Yes: <i>i. Has the facility been formally closed?</i> • If yes, cite sources/documentation: _____ <i>ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:</i> _____ _____ <i>iii. Describe any development constraints due to the prior solid waste activities:</i> _____ _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
<p>g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? If Yes: <i>i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:</i> _____ _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? If Yes: <i>i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:</i> <input type="checkbox"/> Yes – Spills Incidents database Provide DEC ID number(s): _____ <input type="checkbox"/> Yes – Environmental Site Remediation database Provide DEC ID number(s): _____ <input type="checkbox"/> Neither database <i>ii. If site has been subject of RCRA corrective activities, describe control measures:</i> _____ _____ <i>iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?</i> If yes, provide DEC ID number(s): 360086, C360086 <i>iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):</i> _____ _____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

v. Is the project site subject to an institutional control limiting property uses? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<ul style="list-style-type: none"> • If yes, DEC site ID number: _____ • Describe the type of institutional control (e.g., deed restriction or easement): _____ • Describe any use limitations: _____ • Describe any engineering controls: _____ • Will the project affect the institutional or engineering controls in place? <input type="checkbox"/> Yes <input type="checkbox"/> No • Explain: _____ 	
E.2. Natural Resources On or Near Project Site	
a. What is the average depth to bedrock on the project site? _____ N/A feet	
b. Are there bedrock outcroppings on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ N/A %	
c. Predominant soil type(s) present on project site:	
N/A	N/A %
N/A	N/A %
N/A	N/A %
d. What is the average depth to the water table on the project site? Average: _____ N/A feet	
e. Drainage status of project site soils: <input type="checkbox"/> Well Drained: _____ N/A % of site	
<input type="checkbox"/> Moderately Well Drained: _____ N/A % of site	
<input type="checkbox"/> Poorly Drained _____ N/A % of site	
f. Approximate proportion of proposed action site with slopes: <input type="checkbox"/> 0-10%: _____ N/A % of site	
<input type="checkbox"/> 10-15%: _____ N/A % of site	
<input type="checkbox"/> 15% or greater: _____ N/A % of site	
g. Are there any unique geologic features on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, describe: _____	
h. Surface water features.	
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
ii. Do any wetlands or other waterbodies adjoin the project site? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes to either i or ii, continue. If No, skip to E.2.i.	
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
iv. For each identified regulated wetland and waterbody on the project site, provide the following information:	
• Streams: Name _____ Classification _____	
• Lakes or Ponds: Name _____ Classification _____	
• Wetlands: Name _____ Approximate Size _____	
• Wetland No. (if regulated by DEC) _____	
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If yes, name of impaired water body/bodies and basis for listing as impaired: _____	
i. Is the project site in a designated Floodway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
j. Is the project site in the 100-year Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
k. Is the project site in the 500-year Floodplain? ** <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ** <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:	
i. Name of aquifer: Principal Aquifer _____	

* This was a predetermined response. The Facility will be located on the roof of the existing building and will not impact any wetlands or waterbodies.

** This was a predetermined response. The Facility will be located on the roof of the existing building and will not impact any floodplain or aquifer.

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <p>Installation is on the roof of an existing _____</p> <p>building and will not have a significant _____</p> <p>impact on wildlife species _____</p>	
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing (endangered or threatened): _____</p> <p>_____</p> <p>_____</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing: _____</p> <p>_____</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p>	
<p>E.3. Designated Public Resources On or Near Project Site</p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</p>	

Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? ☐ Yes ☒ No

If Yes:

i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District

ii. Name: _____

iii. Brief description of attributes on which listing is based: _____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? * This was a predetermined response. The Facility will be located on the roof of the existing building and will not impact any archaeological site. ☒ Yes ☐ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☒ No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☐ Yes ☐ No

If Yes:

i. Identify resource: _____

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☒ No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

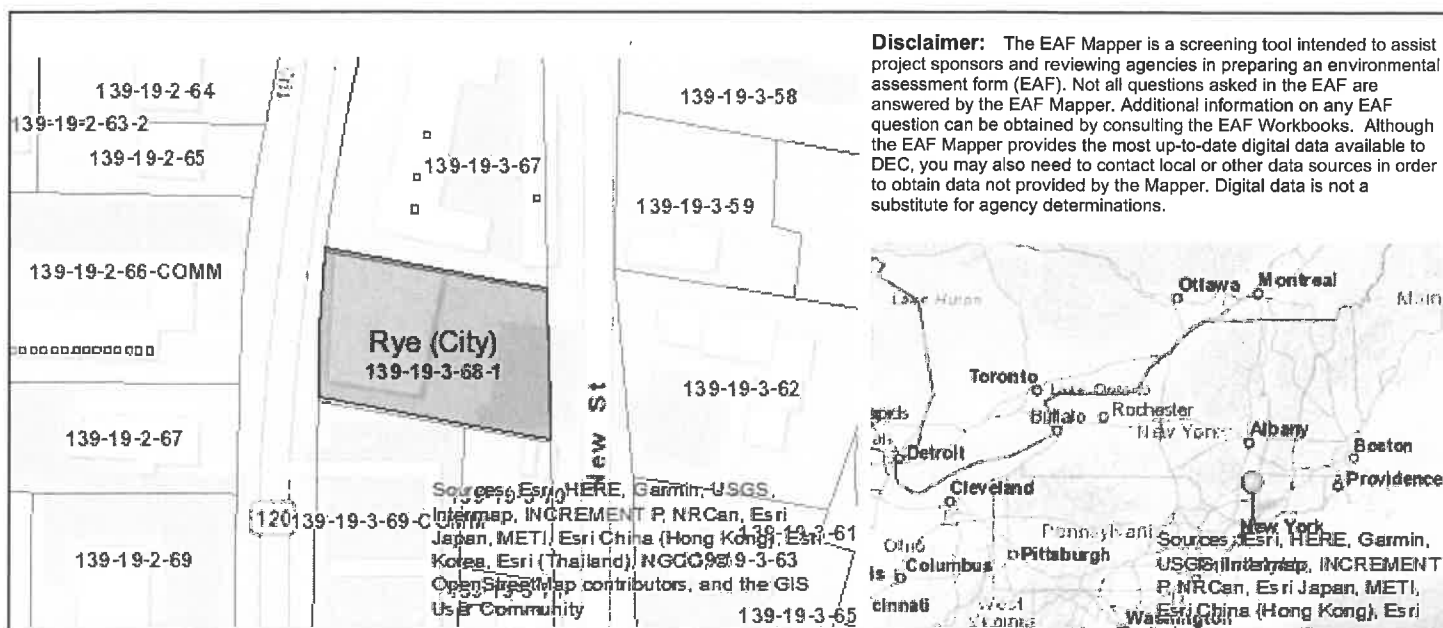
I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name NEIL MACDONALD Date 6/24/19

Signature [Signature] Title PARTNER



PRINT FORM



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	360086, C360086
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	Yes
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No

E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

Exhibit 8
Visual Analysis

Creative Visuals, LLC
308C Wood Run Drive Whitefish, MT 59937
Phone (914) 388-9335 Email: Ruthe.creativevisualsllc@gmail.com

May 3, 2019

William F. Collins Architects
12-1 Technology Drive
Setauket, NY 11733

RE: Proposed Public Utility Wireless Communication Facility

To Whom It May Concern:

The following is a description of the methodology used in preparing the visual analysis study and photo realistic renderings of a post-construction Verizon Wireless public utility wireless communication facility ("Facility") to be located at 182 Purchase Street, Rye, New York. The analysis depicts the proposed rooftop installation consisting of two sectors of panel antennas mounted atop the existing masonry end wall within a screening enclosure to match the existing building façade. In addition, one sector of panel antennas, a gps antenna, and associated equipment will be mounted atop the existing bulkhead within a screening enclosure to match the existing building façade as depicted on the plans drawn by William F. Collins Architects, the Applicant's engineers. Creative Visuals, LLC has prepared photo simulations of the completed Facility utilizing the process described below. An on-site visit was made to obtain familiarity with the building, terrain and its surrounding neighborhoods with six view points selected for analysis of areas of potential visibility and for photo representation of the completed Facility:

<u>Description of View Point</u>	<u>Approximate Distance to Site</u>
View point A – from near 219 – 231 Purchase Street;	537'
View point B – from near 39 New Street;	192'
View point C – from the intersection of Purchase, Highland, and Cedar Streets;	653'
View point D – from near 167 and 175 Purchase Street;	133'
View point E – from near 24 Wappanocca Street;	383'
View point F – from Natoma Street, near 199 Purchase Street.	192'

Photographs of the site were taken from each of the view points under study using a Canon full-frame digital camera with a 50mm lens. The photography and fieldwork was done April 17, 2019 between 9:20 A.M. and 4:15 P.M.; conditions were mostly sunny skies. These photos presented a reference point for the placement of the Facility using the existing building and a telescoping pole with colored materials attached.

In addition to the simulation photos, three photos were taken from Grandview Avenue:

<u>Description of View Point</u>	<u>Approximate Distance to Site</u>
View point G – from Grandview Avenue, references not visible;	567'
View point H – from Grandview Avenue, references not visible;	460'
View point I – from Grandview Avenue, the stealth bulkhead and southern enclosure will likely be partially visible (screened through intervening vegetation), while the northern stealth enclosure will not be visible (blocked by intervening existing building).	351'

The photos were taken as digital high-resolution files. A 3D program was used to create a model of the actual proposed Facility using measurements taken in the field along with dimensions and drawings furnished by the Applicant and William F. Collins, AIA. 3D software photorealistically rendered the proposed Facility as seen from each of the photo simulation view points, maintaining the perspective of the mm lens used during photography. This resulted by exporting the location of the Facility, field references, and view points into the software program. The software utilized this data to maintain their X, Y and Z relationships (the difference in elevation, bearing, and distance to). The Facility was generated with its actual dimensions as a vectorized 3D model. Each view point including the site was elevated to its relative AMSL (Above Mean Sea Level). The 3D program cameras were set at each view point's X, Y, and Z location and photographed the model with the mm lens correlating to view point photos. The X, Y and Z coordinates allowed the 3D camera to render the Facility to its correct scale, rotation, and angle from each view point. The screening enclosures were painted to match and blend in with the existing building façade. 3D software simulated sunlight on the 3D model, taking into account the site latitude, date, and time of day of the view point photographs. The removal and inclusion of intervening vegetation is approximate, however, it provides the viewer with sufficient information to evaluate the potential visibility of the proposed Facility. Finally, the photorealistically-rendered 3D model was integrated into the site photos.

In addition to the aforementioned, a 500' radius drive map to ascertain potential visibility is included. Based upon field observations of the stationary rooftop reference, the visibility map indicates the areas where the proposed Facility would be:

- Not visible, blocked by intervening structures and/or vegetation;
- Partially visible through intervening vegetation; and
- Mostly visible or limited screening by intervening vegetation.

With our over twenty-four years' experience in visual analysis, as well as analyzing over 1,100 public utility structure sites throughout the region, we are confident that the enclosed visual study reasonably reflects the appearance of the proposed Facility, at the captioned site. Except for roads immediately surrounding the site, views of the proposed Facility from most areas in the surrounding neighborhood will be blocked by other structures or obscured by intervening vegetation. The proposed stealth Facility is designed to match and blend in with the existing building façade. Based upon its stealth design and limited visibility, the proposed Facility will not have a significant adverse visual impact on the surrounding area.

Sincerely,

A handwritten signature in black ink, reading "Ruthe Heimel". The signature is written in a cursive, flowing style.

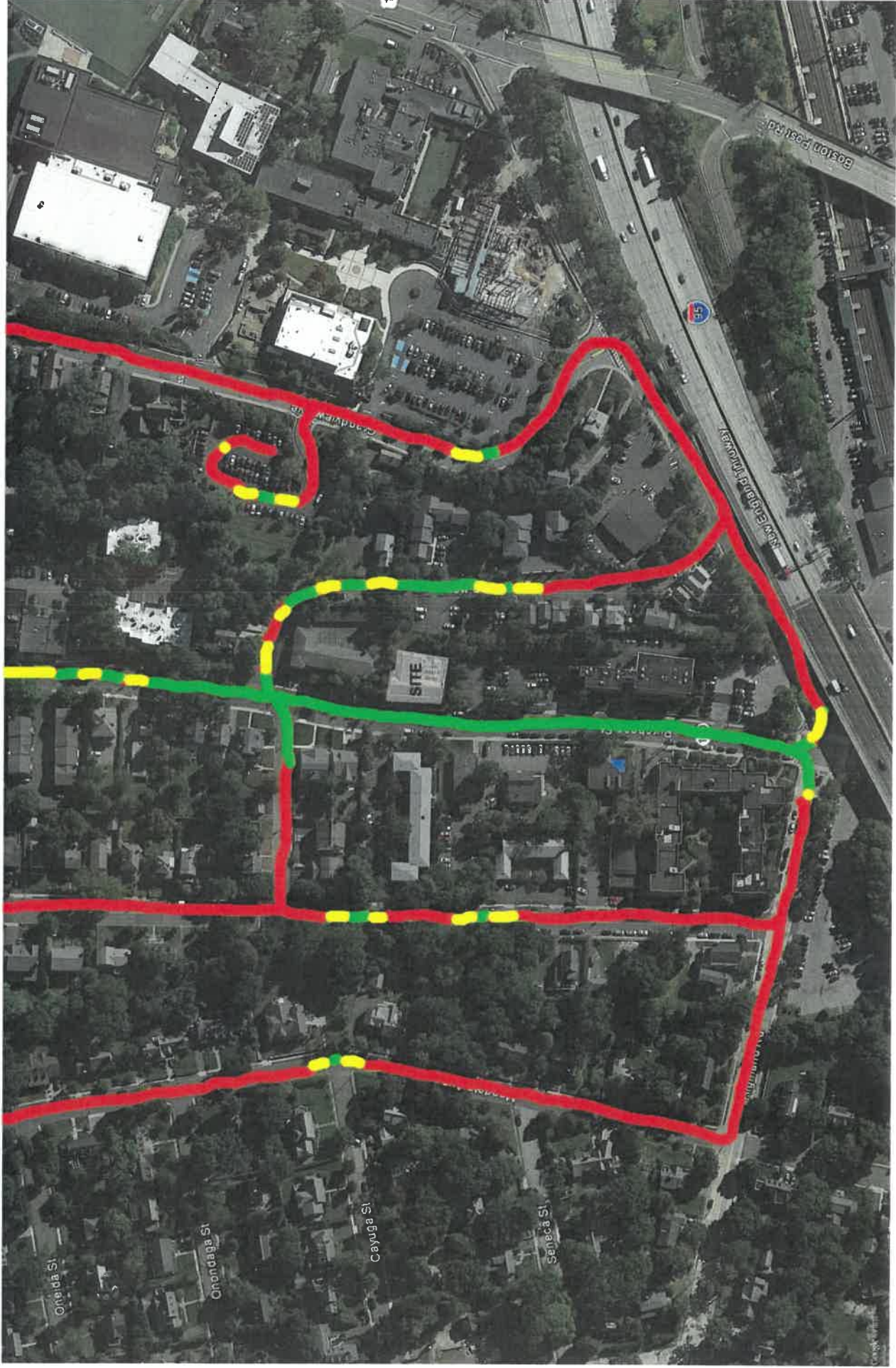
Ruthe Heimel, on behalf of Creative Visuals, LLC as its Member/Manager

View point aerial map



Photo by Creative Visuals LLC

500' radius visibility drive



Red = not visible, blocked by intervening existing structures and/or vegetation
Yellow = partially visible through intervening vegetation
Green = mostly visible or limited screening by intervening vegetation

Existing view
View point A - from near 219 - 231 Purchase Street



Photo by Creative Visuals LLC

View point A - from near 219 - 231 Purchase Street



Computer simulated photo by Creative Visuals LLC

Existing view
View point B - from near 39 New Street



Photo by Creative Visuals LLC

View point B - from near 39 New Street



Computer simulated photo by Creative Visuals LLC

Existing view

View point C - from the intersection of Purchase, Highland, and Cedar Streets



Photo by Creative Visuals LLC

View point C - from the intersection of Purchase, Highland, and Cedar Streets



Computer simulated photo by Creative Visuals LLC

Existing view
View point D - from near 167 and 175 Purchase Street



Photo by Creative Visuals LLC

View point D - from near 167 and 175 Purchase Street



Computer simulated photo by Creative Visuals LLC

Existing view
View point E - from near 24 Wappanocca Street



Photo by Creative Visuals LLC

View point E - from near 24 Wappanocca Street



Computer simulated photo by Creative Visuals LLC

Existing view
View point F - from Natoma Street, near 199 Purchase Street



Photo by Creative Visuals LLC

View point F - from Natoma Street, near 199 Purchase Street



Computer simulated photo by Creative Visuals LLC

View point G - from Grandview Avenue, references not visible



Photo by Creative Visuals LLC

View point H - from Grandview Avenue, references not visible



Photo by Creative Visuals LLC

View point I - from Grandview Avenue, the stealth bulkhead and southern enclosure will likely be partially visible (screened through intervening vegetation), while the northern stealth enclosure will not be visible (blocked by intervening existing building)

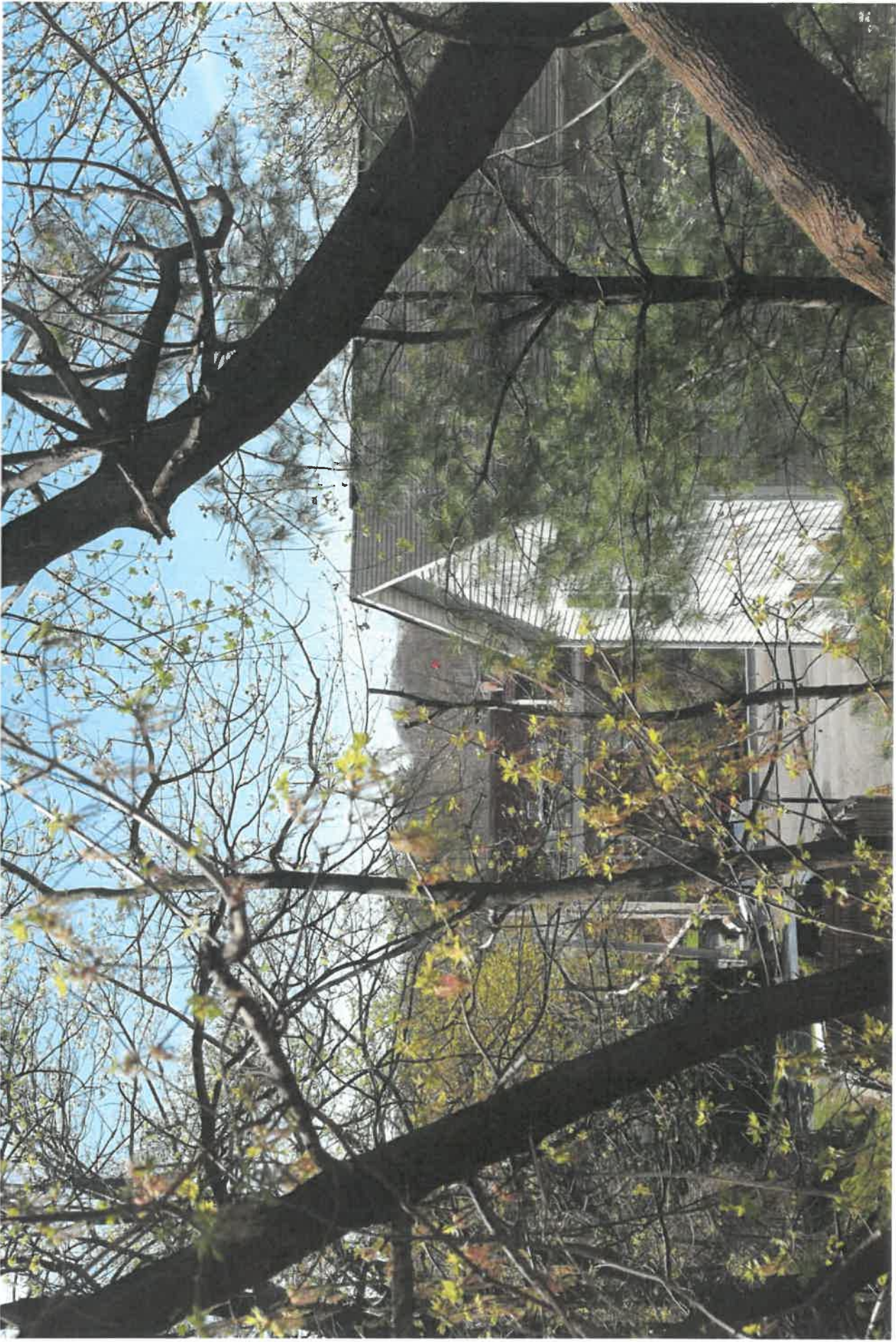


Photo by Creative Visuals LLC

Exhibit 9
Colocation Letter

15505 Sand Canyon Ave
Irvine, CA 92618

Wayne Igawa
Manager – Global Real Estate
Transactions - West

May 30, 2019

Honorable Mayor Cohn
and Members of the City Council
City of Rye
1051 Boston Post Rd.
Rye, New York 10580

RE: NY-Rye_VZCO_SC
182 Purchase Street, Rye, New York

Hon. Mayor Cohn and
Members of the City Council:

As you are aware, Verizon New York, Inc. ("Verizon") is the owner of the existing building ("Building") at the captioned site and New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless") is proposing to place a wireless telecommunications facility thereon. We have been advised that the City of Rye has inquired if Verizon would allow additional carriers to utilize said rooftop. Please be advised that Verizon is not actively seeking additional carriers to locate on the Building. However, once the Verizon Wireless installation is approved, Verizon does not have any issue with allowing additional collocation, provided that such collocation is technically feasible and that such additional carrier agrees to our terms and conditions, including, without limitation, regarding security.

Respectfully Submitted,
Verizon New York, Inc.

By: 
Authorized Signatory

cc: Verizon Wireless

verizon✓



(2) PROPOSED VERIZON WIRELESS GPS ANTENNA MOUNTED TO NEW ANTENNA MOUNTS

(2) PROPOSED VERIZON WIRELESS BETA
SECTOR PANEL ANTENNAS MOUNTED TO
EXISTING MASONRY END WALL WITHIN
PROPOSED SCREENING ENCLOSURE

— EXISTING ROOFTOP UNITS (TYP.)

— PROPOSED VERIZON WIRELESS EQUIPMENT
ATOP EXISTING BULKHEAD. REFER TO
ENLARGED PLAN 1/A-103 FOR ADDITIONAL
INFORMATION

— PROPOSED POWER, FIBER & GROUND (BY OTHERS) ROUTED ALONG ROOF TO VERIZON WIRELESS ALPHA SECTOR

(2) PROPOSED VERIZON WIRELESS ALPHA
SECTOR PANEL ANTENNAS MOUNTED TO
PROPOSED ANTENNA MOUNTING ASSEMBLY
ATOP EXISTING MASONRY END WALL WITHIN
PROPOSED SCREENING ASSEMBLY

PROPOSED CONDUIT ROUTED ALONG ROOFTOP AS SHOWN

PURCHASE STREET

TYP 3/16" TEXT SIZE

LATITUDE: N 40° 59' 17.55" (NAD 83)
LONGITUDE: W 73° 41' 1.67" (NAD 83)
37' +/- AMSL (NGVD 29)
DISTRICT: RA-3
SECTION: 139.19
TAX BLOCK: 3
TAX LOTS: 68.1
JURISDICTION: CITY OF RYE

0' 2'-8" 5'-4" 10'-8"

NORTH

ROOF PLAN

SCALE = 1"=50'

TENANT SAFETY PLAN – 2008 CODE: 128-104.8.4

1. THIS BUILDING CONTAINS OFFICE SPACE THAT WILL BE OCCUPIED DURING CONSTRUCTION.
2. THE CONSTRUCTION WORK IS CONFINED TO THE ROOF.
3. THERE WILL BE NOBODY OCCUPYING THE NEW CONSTRUCTION AREA TO BE RENOVATED DURING THE COURSE OF CONSTRUCTION WORK.
4. EGRESS: REQUIRED EGRESS SHALL NOT BE OBSTRUCTED AT ANY TIME. EGRESS AT EXISTING CORRIDORS, FIRE STAIRS, ETC. MUST BE MAINTAINED AT ALL TIMES.
5. ALL EXISTING MEANS OF EGRESS MAY NOT BE USED TO STORE MATERIAL, EQUIPMENT AND DEBRIS. TRANSPORTATION OF ALL MATERIALS, EQUIPMENT AND DEBRIS MUST BE COORDINATED WITH THE BUILDING SUPERINTENDENT.
6. EXISTING FIRE SAFETY FOR ALL OCCUPIED DWELLING UNITS SHALL BE MAINTAINED AND NOT DIMINISHED. ALL BUILDING MATERIALS STORED AT CONSTRUCTION AREA AND/OR IN ANY AREA OF THE BUILDING ARE TO BE SECURED IN A LOCKED AREA. ACCESS TO SUCH AREAS ARE TO BE CONTROLLED BY THE BUILDING OWNER AND/OR GENERAL CONTRACTOR.
7. THE GENERAL CONTRACTOR SHALL ENSURE THAT DUST IS CONTROLLED, AND THAT DISPOSAL OF CONSTRUCTION DEBRIS IS PERFORMED IN SUCH A MANNER AS NOT INTERFERE WITH OCCUPIED DWELLING UNITS. DEBRIS, DIRT AND DUST ARE TO BE KEPT TO A MINIMUM AND BE CONFINED TO THE IMMEDIATE CONSTRUCTION AREA, AND BE CLEANED UP AND CLEARED FROM THE BUILDING PERIODICALLY TO AVOID ANY EXCESSIVE ACCUMULATION.
8. THE GENERAL CONTRACTOR SHALL ENSURE THAT NOISE IS LIMITED TO ACCEPTABLE LEVELS IN ACCORDANCE WITH THE NEW YORK NOISE CONTROL CODE.
9. CONSTRUCTION OPERATIONS WILL BE CONFINED TO NORMAL WORKING HOURS 9AM TO 5PM, MONDAY THRU FRIDAY, EXCEPT LEGAL HOLIDAYS, UNLESS AN AFTER-HOURS WORK PERMIT VARIANCE IS SECURED FROM THE DEPARTMENT OF BUILDINGS.

FACILITY NOTES

- A) NEW FEATURES LABELED AS SUCH; ALL ELSE EXISTING OR FUTURE BY OTHERS.
- B) THE NEW PUBLIC UTILITY WIRELESS COMMUNICATIONS FACILITY IS UNMANNED AND WILL BE VISITED APPROXIMATELY ONCE A MONTH FOR MAINTENANCE PURPOSES; THEREFORE IT IS NOT ANTICIPATED TO GENERATE ADDITIONAL TRAFFIC.
- C) NO ADDITIONAL PARKING IS REQUIRED FOR THE NEW USE, AS THIS IS AN UNMANNED SITE.
- D) NO SOLID OR LIQUID WASTE WILL BE PRODUCED BY THE NEW USE, AS THIS IS AN UNMANNED SITE.
- E) NO WATER OR SEWAGE FACILITIES ARE REQUIRED FOR THE NEW USE.
- F) THERE WILL BE NO COMMERCIAL OR RETAIL SIGNAGE NOR SPECIAL LIGHTING FOR THE NEW SITE.

GENERAL NOTES:

1. ALL WORK SHALL BE IN ACCORDANCE WITH:
(A) THE "BUILDING CODE OF THE CITY OF RYE" LATEST EDITION
(B) THE REGULATIONS OF ALL GOVERNMENTAL AGENCIES HAVING JURISDICTION
2. COORDINATE ALL WORKING HOURS, MATERIALS DELIVERY SCHEDULE, AND ALL OTHER CONSTRUCTION ACTIVITIES WITH VERIZON AND OWNER.
3. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL EXISTING UTILITIES AND STRUCTURES PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UNDERGROUND AND SURFACE UTILITIES AND STRUCTURES AT OR ADJACENT TO THE SITE DURING ALL PHASES OF CONSTRUCTION. ANY EXISTING UTILITIES OR STRUCTURES DAMAGED DURING CONSTRUCTION SHALL BE REPAIRED OR REPLACED AT THE CONTRACTOR'S EXPENSE.
4. ALL AREAS DISTURBED DUE TO CONSTRUCTION ACTIVITIES SHALL BE RESTORED TO THEIR ORIGINAL CONDITION AT THE CONTRACTOR'S EXPENSE.
5. COORDINATE THE DISPOSAL OF CONSTRUCTION/ SITE CLEARING DEBRIS AND EXCESS SOIL FROM EXCAVATION OPERATIONS WITH VERIZON AND OWNER.
6. ALL DIMENSIONS, CONDITIONS AND OTHER INFORMATION SHOWN ON THE DRAWINGS ARE TAKEN FROM LIMITED FIELD OBSERVATIONS. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS. ALL UNUSUAL CONDITIONS OR DISCREPANCIES SHALL BE BROUGHT TO THE IMMEDIATE ATTENTION OF THE ENGINEER. CONTRACTOR SHALL NOT PROCEED WITH ANY AFFECTED WORK UNTIL FORMALLY DIRECTED BY THE ENGINEER.
7. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR THE CORRECTNESS OF ALL DIMENSIONS AND/OR QUANTITIES AND FOR THE COORDINATION WITH ALL OTHER WORK. REVIEW OF THE CONTRACTOR'S SUBMISSIONS DOES NOT RELIEVE THE CONTRACTOR FROM THESE RESPONSIBILITIES.
8. THE CONTRACTOR SHALL FURNISH AND INSTALL ANGLE STRUTS, BRACKETS, GOGGLES, EYE BOLTS AND ALL OTHER ACCESSORIES REQUIRED TO PROPERLY SUPPORT, BRACE AND/OR REINFORCE ALL FINISHES, FRAMES, EQUIPMENT, ETC.
9. ALL MATERIALS SHOWN ON THE DRAWINGS SHALL BE NEW UNLESS OTHERWISE NOTED. THE CONTRACTOR SHALL SUBMIT SAMPLES OF ALL MATERIALS TO VERIZON FOR APPROVAL.
10. MANUFACTURER'S INSTRUCTIONS: THE CONTRACTOR SHALL COMPLY WITH MANUFACTURER' INSTALLATION INSTRUCTIONS AND RECOMMENDATIONS TO THE EXTENT THAT THEY ARE MORE STRINGENT THAN THE REQUIREMENTS IN THE CONTRACT DOCUMENTS.
11. CLEANING AND PROTECTION: DURING HANDLING AND INSTALLATION, CLEAN AND PROTECT CONSTRUCTION IN PROGRESS AND ADJOINING MATERIAL IN PLACE. APPLY PROTECTIVE COVERING(S) WHERE REQUIRED.
 - A. CLEAN AND MAINTAIN COMPLETED CONSTRUCTION AS OFTEN AS NECESSARY THROUGHOUT THE CONSTRUCTION PERIOD.
 - B. LIMITING EXPOSURES: SUPERVISE OPERATIONS TO ENSURE THAT NO PART OF CONSTRUCTION, COMPLETED OR IN PROGRESS, IS SUBJECT TO HARMFUL OR DELETERIOUS EXPOSURE. SUCH EXPOSURE INCLUDED, BUT NOT LIMITED TO:
 - A. WATER INFILTRATION AND EXPOSURE TO WEATHER
 - B. EXCESSIVE HIGH OR LOW TEMPERATURE OR HUMIDITY
 - C. UNUSUAL WEAR OR OTHER MISUSE
 - D. HEAVY TRAFFIC, SOILING, STAINING OR CORROSION
 - E. CONTACT BETWEEN INCOMPATIBLE MATERIALS
 - F. THEFT OR VANDALISM.

VERIZON WIRELESS ANTENNA & CABLE NOTES:

1. THE CONTRACTOR SHALL FURNISH AND INSTALL ALL TRANSMISSION CABLE, JUMPERS, CONNECTORS, GROUNDING STRAPS ANTENNA MOUNTS AND HARDWARE. ALL MATERIALS SHALL BE INSPECTED BY THE CONTRACTOR FOR DAMAGE UPON DELIVERY. JUMPERS SHALL BE SUPPLIED AT ANTENNAS AND AT THE EQUIPMENT. COORDINATE LENGTH OF JUMPERS CABLES IN FIELD WITH VERIZON WIRELESS. AND COORDINATE & VERIFY ALL OTHER MATERIALS TO BE PROVIDED WITH VERIZON WIRELESS PRIOR TO SUBMITTING BID AND ORDERING MATERIALS.
2. AFTER INSTALLATION, THE TRANSMISSION LINE SYSTEM SHALL BE TDR/SWEEP TESTED FOR PROPER INSTALLATION AND DAMAGE WITH ANTENNAS CONNECTED, CONTRACTOR TO OBTAIN LATEST TESTING PROCEDURE FROM VERIZON PRIOR TO BIDDING.
3. ANTENNA CABLES SHALL BE COLOR CODED AT THE FOLLOWING LOCATIONS:
 - AT THE ANTENNAS
 - JUMPER CABLES @ EQUIPMENT
4. GROUND ANTENNA CABLES AT THE EQUIPMENT.
5. UTILIZE ANDREWS GROUNDING KIT #204989 SERIES WITH DOUBLE HOLD CRIMP ON LUGS AT BOTH ENDS OF GROUNDING CONNECTOR FOR GROUNDING EACH SIGNAL CABLE (BY ANTENNA SIGNAL CONTRACTOR.)
6. SYSTEM INSTALLATION:
THE CONTRACTOR SHALL INSTALL ALL CABLES AND ANTENNAS TO THE MANUFACTURER'S AND VERIZON'S SPECIFICATIONS. THE CONTRACTOR IS RESPONSIBLE FOR THE PROCUREMENT AND INSTALLATION OF THE FOLLOWING:
 - 1. ALL CONNECTORS, ASSOCIATED CABLE MOUNTING, AND GROUNDING HARDWARE
 - 2. ALL MOUNTS, STANDOFFS, AND ASSOCIATED HARDWARE.
 - 3. 1/2" HELIAX ANTENNA JUMPERS OF APPROPRIATE LENGTHS.
7. ANTENNA CABLES SHALL BE FOAM DIELECTRIC COAXIAL CABLES AS SUPPLIED BY VERIZON WIRELESS.
8. MINIMUM BENDING RADI) FROM COAXIAL CABLES:
 - 1/2" RMIN = 15"
 - 7/8" RMIN = 18"
 - 1-5/8" RMIN = 25"
9. REFER TO ANTENNA & CABLE SCHEDULE FOR CABLE COLOR CODED TAPING
10. CABLES SHALL BE INSTALLED WITH A MINIMUM NUMBER OF BENDS WHERE POSSIBLE. CABLES SHALL NOT BE LEFT UNTERMINATED AND SHALL BE SEALED IMMEDIATELY AFTER BEING INSTALLED.
11. ALL CABLE CONNECTIONS OUTSIDE SHALL BE COVERED WITH WEATHERPROOF SPLICING KIT.
12. CONTRACTOR SHALL VERIFY EXACT LENGTHS AND DIRECTION OF TRAVEL IN FIELD PRIOR TO CONSTRUCTION
13. CABLES SHALL BE FURNISHED WITHOUT SPLICES AND WITH CONNECTORS AT EACH END.



A R C H I T E C T S

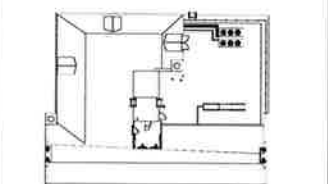
12-I TECHNOLOGY DRIVE, SETAUKET, NY 11733
P. 631.689.8450 | F. 631.689.8459 | www.wicaia.com



NO.	DATE	SUBMISSION
0	02/15/19	ISSUED FOR REVIEW
1	05/10/19	ADDED RADAR MAP
2	06/21/19	ISSUED FOR FLNG

NO	DATE	REVISION
----	------	----------

KEY PLAN:

**PURCHASE STREET**

RYE VZCO SC
SMALL CELL ARRAY

182 PURCHASE STREET
RYE, N.Y.

TITLE:

ROOF PLAN
AND GENERAL NOTES

DATE:	09/14/15
PROJECT NO:	14-10947
DRAWN BY:	PF
CHECKED BY:	GD
SCALE:	AS NOTED

SP-100.00

SHEET NO: 2 OF 6

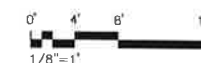
SHEET NO: 3 OF 6

Architectural elevation drawing of a building facade showing proposed Verizon wireless antenna installations. The drawing includes a main facade with a grid of windows and a roofline with various antenna mounts. Callouts specify the locations and types of antennas, including Alpha, Beta, Gamma, and GPS sector panel antennas, as well as RF screening enclosures and bulkheads. Elevation markers on the left indicate heights from 0'-0" to 55'-6".

Callouts:

- PROPOSED VERIZON WIRELESS RF SCREENING ENCLOSURE ATOP EXISTING BULKHEAD TO MATCH EXISTING BUILDING
- (2) PROPOSED VERIZON WIRELESS ALPHA SECTOR PANEL ANTENNAS MOUNTED WITHIN PROPOSED RF SCREENING ATOP EXISTING END WALL
- (2) PROPOSED VERIZON WIRELESS GPS ANTENNA MOUNTED TO PROPOSED ANTENNA MOUNTS
- (2) PROPOSED VERIZON WIRELESS BETA SECTOR PANEL ANTENNAS MOUNTED WITHIN PROPOSED RF SCREENING ENCLOSURE ATOP EXISTING BULKHEAD
- (2) PROPOSED VERIZON WIRELESS GAMMA SECTOR PANEL ANTENNAS MOUNTED WITHIN PROPOSED RF SCREENING ATOP EXISTING END WALL
- 55'-6" T.O. PROPOSED VERIZON WIRELESS RF SCREENING AT BULKHEAD
- 55'-6" T.O. PROPOSED VERIZON WIRELESS RF ENCLOSURE
- 54'-6" T.O. PROPOSED VERIZON WIRELESS ANTENNAS
- 52'-6" RAD. C.L. PROPOSED VERIZON WIRELESS ANTENNAS
- 49'-6" T.O. EXISTING BUILDING PARAPET
- EXISTING MASONRY FACADE
- 0'-0" GRADE

SCALE = 1/8" = 1'-0"



(2) PROPOSED VERIZON WIRELESS BETA SECTOR PANEL ANTENNAS MOUNTED WITHIN PROPOSED RF SCREENING ENCLOSURE ATOP EXISTING BULKHEAD

PROPOSED VERIZON WIRELESS RF SCREENING ENCLOSURE ATOP EXISTING BULKHEAD TO MATCH EXISTING BUILDING

(2) PROPOSED VERIZON WIRELESS GAMMA SECTOR PANEL ANTENNAS MOUNTED WITHIN PROPOSED RF SCREENING ENCLOSURE ATOP EXISTING END WALL

55'-8"
T.O. PROPOSED VERIZON WIRELESS RF ENCLOSURE AT ENDWALLS & BULKHEAD

54'-6"
T.O. PROPOSED VERIZON WIRELESS ANTENNAS

52'-6"
RAD C.L. PROPOSED VERIZON WIRELESS ANTENNAS

49'-6"
T.O. EXISTING BUILDING PARAPET

BRICK FACADE

SCALE = 1/8" = 1'-0"

[illegible]

A detailed floor plan of the first floor. It shows a large rectangular hall with a central area containing several small tables and chairs. To the left is a long counter or service area. To the right is a smaller room with a desk and a chair. The entrance is at the bottom center.

PURCHASE STREET

**verizon^v**

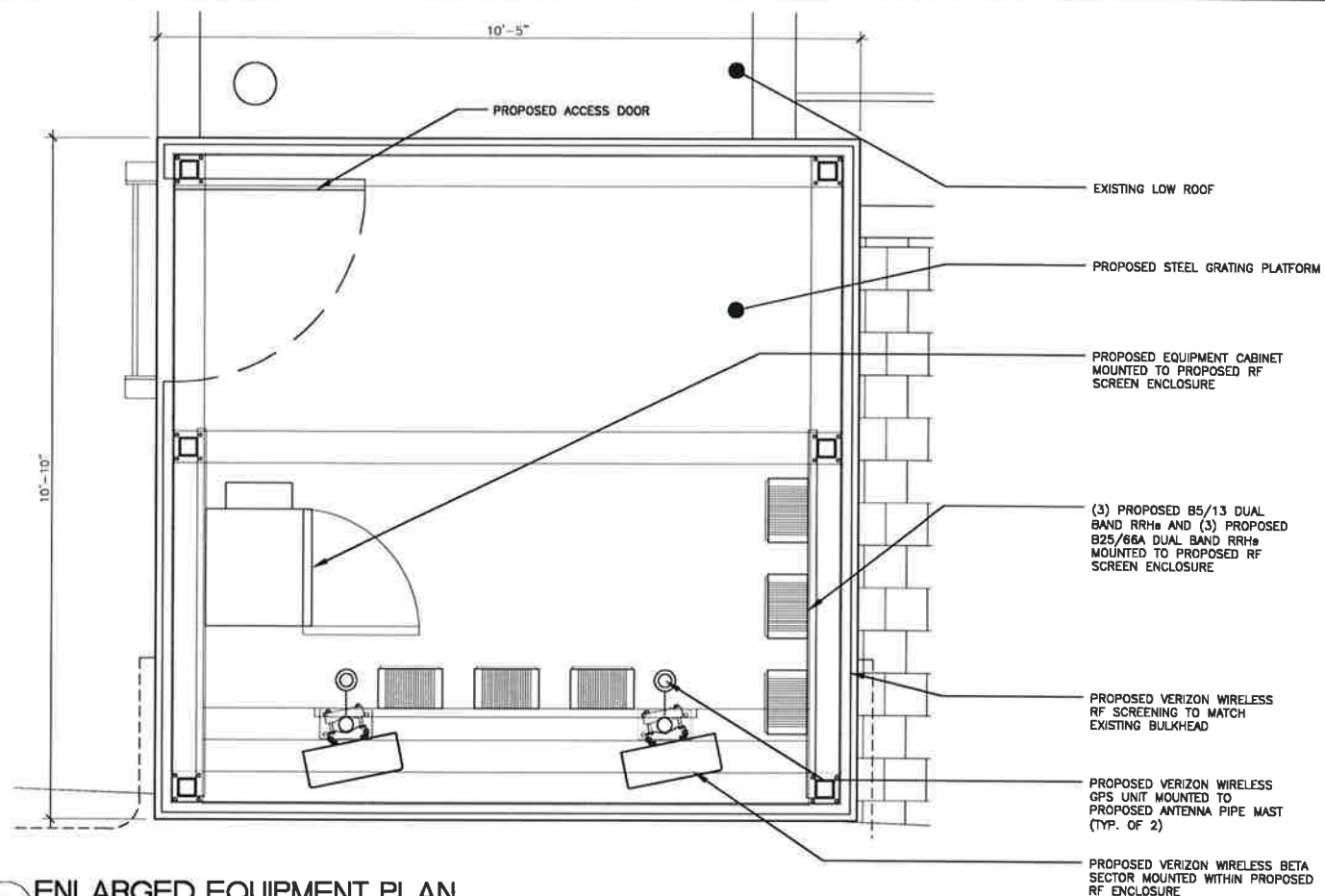
182 PURCHASE STREET
RYE, N.Y.

EAST SIDE AND NORTH SIDE
ELEVATIONS

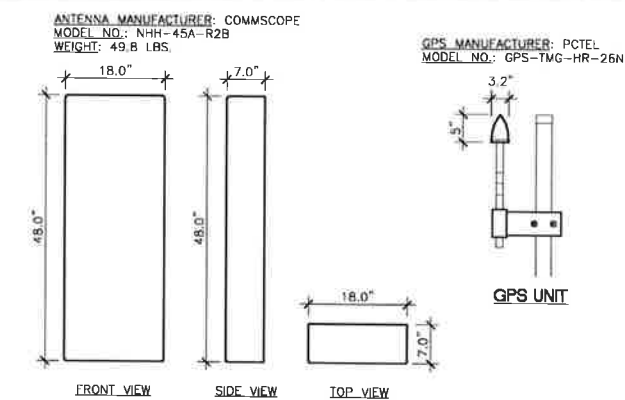
DATE:	09/14/11
PROJECT NO:	14-1094
DRAWN BY:	P
CHECKED BY:	GL
SCALE:	AS NOTED
DRAWING NO:	

SP-102.00

SHEET NO: 4 OF 4



1 ENLARGED EQUIPMENT PLAN
SCALE = 1/8" = 1'-0"



NOTE:
ANTENNAS SUBJECT TO CHANGE BASED ON
AVAILABILITY AT THE TIME OF CONSTRUCTION.

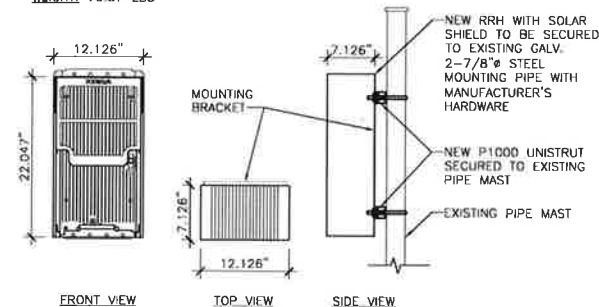
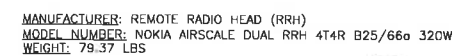
ANTENNA NOTES:

CABLE: SECTORS - 7/8" DIA. CABLE (UP TO 100')
SECTORS - 1 1/4" DIA. CABLE (UP TO 200') .63 LBS/FT.
SECTORS - 1 5/8" DIA. CABLE (201' OR GREATER) .70 LBS/FT.
GPS - ANTENNA MOUNT

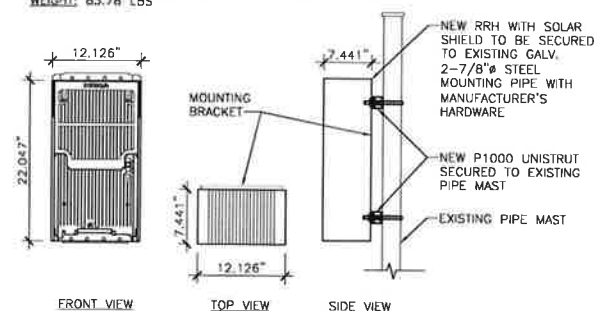
TYPE	No.	TYPE	MECH				CABLES / CABLE ANTENNA / CABLE LENGTH
			WEIGHT	AZIMUTH	TILT	DPLXR	
AWS LTE-C/CELL	A1	NHH-45A-R2B	49.8 LBS.	140°	0°	N	(1) 6X12 HYBRIFLEX
	A2	NHH-45A-R2B	49.8 LBS.	140°	0°	N	
AWS LTE-C/CELL	B1	NHH-45A-R2B	49.8 LBS.	260°	0°	N	(1) 6X12 HYBRIFLEX
	B2	NHH-45A-R2B	49.8 LBS.	260°	0°	N	
AWS LTE-C/CELL	G1	NHH-45A-R2B	49.8 LBS.	350°	0°	N	(1) 6X12 HYBRIFLEX
	G2	NHH-45A-R2B	49.8 LBS.	350°	0°	N	

1. ALL INDICATIONS OF NORTH ARE FOR REFERENCE ONLY. CONTRACTOR TO VERIFY IN FIELD TRUE NORTH PRIOR TO SECTOR ANTENNA INSTALLATION.
2. PROVIDE DOWNTILT AND MOUNTING BRACKETS FOR MOUNTING UP TO A 3-1/2" O.D. GALV. STEEL PIPE. THE MODEL NUMBERS FOR THE RESPECTIVE ANTENNAS EMPLOYED ON THIS PROJECT ARE #918011

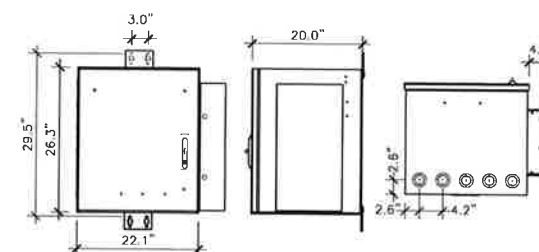
2 ANTENNA INFORMATION



MANUFACTURER: REMOTE RADIO HEAD (RRH)
MODEL NUMBER: NOKIA AIRSCALE DUAL RRH 4T4R B5/13 320W
WEIGHT: 83.78 LBS



CHARLES CUBE CABINET SPECIFICATIONS: RL 1003 SERIES	
OVERALL DIMENSIONS	26"H X 22"W X 20"D
RACK SPACE	14RU
RACK WIDTH	19"
HOLE SPACING ON RACKS	EIA STANDARD, TAPPED 12-24
BONDING & GROUNDING	(1) 8 POSITION, 2-HOLE GROUND BARS
FUSE PANEL	(1) WALLMOUNT 10 POSITION GMT TYPE
CABLE ENTRANCE	(5) 1.75/2.5" DOUBLE KNOCKOUTS
COLOR	OFF-WHITE
CONSTRUCTION	WELDED ALUMINUM
WEIGHT (WITH HEAT EXCHANGER)	80 LBS.
MOUNTING	WALL OR H FRAME, POLE MOUNT W/OPTIONAL KIT
THERMAL MANAGEMENT	OPTIONAL HEAT EXCHANGERS AND AIR CONDITIONER



3 EQUIPMENT DETAILS

SCALE = 1" = 1'-0"

4 EQUIPMENT CABINET DETAIL

SCALE = 1/2" = 1'-0"

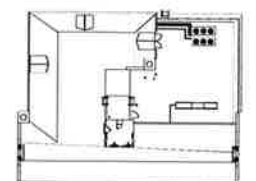


ARCHITECTS

12-1 TECHNOLOGY DRIVE, SETAUKET, NY 11733
P. 631.689.8450 | F. 631.689.8459 | www.wfcaia.com

[illegible]

KEY PLAN:



PURCHASE STREET



RYE VZCO SC
SMALL CELL ARRAY

182 PURCHASE STREET
RYE, N.Y.

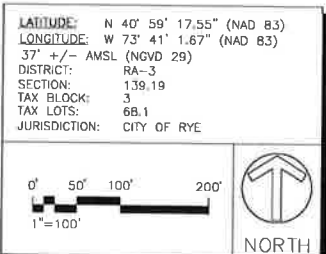
TITLE:

ENLARGED EQUIPMENT PLAN
AND EQUIPMENT DETAILS

DATE:	09/14/15
PROJECT NO:	14-K947
DRAWN BY:	PF
CHECKED BY:	GD
SCALE:	AS NOTED
DRAWING NO:	

SP-103.00

SHEET NO: 5 OF 6



NOTE:
THE INFORMATION SHOWN HEREIN WAS TAKEN
FROM THE WESTCHESTER COUNTY
GEOGRAPHIC INFORMATION SYSTEMS MUNICIPAL
TAX PARCEL VIEWER ON 5/1/2019.

SITE DATA			
	REQUIRED	EXISTING	NEW
1) AREA OF PARCEL		14,944 ± SQ.FT. OR 0.35 ± ACRES	EXISTING - NO CHANGE
2) AREA OF BUILDING(S)		5,556 ± SQ.FT.	EXISTING - NO CHANGE
3) PERCENT OF LOT OCCUPANCY		37%	EXISTING - NO CHANGE
4) SIDE YARD SETBACK(S)	8'-0" FOR ONE 20' FOR BOTH	0'-0"*	NO CHANGE (ANTENNA SETBACK ±0'-0")**
REAR YARD SETBACK	30'-0"	13'-0"	NO CHANGE (ANTENNA SETBACK ±13'-0")**
FRONT YARD SETBACK	25'-0"	68'-0"	NO CHANGE
		8'-0"*	NO CHANGE (ALPHA/GAMMA ANT. SETBACK ±17'-0")* (BETA ANT. SETBACK ±23'-0")**
5) HEIGHT OF WIRELESS TELECOMMUNICATIONS FACILITY	70'	N/A	55'-6"***

***THE FACILITY IS IN COMPLIANCE WITH SECTION 196-B(A) AND SECTION 196-6(T)(3), TO THE EXTENT APPLICABLE.

SEC/BLOCK/LOT	PROPERTY OWNER	ADDRESS
139.19-1-47	KELLER, DONALD	35 ONONDAGA ST
139.19-1-48	MURPHY, PAUL	36 ONONDAGA ST
139.19-1-56	DORFMAN, ROBERT	29 CAYUGA ST
139.19-1-57	BRESOLIN, NEIL F	33 CAYUGA ST
139.19-1-58	SHINGLER, ALEXANDER	19 MENDOTA AVE
139.19-1-59	BRENNAN, MICHAEL	30 CAYUGA ST
139.19-1-64	NORTON, PETER	25 SENECA ST
139.19-1-65	BERNARDI, EVAN	38 MENDOTA AVE
139.19-2-10	LEISENGANG, ALBERT A	81 WAPPANOCCA AVE
139.19-2-11	ALIMENA, PAUL	79 WAPPANOCCA AVE
139.19-2-12	PINELLI, MICHAEL	77 WAPPANOCCA AVE
139.19-2-13	MURPHY, JAMES O	75 WAPPANOCCA AVE
139.19-2-15	DAILY, CRAIG	100 MENDOTA AVE
139.19-2-16	GAY, ROBERT S	96 MENDOTA AVE
139.19-2-17	POZIOS, THOMAS	92 MENDOTA AVE
139.19-2-18	ROBERSON, CHARLES H	86 MENDOTA AVE
139.19-2-19	SOBOL, EDWARD	70 MENDOTA AVE
139.19-2-20	MORRIS, ANGELA	66 MENDOTA AVE
139.19-2-21	SINNOTT, PETER III J	60 MENDOTA AVE
139.19-2-22	COONEY, JULIE	50 MENDOTA AVE
139.19-2-23	JOHNSON, JAMES	40 MENDOTA AVE
139.19-2-24	ALTHOFF, BERNARD	34 MENDOTA AVE
139.19-2-25	COLLINS, ALBERT	40 HIGHLAND RD
139.19-2-26	BROWN, MARJORIE P	38 HIGHLAND RD
139.19-2-27	WESTCHESTER MODULAR HOMES	36 HIGHLAND RD
139.19-2-28	TRIOLO, KENNETH	15 WAPPANOCCA AVE
139.19-2-29	BUCKLEY, SEAN B	19 WAPPANOCCA AVE
139.19-2-30	SINNOTT, PETER J	WAPPANOCCA AVE
139.19-2-33	MORAN, WILLIAM	20 NATOMA ST
139.19-2-34	FROUCH, JOHN H	70 WAPPANOCCA AVE
139.19-2-35	BYRNE, MARYELLEN	72 WAPPANOCCA AVE
139.19-2-36	DRAPER, ROBERT S	76 WAPPANOCCA AVE
139.19-2-37	BIANCHI, RICHARD L	78 WAPPANOCCA AVE
139.19-2-38	WALL, TIMOTHY M	80 WAPPANOCCA AVE
139.19-2-39	SWEENEY, KATHARINE	86 WAPPANOCCA AVE
139.19-2-40	AZER, RICHARD A	94 WAPPANOCCA AVE
139.19-2-41	RODRIGUEZ, MARIO	98 WAPPANOCCA AVE
139.19-2-42	HYNSON, COLIN S	102 WAPPANOCCA AVE
139.19-2-43	CANNON, JAMES A	106 WAPPANOCCA AVE
139.19-2-51	PAUL, EDWARD JR. K	239 PURCHASE ST
139.19-2-52	237 PURCHASE ST ASSOC, LLC	237 PURCHASE ST
139.19-2-53	MAJLESSI, HESHMAT	233 PURCHASE ST
139.19-2-57	BARBER, RICHARD III	215 PURCHASE ST
139.19-2-58	BARBER, RICHARD JR.	211 PURCHASE ST
139.19-2-59	HAMMER, MICHAEL	209 PURCHASE ST
139.19-2-60	CICCHIELLO, SALVATORE J	203 PURCHASE ST
139.19-2-61	ENGLISH, ROBERT	201 PURCHASE ST
139.19-2-62	2 NATOMA REALTY, LLC	2 NATOMA ST
139.19-2-63.1	CORRADI, AMY	19-21 NATOMA ST
139.19-2-64	CARDULLO, JOHN	15-17 NATOMA ST

SEC/BLOCK/LOT	PROPERTY OWNER	ADDRESS
139.19-2-65	JACOBSON, ARI R	189 PURCHASE ST
139.19-2-67	175 PURCHASE ST ST CORP	175 PURCHASE ST
139.19-2-68	WAPANOCCA MANOR INC	24 WAPANOCCA AVE
139.19-2-69	SRA HOLDINGS INC	167 PURCHASE ST
139.19-2-70	131-151 PURCHASE ST	WAPANOCCA AVE
139.19-2-71	131-151 PURCHASE ST	16 WAPANOCCA AVE
139.19-2-72	131-151 PURCHASE ST	151 PURCHASE ST
139.19-2-73	131-151 PURCHASE ST	147 PURCHASE ST
139.19-2-9	DANIELS, LOUISA	85 WAPANOCCA AVE
139.19-3-20	GIANGUZZI, MARIE C	236 PURCHASE ST
139.19-3-34	RYE COUNTRY DAY SCHOOL	12 GRANDVIEW AVE
139.19-3-42	COYNE, JAMES C	20 ELIZABETH ST
139.19-3-43	EBRATT, DEBBIE	2-4 ELIZABETH ST
139.19-3-44	220-224 PURCHASE ST LLC	224 PURCHASE ST
139.19-3-45	220-224 PURCHASE ST LLC	220 PURCHASE ST
139.19-3-46	THOMAS, ALESSANDRO D	30 ELIZABETH ST
139.19-3-47	GROGLIO, JEANNETTE	34 ELIZABETH ST
139.19-3-48,1	NACHSEN, EMILY	39 GRANDVIEW AVE
139.19-3-48,2	NACHSEN, EMILY	36 ELIZABETH ST
139.19-3-49	MULLAHY, GARRY P	35 GRANDVIEW AVE
139.19-3-50	NOLLETTI, SHELIA	33 GRANDVIEW AVE
139.19-3-51	KHATRI, AVINASH	29 GRANDVIEW AVE
139.19-3-53	RYE COUNTY DAY SCHOOL	11 GRANDVIEW AVE
139.19-3-54	PURCHASE ST TENANTS	216 PURCHASE ST
139.19-3-55	DEL BELLO, HOLLY	204 PURCHASE ST
139.19-3-56	RYE COUNTRY DAY SCHOOL	11 NEW ST
139.19-3-57	RYE COUNTRY DAY SCHOOL	GRANDVIEW AVE
139.19-3-58	RYE COUNTRY DAY SCHOOL	17 NEW ST
139.19-3-59	MASTROGIACOMO, MICHAEL	23-25 NEW ST
139.19-3-60	RYE COUNTRY DAY SCHOOL	25 1/2 NEW ST
139.19-3-61	RYE COUNTRY DAY SCHOOL	GRANDVIEW AVE
139.19-3-62	CRECCO RYE DEVELOPMENT CO	29-39 NEW ST
139.19-3-63	TANNEY, MICHAEL S	43-45 NEW ST
139.19-3-65	FERGUSON, EARL J	49 CEDAR ST
139.19-3-66	STA PROFESSIONAL BLDG	33 CEDAR ST
139.19-3-68.1	VERIZON NEW YORK INC	182 PURCHASE ST
139.19-3-70	GUGLIELMO, JOSEPH	34 NEW ST
139.19-3-71	BELLO, RAUL	36 NEW ST
139.19-3-72	GUGLIELMO, JOSEPH	38 NEW ST
139.19-3-73	JERACI, ANTONIO	42 NEW ST
139.19-3-74	WOOD, JOHN	40 NEW ST
139.19-3-75	RODRIGUES, JOHN	50 NEW ST
139.19-3-76	SZCZERBA, NICHOLAS JR.	54 NEW ST
139.19-3-77	HERNANDEZ, BRICIO	64 NEW ST
139.19-3-78	CASALE NOLEGGIARE LLC	66 NEW ST
139.19-3-79	GAMEZ, ALFONSO	68 NEW ST
139.19-3-80	CITY OF RYE	PURCHASE & CEDAR ST
139.20-1-1	NY THRUWAY & EXPRESSWAY	NE THRUWAY
146.6-2-93	CONRAIL	MACY RD AT MAM'K LIN
146.7-2-93	CITY OF RYE	IRROQUOIS ST

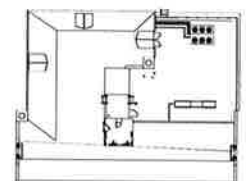


ARCHITECTS

12-1 TECHNOLOGY DRIVE, SETAUKET, NY 11733
P. 631.689.8450 | F. 631.689.8459 | www.wfcaia.com

[illegible]

KEY PLAN:



PURCHASE STREET



verizon[✓]

RYE VZCO SC
SMALL CELL ARRAY

182 PURCHASE STREET
RYE, N.Y.

TITLE

750' RADIUS MAP &
PROPERTY OWNERS

DATE:	09/14/15
PROJECT NO:	14-10947
DRAWN BY:	PF
CHECKED BY:	GD
SCALE:	AS NOTED

SP-104.00

SHEET NO: 6 OF 6

LAW OFFICES OF
SNYDER & SNYDER, LLP
94 WHITE PLAINS ROAD
TARRYTOWN, NEW YORK 10591

NEW YORK OFFICE
445 PARK AVENUE, 9TH FLOOR
NEW YORK, NEW YORK 10022
(212) 749-1448
FAX (212) 932-2693

LESLIE J. SNYDER
ROBERT D. GAUDIOSO

DAVID L. SNYDER
(1956-2012)

(914) 333-0700
FAX (914) 333-0743

WRITER'S E-MAIL ADDRESS

lsnyder@snyderlaw.net

NEW JERSEY OFFICE
ONE GATEWAY CENTER, SUITE 2600
NEWARK, NEW JERSEY 07102
(973) 824-9772
FAX (973) 824-9774

REPLY TO:

Tarrytown office

September 10, 2019

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

Re: Special Permit Application by New York SMSA Limited Partnership d/b/a
Verizon Wireless to Install a Public Utility Wireless Telecommunications
Facility on the Roof of the Building Located at 182 Purchase Street, Rye, NY

Dear Mr. Miller:

In connection with the City Council public hearing scheduled for September 18, 2019, with respect to the above referenced matter, I have enclosed the following materials:

1. Affidavit of Mailing;
2. Seventy-seven (77) Post Office Receipts of Registry (Whites);¹ and
3. Affidavit of Sign Posting.

We thank you for your consideration and look forward to discussing this matter with the City Council at its September 18th meeting. If you have any questions, please do not hesitate to call me at (914) 333-0700.

Respectfully submitted,



Leslie J. Snyder

Enclosures

cc: Verizon Wireless
Marcus Serrano, City Manager

Z:\SSDATA\WPDATA\SS4\WP\NEWBAN\M\BREYER\SMALL CELL SITES\RYE\ZONING\NOTICES\PROOF OF MAILING LETTER.AP.DOCX

¹ The City of Rye Assessor's office provided a radius list which had ninety-one (91) properties within a 300 foot radius of the subject site. Of those 91 properties, fourteen (14) were duplicates. As such, this office mailed seventy-seven (77) notices.

AFFIDAVIT OF MAILING

State of New York)
)
County of Westchester) ss:

Gabrielle Ferrezza being duly sworn, deposes and says that she is over eighteen years of age and works at 94 White Plains Road, Tarrytown, in the State of New York; that she is a paralegal at Snyder & Snyder, LLP, the attorney for New York SMSA Limited Partnership d/b/a Verizon Wireless regarding its application for the installation of a public utility wireless telecommunications facility 182 Purchase Street, City of Rye, New York. On August 30th, she served notice, a copy of which is attached hereto, upon the following named persons at the addresses set forth, as shown on the attached list, by mailing true copies of the same via first-class mail, enclosed and properly sealed in postpaid envelopes, which she entrusted to the exclusive care and custody of the United States Postal Service within the State of New York.



Gabrielle Ferrezza

Sworn to and subscribed before me
this 10th day of September 2019



NOTARY PUBLIC

David James Kenny
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02KE6343903
Qualified in Westchester County
Commission Expires June 20, 2020

CITY OF RYE
Notice of Public Hearing on a special use permit application by New
York SMSA Limited Partnership to install a wireless
telecommunications facility at 182 Purchase Street

PLEASE TAKE NOTICE that, pursuant to Chapter 196 of the Code of the City of Rye (Wireless Telecommunications), the Rye City Council has scheduled a public hearing for Wednesday evening 7:30 P.M., September 18, 2019 in the Council Chambers of the Rye City Hall on the following matter:

New York SMSA Limited Partnership has applied for special permit approval for the purpose of installing a wireless telecommunications facility on a property located at 182 Purchase Street. The property is known on the Rye City Tax Map as Sheet 139.19, Block 3, Lot 68.1, and is located in the RA-3 Apartment District. All information pertaining to this matter is available at the City Clerk's Office in Rye City Hall. Any person interested or affected will be given an opportunity to be heard.

Carolyn E. D'Andrea, Esq.
City Clerk
August 12, 2019

If you have any questions regarding this matter, please call Leslie J. Snyder, attorney for applicant, New York SMSA Limited Partnership d/b/a Verizon Wireless, at (914) 333-0700.

139-19-3-56 RYE COUNTRY DAY SCHOOL CEDAR ST RYE, NY 10580	139-19-2-63-2 CIARDULLO JOHN AND CAROL CIARDULLO 156 VALENTINE ST YONKERS, NY 10704	139-19-3-69-1 150 PURCHASE LLC SUITE #1 11 FOX HOLLOW LANE COS COB. CT 06807
139-19-3-69-10 ALPHA5MK LLC 150 PURCHASE ST SUITE 11 RYE, NY 10580	139-19-3-69-11 ALPHA5MK LLC 150 PURCHASE ST SUITE 11 RYE, NY 10580	139-19-3-69-12 ALPHA5MK LLC 150 PURCHASE ST SUITE 11 RYE, NY 10580
139-19-3-69-13 ALPHA5MK LLC 150 PURCHASE ST RYE, NY 10580	139-19-3-69-2 ALPHA5MK LLC 150 PURCHASE STREET RYE, NY 10580	139-19-3-69-3 150 PURCHASE STREET LLC 150 PURCHASE STREET UNIT 3 RYE, NY 10580
139-19-3-69-4 ALPHA5MK LLC 150 PURCHASE ST - STE 11 ATTN: PETER KOSANN RYE, NY 10580	139-19-3-69-5 RICHARDS JANUSZ R & CHERYL L RICHARDS 150 PURCHASE ST RYE, NY 10580	139-19-3-69-6 KALKUT REALTY LLC 14 HOOK RD RYE, NY 10580
139-19-3-69-7 ALPHA5MK LLC 150 PURCHASE ST RYE, NY 10580	139-19-3-69-8 ALPHA5MK LLC 150 PURCHASE ST RYE, NY 10580	139-19-3-69-9 VITAGLIANO ALDO & DEBRA SANTINI 150 PURCHASE ST RYE, NY 10580
139-19-2-72 131-151 PURCHASE ST INVESTORS LLC 42 OAK AVENUE, 3RD FL TUCKAHOE, NY 10707	139-19-2-69 SRA HOLDINGS INC 167 PURCHASE ST RYE, NY 10580	139-19-3-58 RYE COUNTRY DAYSCHOOL CEDAR ST RYE, NY 10580
139-19-2-67 175 PURCHASE STREET CORP C/O ERIC S TREIBER 7 WINDWARD LN SCARSDALE, NY 10583	139-19-2-66-1 GARVIN KATHLEEN M 181 PURCHASE ST UNIT #1 RYE, NY 10580	139-19-2-66-10 NIVKI LLC 181 PURCHASE ST UNIT 10 RYE, NY 10580
139-19-2-66-11 VALDEZ VICTOR & CATHERINE VALDEZ 181 PURCHASE ST - UNIT 11 RYE, NY 10580	139-19-2-66-12 VERRILLE CATHY 181 PURCHASE ST APT 12 RYE, NY 10580	139-19-2-66-13 BRENNAN MARTIN W 77 PROSPECT ST RIDGEFIELD, CT 06877
139-19-2-66-14 CRUPI ANNA M 181 PURCHASE ST UNIT #14 RYE, NY 10580	139-19-2-66-15 GOODMAN PALMA 600 MIRABELLA CIRCLE C/O RICHARD GOODMAN VENICE, FL 34292	139-19-2-66-16 ROMAN ROBYN D & UNIT 16 2949 MEAD ST YORKTOWN HEIGHTS, NY 10598
139-19-2-66-17 DIONISIO RE LLC 19 RALPH AVE WHITE PLAINS, NY 10606	139-19-2-66-18 BURTON JEREMY 181 PURCHASE STREET UNIT 18 RYE, NY 10580	139-19-2-66-19 LUCKHARDT LUCY TRUST 181 PURCHASE ST UNIT 19 RYE, NY 10580

139-19-2-66-2
BLAKE ROBERT J JR
24 SCOTT CIRCLE
PURCHASE, NY 10577

139-19-2-66-20
KRATKY JOHN III M &
VALERIE VIER
3415 HOLT LANE
VERO BEACH, FL 32963

139-19-2-66-21
TINO JOHN
26 VILLAGE GREEN
BEDFORD, NY 10506

139-19-2-66-22
LOPEZ MARCO AND
181 PURCHASE ST
UNIT B
RYE, NY 10580

139-19-2-66-3
181 PURCHASE ST REALTY
27 MOUNT HOLLY DR
RYE, NY 10580

139-19-2-66-4
GRABOWITZ ELLEN
C/O BEVERLY DUBS
26 MAYBERRY RD
CHAPPAQUA, NY 10514

139-19-2-66-5
FINKELSTEIN ROBERT &
4 SYLVIA WAY
UNIT 5
PURDYS, NY 10578

139-19-2-66-6
GRABOWITZ ELLEN
C/O BEVERLY DUBS
26 MAYBERRY RD
CHAPPAQUA, NY 10514

139-19-2-66-7
MAASIK MEEMO &
181 PURCHASE ST
UNIT 7
RYE, NY 10580

139-19-2-66-8
FINKELSTEIN ROBERT A &
4 SYLVIA WAY
UNIT 8
PURDYS, NY 10578

139-19-2-66-9
VOLPE MARIA LOUISA
31 GENEVA ROAD
W NORWALK, CT 06850

139-19-3-68-1
VERIZON NEW YORK INC.
PO BOX 2749
C/O DUFF & PHELPS
ADDISON, TX 75001

139-19-3-67
184 PURCHASE ST ASSOC LLC
18 RIDGE ST
C/O TOC SERVICES INC
COS COB, CT 06807

139-19-3-67-1
MILLER TRACY M
UNIT L-1
184 PURCHASE ST
RYE, NY 10580

139-19-3-67-10
LICARE JOSEPH AND
18 LOEWEN CT
UNIT 2-1
RYE, NY 10580

139-19-3-67-11
ESPOSITO JOHN
UNIT 2-3
184 PURCHASE ST
RYE, NY 10580

139-19-3-67-12
IANCHULEV TSONTCHO
14 JUSTIN RD
HARRISON, NY 10528

139-19-3-67-13
BRACCIA ANTONIO
184 PURCHASE ST
UNIT 2-5
RYE, NY 10580

139-19-3-67-14
NORRIS KEVIN AND
184 PURCHASE ST
UNIT 2-6
RYE, NY 105801

139-19-3-67-15
MORALES HECTOR J
MORALES RITA
23 LINCOLN AVENUE
RYE BROOK, NY 10573

139-19-3-67-16
MOSQUERA RICARDO
UNIT 2-8
184 PURCHASE ST
RYE, NY 10580

139-19-3-67-17
184 PURCHASE ST ASSOC LLC
18 RIDGE ST
C/O TOC SERVICES INC
COS COB, CT 06807

139-19-3-67-2
BEN MEIR IZHAK
720 MILTON RD - UNIT 4BW
RYE, NY 10580

139-19-3-67-2
SPILLANE DENIS J
184 PURCHASE ST
UNIT 1-1
RYE, NY 10580

139-19-3-67-3
RODRIGUES MARINA D'SOUZA
UNIT 1-2
184 PURCHASE ST
RYE, NY 10580

139-19-3-67-4
BURTON JEREMY
184 PURCHASE ST
RYE, NY 10580

139-19-3-67-4
O'MEALY MICHAEL AND
JEANNE O'MEALY
38 SOUNDVIEW AVE
RYE, NY 10580

139-19-3-67-5
CULQUI NAIDA
UNIT 1-4
184 PURCHASE ST
RYE, NY 10580

139-19-3-67-6
STORINO FRANCESCO
STORINO SUSAN
184 PURCHASE STREET 1.5
RYE, NY 10580

139-19-3-67-6
TROISI ORIANA J
UNIT 1-5
184 PURCHASE ST
RYE, NY 10580

139-19-3-67-7 FINE ALAN D UNITE 1-6 184 PURCHASE ST RYE, NY 10580	139-19-3-67-8 GOLD RYAN AND 184 PURCHASE ST UNIT 1-7 RYE, NY 10580	139-19-3-67-8 MICALONE COSMO 18 HILLTOP DR PORTCHESTER, NY 10573
139-19-3-67-9 FOX PETER 18 YORK AVE UNIT 1-8 RYE, NY 10580	139.19--067.17 184 PURCHASE ST ASSOC LLC 18 RIDGE ST C/O TOC SERVICES INC COS COB, CT 06807	139.19--067.17 184 PURCHASE ST ASSOC LLC 18 RIDGE ST C/O TOC SERVICES INC/ COS COB, CT 06807
139-19-2-65 JACOBSON, ARI R. AND 17 PURDY AVE - STE 201 C/O ME & THE BOYS REALTY RYE, NY 10580	139-19-2-63-1 CORRADI AMY 40 GRAND BOULEVARD VALHALLA, NY 10595	139-19-2-64 193 PURCHASE ST LLC 32 OVERLOOK PLACE RYE, NY 10580
139-19-2-62 2 NATOMA ST LLC 32 OVERLOOK PLACE RYE, NY 10580	139-19-2-33 MORAN WILLIAM & DIANE MORAN 20 NATOMA ST RYE, NY 10580	139-19-2-61 BAINE KEVIN C BAINE SHARON E 201 PUCHASE STREET RYE, NY 10580
139-19-2-60 CICCHIELLO PHILIP 203 PURCHASE ST RYE, NY 10580	139-19-3-55 DEL BELLO JOHN N JR 580 FLINTLOCK RD SOUTHPORT, CT 06890	139-19-3-54 PURCHASE STREET TENANTS C/O GARTHCHESHER REALTY 209 GARTH RD SCARSDALE, NY 10583
139-19-3-59 MASTROGIACOMO MICHAEL & MARIA MASTROGIACOMO 464 MILTON RD RYE, NY 10580	139-19-2-68 WAPPANOCCA MANOR INC C/O RONALD G HARRIS PO BOX 560 SOUTHPORT, CT 06890	139-19-3-60 RYE COUNTRY DAY SCHOOL CEDAR ST RYE, NY 10580
139-19-3-62 RYE COUNTRY DAY SCHOOL CEDAR ST RYE, NY 10580	139-19-3-66 STA PROFESSIONAL BLDG 33 CEDAR ST RYE, NY 10580	139-19-3-70 BELLO RAUL 36 NEW STREET RYE, NY 10580
139-19-3-71 BELLO RAUL 36 NEW ST RYE, NY 10580	139-19-3-72 GUGLIELMO JOSEPH & MICHAEL AND JUANITA RICCI 38 NEW STREET RYE, NY 10580	139-19-3-74 WOOD JOHN & KATHLEEN WOOD 40 NEW ST RYE, NY 10580
139-19-3-73 JERACI ANTONIO SHEWNARAIN SUZIE 42 NEW ST RYE, NY 10580	139-19-3-63 TANNEY MICHAEL S P.O. BOX 528 PURCHASE, NY 10577	139-19-3-65 FERGUSON EARL J 49 CEDAR ST RYE, NY 10580
139-19-3-75 RODRIGUES JOHN AND MARIA RODRIGUES 245 PURCHASE ST RYE, NY 10580	139-19-3-76 SZCZERBA NICHOLAS JR UNTERHALTER MATTHEW 54 NEW ST RYE, NY 10580	139-19-3-61 RYE COUNTRY DAY SCHOOL C/O BUSINESS MGR CEDAR ST RYE, NY 10580

139-19-2-70

131-151 PURCHASE ST

INVESTORS LLC

42 OAK AVENUE, 3RD FL

TUCKAHOE, NY 10707

RECEIPT
9214 7944 6683 1300 1393 81

FROM:

Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:

John & Carol Ciardullo
156 Valentine Street
Yonkers NY 10704

FEES:

Postage 0.39
Certified Fee 2.40
Return Receipt 1.85

Restricted
Priority

TOTAL \$ 4.64

POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1394 97

FROM:

Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:

Nivki LLC
181 Purchase St
Unit 10
Rye NY 10580

FEES:

Postage 0.39
Certified Fee 2.40
Return Receipt 1.85

Restricted
Priority

TOTAL \$ 4.64

POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1394 66

FROM:

Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:

SRA Holdings Inc
167 Purchase St
Rye NY 10580

FEES:

Postage 0.39
Certified Fee 2.40
Return Receipt 1.85

Restricted
Priority

TOTAL \$ 4.64

POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1394 59

FROM:

Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:

131-151 Purchase St Investors LL
42 Oak Avenue, 3rd Floor
Tuckahoe NY 10707

FEES:

Postage 0.39
Certified Fee 2.40
Return Receipt 1.85

Restricted
Priority

TOTAL \$ 4.64

POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1394 80

FROM:

Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:

Kathleen M Garvin
181 Purchase Street
Unit #1
Rye NY 10580

FEES:

Postage 0.39
Certified Fee 2.40
Return Receipt 1.85

Restricted
Priority

TOTAL \$ 4.64

POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1393 74

FROM:

Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:

Rye Country Day School
3 Cedar Street
Rye NY 10580

FEES:

Postage 0.39
Certified Fee 2.40
Return Receipt 1.85

Restricted
Priority

TOTAL \$ 4.64

POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1395 27

FROM:

Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:

Martin W Brennan
77 Prospect St
Ridgefield CT 06877

FEES:

Postage 0.39
Certified Fee 2.40
Return Receipt 1.85

Restricted
Priority

TOTAL \$ 4.64

POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1395 03

FROM:

Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:

Victor & Catherine Valdez
181 Purchase St
Unit 11
Rye NY 10580

FEES:

Postage 0.39
Certified Fee 2.40
Return Receipt 1.85

Restricted
Priority

TOTAL \$ 4.64

POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1395 10

FROM:

Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:

Cathy Verrille
181 Purchase St
Apt 12
Rye NY 10580

FEES:

Postage 0.39
Certified Fee 2.40
Return Receipt 1.85

Restricted
Priority

TOTAL \$ 4.64

POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1394 73

FROM:

Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:

175 Purchase Street Corp
c/o Eric S Treiber
7 Windward Lane
Scarsdale NY 10583

FEES:

Postage 0.39
Certified Fee 2.40
Return Receipt 1.85

Restricted
Priority

TOTAL \$ 4.64

POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1394 28

FROM:

Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:

Janusz R & Cheryl L Richards
150 Purchase Street
Rye NY 10580

FEES:

Postage 0.39
Certified Fee 2.40
Return Receipt 1.85

Restricted
Priority

TOTAL \$ 4.64

POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1398 24

FROM:

Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:

Jeremy Burton
184 Purchase Street
Rye NY 10580

FEES:

Postage 0.39
Certified Fee 2.40
Return Receipt 1.85

Restricted
Priority

TOTAL \$ 4.64

POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1395 41

FROM:

Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:

Palma Goodman
600 Mirabella Circle
c/o Richard Goodman
Venice FL 34292

FEES:

Postage 0.39
Certified Fee 2.40
Return Receipt 1.85

Restricted
Priority

TOTAL \$ 4.64

POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1398 31

FROM:

Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:

Michael & Jeanne O'Mealy
38 Soundview Avenue
Rye NY 10580

FEES:

Postage 0.39
Certified Fee 2.40
Return Receipt 1.85

Restricted
Priority

TOTAL \$ 4.64

POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1395 34

FROM:

Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:

Anna M Crupi
181 Purchase Street
Unit #14
Rye NY 10580

FEES:

Postage 0.39
Certified Fee 2.40
Return Receipt 1.85

Restricted
Priority

TOTAL \$ 4.64

POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1398 17

FROM:

Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:

Marina D'Souza Rodrigues
Unit 1-2
184 Purchase Street
Rye NY 10580

FEES:

Postage	0.39
Certified Fee	2.40
Return Receipt	1.85
Restricted	
Priority	

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1398 00

FROM:

Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:

Denis J Spillane
184 Purchase Street
Unit 1-1
Rye NY 10580

FEES:

Postage	0.39
Certified Fee	2.40
Return Receipt	1.85
Restricted	
Priority	

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1397 94

FROM:

Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:

Meir Izhak Ben
720 Milton Road
Unit 4BW
Rye NY 10580

FEES:

Postage	0.39
Certified Fee	2.40
Return Receipt	1.85
Restricted	
Priority	

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1397 87

FROM:

Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:

Ricardo Mosquera
Unit 2-8
184 Purchase Street
Rye NY 10580

FEES:

Postage	0.39
Certified Fee	2.40
Return Receipt	1.85
Restricted	
Priority	

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1397 70

FROM:

Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:

Hector J & Rita Morales
23 Lincoln Avenue
Rye Brook NY 10573

FEES:

Postage	0.39
Certified Fee	2.40
Return Receipt	1.85
Restricted	
Priority	

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1397 63

FROM:

Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:

Kevin Norris
184 Purchase Street
Unit 2-6
Rye NY 10580

FEES:

Postage	0.39
Certified Fee	2.40
Return Receipt	1.85
Restricted	
Priority	

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1397 56

FROM:

Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:

Antonio Braccia
184 Purchase Street
Unit 2-5
Rye NY 10580

FEES:

Postage	0.39
Certified Fee	2.40
Return Receipt	1.85
Restricted	
Priority	

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1397 49

FROM:

Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:

Tsontcho Ianchulev
14 Justin Road
Harrison NY 10528

FEES:

Postage	0.39
Certified Fee	2.40
Return Receipt	1.85
Restricted	
Priority	

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1397 32

FROM:

Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:

John Esposito
Unit 2-3
184 Purchase Street
Rye NY 10580

FEES:

Postage	0.39
Certified Fee	2.40
Return Receipt	1.85
Restricted	
Priority	

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1397 25

FROM:

Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:

Joseph Licare
18 Loewen Court
Unit 2-1
Rye NY 10580

FEES:

Postage	0.39
Certified Fee	2.40
Return Receipt	1.85
Restricted	
Priority	

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1397 01

FROM:

Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:

184 Purchase St Assoc LLC
18 Ridge Street
c/o Toc Services Inc
Cos Cob CT 06807

FEES:

Postage	0.39
Certified Fee	2.40
Return Receipt	1.85
Restricted	
Priority	

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1396 88

FROM:

Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:

Maria Louisa Volpe
31 Geneva Road
W Norwalk CT 06850

FEES:

Postage	0.39
Certified Fee	2.40
Return Receipt	1.85
Restricted	
Priority	

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1396 95

FROM:

Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:

Verizon New York Inc.
PO Box 2749
c/o Duff & Phelps
Addison TX 75001

FEES:

Postage	0.39
Certified Fee	2.40
Return Receipt	1.85
Restricted	
Priority	

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1396 71

FROM:

Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:

Robert A Finkelstein
4 Sylvia Way
Unit 8
Purdys NY 10578

FEES:

Postage	0.39
Certified Fee	2.40
Return Receipt	1.85
Restricted	
Priority	

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1396 64

FROM:

Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:

Meemo Maasik
181 Purchase Street
Unit 7
Rye NY 10580

FEES:

Postage	0.39
Certified Fee	2.40
Return Receipt	1.85
Restricted	
Priority	

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1399 30

FROM:
Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:
193 Purchase Street LLC
32 Overlook Place
Rye NY 10580

FEES:
Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted
Priority

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1399 16

FROM:
Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:
Ari R. Jacobson
17 Purdy Avenue- Suite 201
c/o Me & The Boys Realty
Rye NY 10580

FEES:
Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted
Priority

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1399 23

FROM:
Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:
Amy Corradi
40 Grand Boulevard
Valhalla NY 10595

FEES:
Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted
Priority

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1398 93

FROM:
Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:
Cosmo Micalone
18 Hilltop Drive
Portchester NY 10573

FEES:
Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted
Priority

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1399 09

FROM:
Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:
Peter Fox
18 York Avenue
Unit 1-8
Rye NY 10580

FEES:
Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted
Priority

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1395 96

FROM:
Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:
Robert J Blake Jr
24 Scott Circle
Purchase NY 10577

FEES:
Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted
Priority

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1395 89

FROM:
Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:
Luckhardt Lucy Trust
181 Purchase Street
Unit 19
Rye NY 10580

FEES:
Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted
Priority

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1395 72

FROM:
Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:
Jeremy Burton
181 Purchase Street
Unit 18
Rye NY 10580

FEES:
Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted
Priority

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1395 65

FROM:
Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:
Dionisio Re LLC
19 Ralph Avenue
White Plains NY 10606

FEES:
Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted
Priority

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1395 58

FROM:
Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:
Roman Robyn D &
Unit 16
2949 Mead Street
Yorktown Heights NY 10598

FEES:
Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted
Priority

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1396 40

FROM:
Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:
Ellen Grabowicz
c/o Beverly Dubs
26 Mayberry Road
Chappaqua NY 10514

FEES:
Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted
Priority

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1396 25

FROM:
Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:
Marco Lopez
181 Purchase Street
Unit B
Rye NY 10580

FEES:
Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted
Priority

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1396 02

FROM:
Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:
John M Kratky III & Valerie Vier
3415 Holt Lane
Vero Beach FL 32963

FEES:
Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted
Priority

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1396 19

FROM:
Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:
John Tino
26 Village Green
Bedford NY 10506

FEES:
Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted
Priority

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1396 33

FROM:
Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:
181 Purchase St Realty
27 Mount Holly Drive
Rye NY 10580

FEES:
Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted
Priority

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1400 42

FROM:
Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:
Joseph Guglielmo & Michael & Jus
38 New Street
Rye NY 10580

FEES:
Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted
Priority

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1400 35

FROM:
Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:
Raul Bello
36 New Street
Rye NY 10580

FEES:
Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted
Priority

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1400 80

FROM:
Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:
Earl J Ferguson
49 Cedar Street
Rye NY 10580

FEES:
Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted
Priority

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1400 73

FROM:
Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:
Michael S Tanney
P O Box 528
Purchase NY 10577

FEES:
Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted
Priority

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1400 66

FROM:
Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:
Antonio Jeraci
Suzie Shewnarain
42 New Street
Rye NY 10580

FEES:
Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted
Priority

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1401 03

FROM:
Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:
Nicholas Szczerba Jr
Matthew Unterhatter
54 New Street
Rye NY 10580

FEES:
Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted
Priority

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1401 27

FROM:
Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:
ALPHA5MK LLC
150 Purchase Street
Rye NY 10580

FEES:
Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted
Priority

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1400 97

FROM:
Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:
John & Maria Rodriguez
245 Purchase Street
Rye NY 10580

FEES:
Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted
Priority

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1401 10

FROM:
Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:
131-151 Purchase St Investors LL
42 Oak Avenue, 3rd Floor
Tuckahoe NY 10707

FEES:
Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted
Priority

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1401 41

FROM:
Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:
ALPHA5MK LLC
150 Purchase St- Ste 11
Attn: Peter Kosann
Rye NY 10580

FEES:
Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted
Priority

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1398 79

FROM:
Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:
Alan D Fine
Unit 1-6
184 Purchase Street
Rye NY 10580

FEES:
Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted
Priority

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1398 86

FROM:
Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:
Ryan Gold
184 Purchase Street
Unit 1-7
Rye NY 10580

FEES:
Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted
Priority

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1398 48

FROM:
Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:
Naida Culqui
Unit 1-4
184 Purchase Street
Rye NY 10580

FEES:
Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted
Priority

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1398 55

FROM:
Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:
Francesco & Susan Storino
184 Purchase Street 1.5
Rye NY 10580

FEES:
Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted
Priority

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1398 62

FROM:
Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:
Oriana J Troisi
Unit 1-5
184 Purchase Street
Rye NY 10580

FEES:
Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted
Priority

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1393 98

FROM:

Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:

150 Purchase LLC
Suite #1
11 Fox Hollow Lane
Cos Cob CT 06807

FEES:

Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted
Priority

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1394 04

FROM:

Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:

ALPHA5MK LLC
Suite 11
150 Purchase Street
Rye NY 10580

FEES:

Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted
Priority

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1394 42

FROM:

Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:

Aldo Vitagliano & Debra Santini
150 Purchase Street
Rye NY 10580

FEES:

Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted
Priority

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1394 35

FROM:

Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:

Kalkut Realty LLC
14 Hook Road
Rye NY 10580

FEES:

Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted
Priority

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1394 11

FROM:

Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:

150 Purchase Street LLC
150 Purchase Street Unit 3
Rye NY 10580

FEES:

Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted
Priority

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1399 54

FROM:

Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:

William & Diane Moran
20 Natoma Street
Rye NY 10580

FEES:

Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted
Priority

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1399 47

FROM:

Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:

2 Natoma St LLC
32 Overlook Place
Rye NY 10580

FEES:

Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted
Priority

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1399 61

FROM:

Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:

Kevin C & Sharon E Baine
201 Purchase Street
Rye NY 10580

FEES:

Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted
Priority

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1399 78

FROM:

Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:

Philip J Cicchiello
203 Purchase Street
Rye NY 10580

FEES:

Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted
Priority

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1399 65

FROM:

Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:

John N Del Bello Jr
580 Flintlock Road
Southport CT 06890

FEES:

Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted
Priority

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1400 59

FROM:

Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:

John & Kathleen Wood
40 New Street
Rye NY 10580

FEES:

Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted
Priority

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1400 28

FROM:

Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:

STA Professional Building
33 Cedar Street
Rye NY 10580

FEES:

Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted
Priority

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1400 11

FROM:

Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:

Wappanocca Manor Inc
c/o Ronald G Harris
PO Box 560
Southport CT 06890

FEES:

Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted
Priority

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1399 92

FROM:

Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:

Purchase Street Tenants
c/o Garthchester Realty
209 Garth Road
Scarsdale NY 10583

FEES:

Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted
Priority

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT
9214 7944 6683 1300 1400 04

FROM:

Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:

Michael & Maria Mastrogiacom
464 Milton Road
Rye NY 10580

FEES:

Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted
Priority

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT

214 7944 6683 1300 1396 57

FROM:

Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:

Robert Finkelstein
4 Sylvia Way
Unit 5
Purdys NY 10578

FEES:

Postage	0.39
Certified Fee	2.40
Return Receipt	1.85
Restricted	
Priority	

TOTAL \$ 4.64
POSTMARK OR DATE

RECEIPT

214 7944 6683 1300 1397 18

FROM:

Snyder & Snyder, LLP
RE: NY- Rye VZCO

DP:
PB:

SEND TO:

Tracy M Miller
Unit L-1
184 Purchase Street
Rye NY 10580

FEES:

Postage	0.39
Certified Fee	2.40
Return Receipt	1.85
Restricted	
Priority	

TOTAL \$ 4.64
POSTMARK OR DATE

AFFIDAVIT OF POSTING

State of New York)
)
County of Westchester) ss:

Gabrielle Ferrezza, being duly sworn, deposes and says that she is over eighteen years of age and works at 94 White Plains Road, Tarrytown, in the State of New York; that she is a paralegal at Snyder & Snyder, LLP the attorney for New York SMSA Limited Partnership d/b/a Verizon Wireless regarding the proposed public utility wireless telecommunications facility located at 182 Purchase Street, Rye, New York. That on September 10, 2019, she posted notice at the 182 Purchase Street, Rye, New York property. A photograph of the sign has been attached hereto.



Gabrielle Ferrezza

Sworn to and subscribed before me
this 10th day of September 2019



NOTARY PUBLIC

David James Kenny
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02KE6343903
Qualified in Westchester County
Commission Expires June 20, 2020

David James Kenny
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02KE6343903
Qualified in Westchester County
Commission Expires June 20, 2020

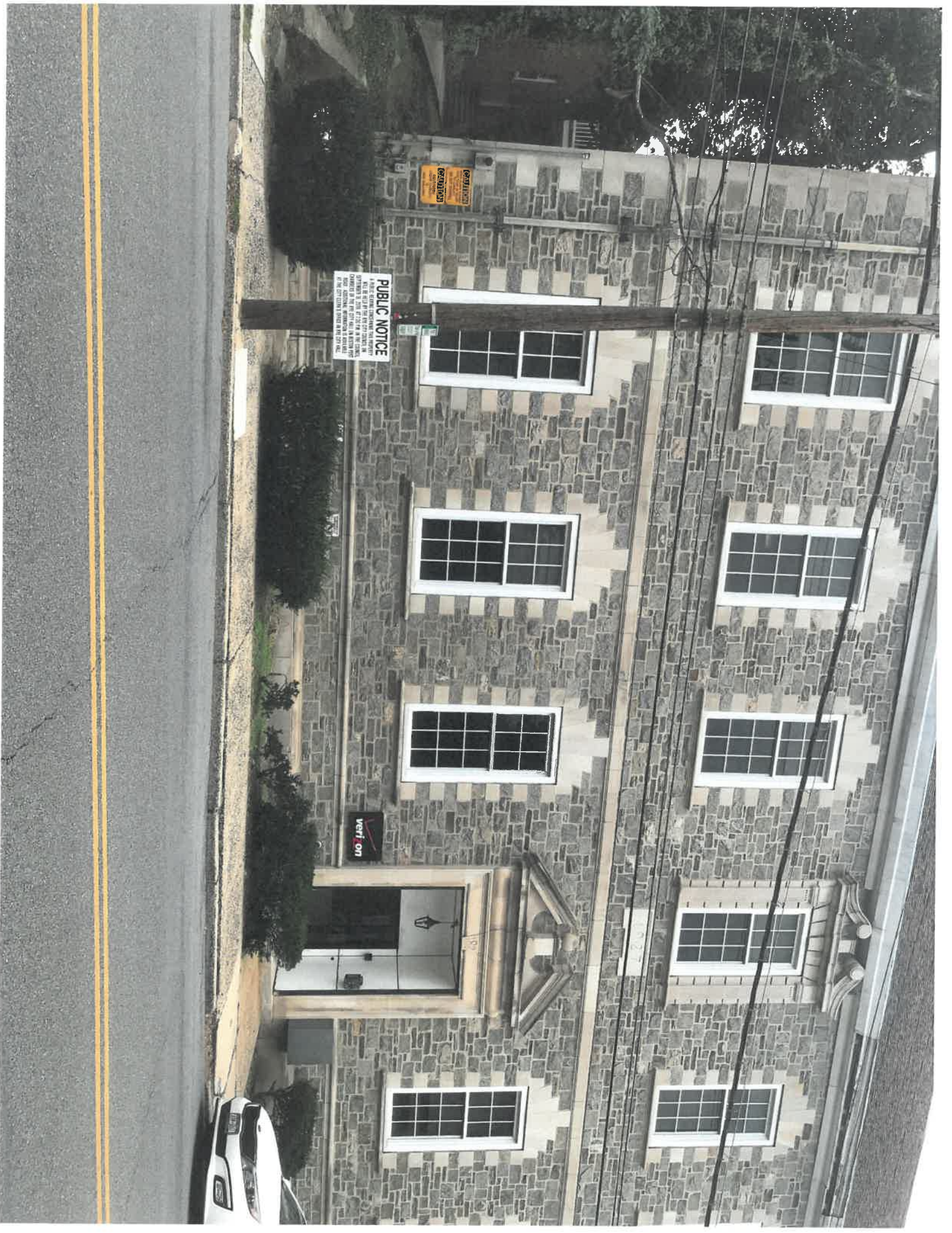
CAUTION
WHEN ALARM SOUNDS
FUEL TANK IS FILLED
TO CAPACITY
DO NOT OVERFILL

CAUTION
MAXIMUM
LIQUID CAPACITY
IS
900 GALLONS

1 HR
PARKING
7AM-6PM
EXCEPT
SUNDAY

PUBLIC NOTICE

A PUBLIC HEARING CONCERNING THIS PROPERTY
WILL BE HELD BY THE RYE CITY COUNCIL ON
SEPTEMBER 18, 2019, AT 7:30 P.M. IN THE COUNCIL
CHAMBERS OF THE RYE CITY HALL ON BOSTON POST
ROAD. ADDITIONAL INFORMATION IS AVAILABLE
AT THE CITY CLERK'S OFFICE IN RYE CITY HALL.



PUBLIC NOTICE
A public hearing will be held on the proposed development of the property located at 227 N. 1st St., in the City of...
The hearing will be held on the 15th day of... at 7:00 PM...
The public is invited to attend the hearing and to express their views on the proposed development.

Verizon

227



CITY COUNCIL AGENDA

NO.

DEPT.: Finance

DATE: August 8, 2019

CONTACT: Joe Fazzino, Comptroller

AGENDA ITEM: Update the City Financial Goals and Policies to increase unreserved fund balance in the General Fund to 10% of operating expenditures from the existing requirement of 5% of operating expenditures.

FOR THE MEETING OF:

September 18, 2019

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the City Council approve this change to the financial policy.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: The additional reserves would protect taxpayers and City employees from unexpected changes in financial condition or shortfalls related to unpredicted one-time expenditures. The proposed increase is also in keeping with the Government Finance Officers Association's ("GFOA") Best Practice Guidelines for Fund Balance.

See attached proposed Fund Balance policy and recommendation from Capital Markets Advisors, LLC.

**CITY OF RYE, NEW YORK
FUND BALANCE POLICY
GENERAL FUND**

- 1. The City will maintain an unassigned fund balance in the General Fund equal to 10% of operating expenditures as presented in the most recent audited financial statements of the City.**
- 2. The City Council may appropriate funds from unassigned fund balance pursuant to a resolution of the City Council, approved by a simple majority of the members (four) of the City Council.**
- 3. If the use of fund balance causes the unassigned fund balance levels to fall below 10%, the City will replenish these balances through the budgetary process over a period of three years.**
- 4. If the amount of unassigned fund balance in the General Fund, exceeds 10% of the most recent audited operating expenditures, the excess amount shall be appropriated for capital expenditures or to fund liabilities that are on the balance sheet.**



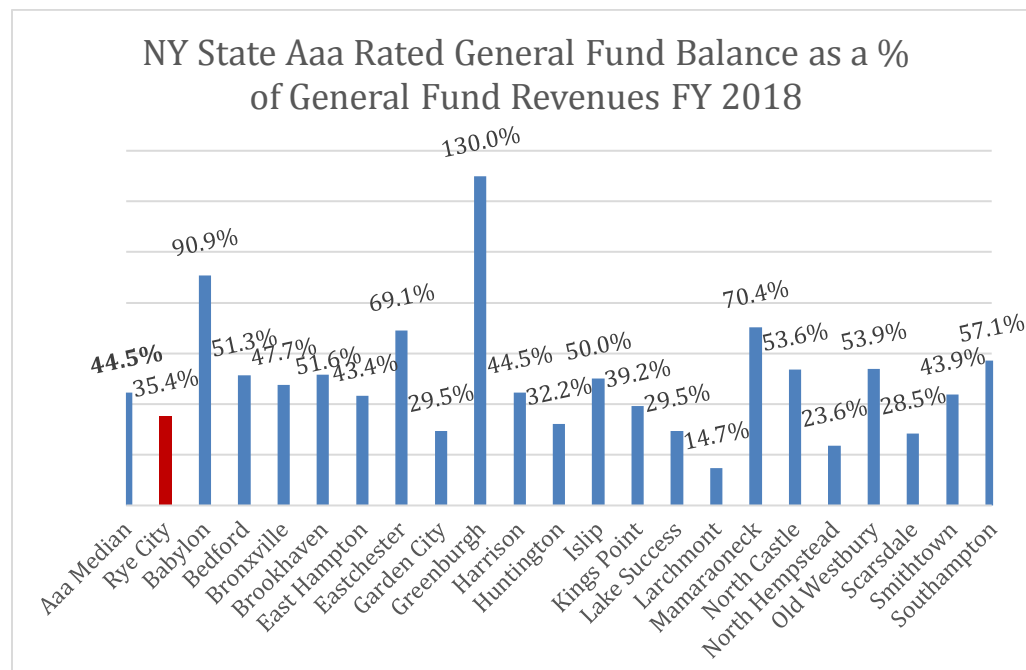
11 Grace Avenue, Suite 308
Great Neck, New York 11021
Phone: 516-487-9815
rtortora@capmark.org

To: Marcus Serrano
Joe Fazzino
From: Richard Tortora
Diana Castaneda
Re: Proposed Change to Fund Balance Policy
Date: September 9, 2019

At your request, Capital Markets Advisors, LLC ("CMA") has reviewed the proposed changes to the supports City of Fund balance policy of the City of Rye. Our comments are as follows.

CMA supports the City's proposal to increase unreserved fund balance in the General Fund to 10% of operating expenditures from the existing requirement of 5% of operating expenditures. The additional reserves would protect taxpayers and City employees from unexpected changes in financial condition or shortfalls related to unpredicted one-time expenditures. Unexpected expenditures could include expenses such as flooding or disaster remediation and delays in the receipt of related state/federal grant disbursements. In the most recent credit report for the City dated May 2019, Moody's Investors Service notes that the City is exposed to above-average exposure to rising sea levels and flooding due to the City's location along the Long Island Sound. The proposed increase is also in keeping with the Government Finance Officers Association's ("GFOA") Best Practice Guidelines for Fund Balance. The GFOA recommends that "the adequacy of unrestricted fund balance in the general fund should take into account each government's own unique circumstances. For example, governments that may be vulnerable to natural disasters, more dependent on a volatile revenue source, or potentially subject to cuts in state aid and/or federal grants may need to maintain a higher level in the unrestricted fund balance."

As of year-end FY 2018, the City of Rye's General Fund Balance as a % of General Fund Revenues is 9% less than the median ratio for Aaa rated credits in New York State. In light of the City's unique environmental concerns, the proposed increase to the General Fund policy is prudent and would bring fund balance levels in line with other Aaa rated peers in New York State.





CITY COUNCIL AGENDA

NO. DEPT.: City Manager DATE: September 12, 2019
CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Resolution to amend the 2019 Adopted Fees and Charges for the Boat Basin to increase winter storage fees for both in-water and land storage.

FOR THE MEETING OF:

September 18, 2019

RYE CITY CODE:

CHAPTER
SECTION

RECOMMENDATION: That the Council amend the 2019 Adopted Fees and Charges for the Boat Basin Enterprise Fund.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: The Boat Basin Commission is requesting that the City Council amend the following 2019 Adopted Fees and Charges for the Boat Basin Enterprise Fund:

- Resident Land Storage from \$32 per foot to \$35 per foot
- Non-resident Land Storage from \$44 per foot to \$47 per foot
- Resident In-Water Storage from \$37 per foot to \$40 per foot
- Non-resident In-Water Storage from \$51 per foot to \$54 per foot

This revenue increase will help support the longevity of the Boat Basin.

See attached memo from the Boat Manager, George Hogben.

To: Marcus Serrano, City Manager

From: George Hogben

Reference: Winter Storage Fees

Date: 9/11/2019

At the September 4th 2019 Boat Basin Commission Meeting, the Commission voted to increase winter storage fees going into 2019. These fees would apply to the upcoming season for winter storage.

Proposed Winter Storage Fees:

Resident land Storage-\$35.00 per foot (Old fee \$32.00 per foot)

Nonresident land storage \$47.00 per foot (old fee \$44.00 per foot)

Resident in water winter storage \$40.00 per foot (old fee \$37.00 per foot)

Nonresident water winter storage \$54.00 per foot (old fee \$51.00 per foot)



CITY COUNCIL AGENDA

NO. DEPT.: City Manager DATE: September 7, 2019
CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Consideration of setting a public hearing for October 2, 2019 for a T-Mobile application to modify an existing base station that does not substantially change the physical dimensions of such base station and referral of application to the BAR for review and comment.

FOR THE MEETING OF:

September 18, 2019

RYE CITY CODE,

CHAPTER
SECTION

RECOMMENDATION: That the City Council set the public hearing.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: See attached application.

LAW OFFICES OF
SNYDER & SNYDER, LLP

94 WHITE PLAINS ROAD
TARRYTOWN, NEW YORK 10591

(914) 333-0700

FAX (914) 333-0743

WRITER'S E-MAIL ADDRESS

e-mail to RGaudioso@Snyderlaw.net

NEW YORK OFFICE
445 PARK AVENUE, 9TH FLOOR
NEW YORK, NEW YORK 10022
(212) 749-1448
FAX (212) 932-2693

LESLIE J. SNYDER
ROBERT D. GAUDIOSO

DAVID L. SNYDER
(1956-2012)

NEW JERSEY OFFICE
ONE GATEWAY CENTER, SUITE 2600
NEWARK, NEW JERSEY 07102
(973) 824-9772
FAX (973) 824-9774

REPLY TO:

Tarrytown Office

August 5, 2019

Hon. Mayor Josh Cohn and
Councilmembers of the City Council
City of Rye
1051 Boston Post Road
Rye, New York 10580



Re: **Eligible Facilities Request**
T-Mobile Northeast, LLC
350 Theodore Fremd Ave. City of Rye, New York

Dear Hon. Mayor Cohn and
City Councilmembers:

We represent T-Mobile Northeast LLC ("T-Mobile") in connection with the Eligible Facilities Request ("EFR") previously filed on April 24, 2019, to modify an existing base station ("Existing Facility") that does not substantially change the physical dimensions of such base station pursuant to Section 6409 (codified as 47 U.S.C.S. 1455(a)) of the Middle Class Tax Relief and Job Creation Act of 2012 ("Tax Relief Act"), and its implementing regulation 47 C.F.R. §1.6100 (a copy of which is attached hereto).

Section 6409 of the Tax Relief Act requires the City to grant T-Mobile's request to modify an existing base station so long as T-Mobile's proposed collocation does not substantially change the physical dimensions of such base station. The legislative history for Section 6409 clearly establishes the intent of Congress. "Section 6409. This section streamlines the process for siting of wireless facilities by *preempting the ability of State and local authorities to delay collocation of, removal of, and replacement of wireless equipment* (emphasis added)." 158 Cong. Rec. E237-39 (daily ed. February 24, 2012) (statement of Rep. Fred Upton). On October 17, 2014, the Federal Communications Commission adopted the Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies order ("FCC Order") further implementing Section 6409 of the Tax Relief Act. Under the FCC Order, municipalities shall approve an eligible facilities request within 60 days of receiving the application or the request will be deemed granted.

As set forth in the materials submitted herewith, T-Mobile's request involves the collocation of transmission equipment and does not substantially change the physical dimensions of the existing base station.

T-Mobile's proposed modification includes the installation of three new antennas (one per sector), the removal of one antenna from the beta sector, and installing related equipment on the rooftop of the existing building ("Existing Building"), at the above referenced property ("Property"). Pursuant to federal law, there will be no "substantial change" to the physical dimensions of the base station for the following reasons. **First**, the proposed antennas will not increase the height of the Existing Facility by more than 10 feet in accordance with 47 C.F.R. § 1.6100(b)(7)(i). **Second**, the proposed antennas will not protrude from the edge of the Existing Facility by more than 6 feet in accordance with 47 C.F.R. § 1.6100(b)(7)(ii). **Third**, the number of equipment cabinets will not be increased by more than four (4) in accordance with 47 C.F.R. § 1.6100(b)(7)(iii). **Fourth**, the proposed installation will be on the Existing Facility and there will be no excavation or deployment outside of the existing base station's current site in accordance with 47 C.F.R. § 1.6100(b)(7)(iv). **Fifth**, the proposed work will not defeat any concealment elements of the existing base station in accordance with 47 C.F.R. § 1.6100(b)(7)(v). **Sixth**, the proposed work will not violate any prior conditions of approval for the existing base station in accordance with 47 C.F.R. § 1.6100(b)(7)(vi).

Please note that, in accordance with 47 C.F.R. § 1.6100(c)(1), an EFR application is to only include materials and information reasonably related to determining if the proposed modification meets the requirements contained in the Tax Relief Act's implementing regulations. See 47 C.F.R. § 1.6100(c)(1). The City's Code in § 196-5(F)(3) states that an EFR application must include all of the information required in § 196-6(V). Section 196-6(V) of the City's Code states the following "[t]o the extent applicable, every applicant for an **eligible facility permit** shall comply with § 196A [sic *intended 196-6(A)*] through D, E(1) through (8), (10), (11) through (14), (18) through (21), (24), (25), G through J, N, O, Q, and R." Therefore in accordance with 47 C.F.R. § 1.6100(c)(1), T-Mobile respectfully requests a waiver from all application requirements contained in Section 196-6(V) that are not reasonably related to determining if T-Mobile's modification is an EFR.

More specifically T-Mobile respectfully requests the following waivers from the application requirements contained in § 196-6(V) of the City's Code:

1. Section 196-6(E)(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 nonmotorized vehicle pathways and crosswalks, and the location in relation to driveways on the same right-of-way and within 750 feet.*" As this is for a modification of an existing installation on a rooftop, and will not affect any rights-of-way, a waiver is respectfully requested from this code section.
2. Section 196-6(E)(7): "*Location of all residential structures within 750 feet.*" As this application involves the modification of an existing rooftop facility, and that this information is not reasonably related to the review of an EFR application, a waiver is respectfully requested from this code section.

3. Section 196-6(E)(8): *"Location of all habitable structures within 750 feet."* As this application involves the modification of an existing rooftop facility, and that this information is not reasonably related to the review of an EFR application, a waiver is respectfully requested from this code section.
4. Section 196-6(E)(11): *"Type, size and location of all proposed and existing landscaping."* As this application involves a modification of an existing rooftop facility, a waiver is respectfully requested from this code section.
5. Section 196-6(E)(19): *"The applicant's proposed wireless telecommunications facility maintenance and inspection procedures and related system of records."* As this is an application that does not involve a tower, and a Compliance Statement regarding maintenance of the Facility will be submitted, a waiver from this code section is respectfully requested. However please note that this Facility will be routinely inspected by an on-site technician on an approximately monthly basis, and the Facility is also remotely monitored at all times.
6. Section 196-6(E)(20): *"A copy of the FCC license applicable for the use of the wireless telecommunications 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 telecommunications facility are authorized to place the facilities at the location proposed."* As this is a modification to an existing facility, and that T-Mobile is a FCC licensed provider of personal wireless services, a waiver from this code section is respectfully requested.
7. Section 196-6(E)(25): *"Information relating to the expected useful life of the proposed wireless telecommunications facility."* As this Facility is part of an ever evolving telecommunications network, it is extremely difficult to provide the information requested. Also as this is a modification to an Existing Facility and this information is not reasonably related to an EFR review, a waiver from this code section is respectfully requested.
8. Section 196-6(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 preapplication meetings with the City Council to address the scope of the required visual assessment."* As this application meets the EFR requirements and is a modification of a rooftop facility, the proposed modification is a Type II action in accordance with 6 CRR-NY 617.5(c)(19), and does not require SEQRA review. Therefore a waiver from this code section is respectfully requested.
9. Section 196-(6)(J): *"A visual impact assessment shall be provided with each application..."* As this is an EFR application for the modification of an existing rooftop facility, a waiver from this code section is respectfully requested. However T-Mobile has provided site photos, to help in the City's review of this EFR application.

10. Section 196-(6)(R): *"If the applicant is proposing the construction of a tower or installation on an existing tower or building, the applicant shall examine the feasibility of designing a multicarrier use to extent practicable...."* The structural report submitted to the City shows that the impact of the telecommunications equipment on the building is minimal, and should another carrier decide to collocate on the same rooftop, that carrier would have to produce its own structural report at that time. Therefore a waiver from this code section is respectfully requested.

Please note that this EFR application was filed with the City on April 24, 2019 and that the 60 day review period has been exceeded. See 47 C.F.R. § 1.6100(c). Nevertheless, in furtherance of the foregoing, and without waiving any rights, please find enclosed herewith 10 copies of the following materials:

1. Building Permit Application Form;
2. Site Photos;
3. Structural Report certifying the Existing Building has sufficient capacity to withstand the proposed modification; and
4. Plans certifying the proposed collocation will not create a substantial change to the Existing Facility.

Thank you for your consideration of this Eligible Facilities Request, we look forward to discussing this matter with the City Council at their August 7, 2019 meeting. Please contact my office when the permit for T-Mobile's EFR application has been approved.

Respectfully submitted,
SNYDER & SNYDER, LLP

By: 

Robert D. Gaudio

Enclosures

cc: Applicant

Z:\SSDATA\WPDATA\SS3\RDG\T-Mobile\Rye, City of\03-752 2019\City Council Filing Cover Letter.rtf

§ 1.6100 Wireless Facility Modifications., 47 C.F.R. § 1.6100

Code of Federal Regulations
Title 47. Telecommunication
Chapter I. Federal Communications Commission (Refs & Annos)
Subchapter A. General
Part 1. Practice and Procedure (Refs & Annos)
Subpart U. State and Local Government Regulation of the Placement, Construction, and Modification of Personal Wireless Service Facilities (Refs & Annos)

47 C.F.R. § 1.6100

§ 1.6100 Wireless Facility Modifications.

Effective: January 14, 2019

Currentness

(a) [Reserved by 83 FR 51886]

(b) Definitions. Terms used in this section have the following meanings.

(1) Base station. A structure or equipment at a fixed location that enables Commission-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this subpart or any equipment associated with a tower.

(i) The term includes, but is not limited to, 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.

(ii) The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).

(iii) The term includes any structure other than a tower that, at the time the relevant application is filed with the State or local government under this section, supports or houses equipment described in paragraphs (b)(1)(i) through (ii) of this section that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

§ 1.6100 Wireless Facility Modifications., 47 C.F.R. § 1.6100

(iv) The term does not include any structure that, at the time the relevant application is filed with the State or local government under this section, does not support or house equipment described in paragraphs (b)(1)(i)-(ii) of this section.

(2) Collocation. The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

(3) Eligible facilities request. Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

(i) Collocation of new transmission equipment;

(ii) Removal of transmission equipment; or

(iii) Replacement of transmission equipment.

(4) Eligible support structure. Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the State or local government under this section.

(5) Existing. A constructed tower or base station is existing for purposes of this section if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

(6) Site. For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

(7) Substantial change. A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

(i) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;

§ 1.6100 Wireless Facility Modifications., 47 C.F.R. § 1.6100

(A) Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.

(ii) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

(iii) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

(iv) It entails any excavation or deployment outside the current site;

(v) It would defeat the concealment elements of the eligible support structure; or

(vi) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in § 1.40001(b)(7)(i) through (iv).

(8) Transmission equipment. Equipment that facilitates transmission for any Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with 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.

(9) Tower. Any structure built for the sole or primary purpose of supporting any Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for 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.

(c) Review of applications. A State or local government may not deny and shall approve any eligible facilities request for modification of an eligible support structure that does not substantially change the physical dimensions of such structure.

§ 1.6100 Wireless Facility Modifications., 47 C.F.R. § 1.6100

(1) Documentation requirement for review. When an applicant asserts in writing that a request for modification is covered by this section, a State or local government may require the applicant to provide documentation or information only to the extent reasonably related to determining whether the request meets the requirements of this section. A State or local government may not require an applicant to submit any other documentation, including but not limited to documentation intended to illustrate the need for such wireless facilities or to justify the business decision to modify such wireless facilities.

(2) Timeframe for review. Within 60 days of the date on which an applicant submits a request seeking approval under this section, the State or local government shall approve the application unless it determines that the application is not covered by this section.

(3) Tolling of the timeframe for review. The 60-day period begins to run when the application is filed, and may be tolled only by mutual agreement or in cases where the reviewing State or local government determines that the application is incomplete. The timeframe for review is not tolled by a moratorium on the review of applications.

(i) To toll the timeframe for incompleteness, the reviewing State or local government must provide written notice to the applicant within 30 days of receipt of the application, clearly and specifically delineating all missing documents or information. Such delineated information is limited to documents or information meeting the standard under paragraph (c)(1) of this section.

(ii) The timeframe for review begins running again when the applicant makes a supplemental submission in response to the State or local government's notice of incompleteness.

(iii) Following a supplemental submission, the State or local government will have 10 days to notify the applicant that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this paragraph (c)(3). Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

(4) Failure to act. In the event the reviewing State or local government fails to approve or deny a request seeking approval under this section within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the applicable reviewing authority in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

(5) Remedies. Applicants and reviewing authorities may bring claims related to Section 6409(a) to any court of competent jurisdiction.

§ 1.6100 Wireless Facility Modifications., 47 C.F.R. § 1.6100

Credits

[80 FR 28203, May 18, 2015; 83 FR 51886, Oct. 15, 2018]

AUTHORITY: 47 U.S.C. chs. 2, 5, 9, 13; Sec. 102(c), Div. P, Public Law 115–141, 132 Stat. 1084; 28 U.S.C. 2461, unless otherwise noted.

Notes of Decisions (1)

Current through Jan. 17, 2019; 84 FR 125.

End of Document

2019 Thomson Reuters. No claim to original U.S. Government Works.



Building Permit Application

City of Rye, New York Building Department

1051 Boston Post Road, Rye, New York 10580

Phone: (914) 967-7372 Fax: (914) 967-7185

www.ryenv.gov

Permit Type (Check Applicable Box):

☐ Exterior

Value of Improvement \$10,000

☒ Other (Describe): Cell Site

Note: All Exterior Building Permits Require Board of Architectural Review Approval.

A. Property Information:

Street Address:

350 Theodore Fremd Avenue

City:

Rye

State: NY Zip: 10580

Property Area (Acres):

Tax Map Designation:

Sheet: 1

Block: 1

Lot(s): 62.2

Zoning District:

Flood Insurance Zone:

B. Property Owner:

Name:

Fremd Realty LLC

Address:

90 Joseph Lorusso, 27 Nursery Lane

City:

Rye

State:

NY

Zip: 10580

Phone:


914-967-1117

Email:

info@lorussoconstruction.com

C. Signatures

By signing this application, the applicant attests that to the best of his or her knowledge all information provided herein is accurate and truthful. The signature of the applicant and owner also grants consent to having any City Staff or City Board or Commission members responsible for of the review or approval of this application(s) to enter the property of the subject application.


Applicant Signature

3-14-19
Date


Property Owner Signature

2/7/2019
Date

amagliocco
Notary Public

3-14-19
Date

ANDREA MAGLIOCCO
NOTARY PUBLIC OF NEW JERSEY
Comm. # 2395782
My Commission Expires 4/22/2020

Rev Dec. 2016



Building Permit Application

City of Rye, New York Building Department

Page 2 of 2

D. Applicant/Representative: (If Applicant is not owner, Property owner signature is required).

Name: Tia Henry on behalf of T-Mobile / SmartLink LLC.
Address: 4 Sylvan Way
City: Parsippany State: N.J Zip: 07054
Phone: 551-265-7830 Email: Tia.Henry@SmartLinkLLC.com

E. Contractor:

Name: Ironbo Inc.
Address: 197 Firenze Street
City: Northvale State: N.J Zip: 07647
Phone: 201-852-2298 Email: ~~bill@ironbo.com~~ bill@ironbo.com
Westchester County License #: WC-27146-114
Insurance Carrier: _____

NOTE: Please attach hereto, contractors insurance, (naming the city of rye as certificate holder and additionally insured) including liability and Form NYS C105 workers compensation (NYS 105) (or a signed New York State compensation waiver).

F. Project Description: (Please briefly describe the proposed project).

Install one (1) Antenna per sector and removing one (1) Antenna in Beta Sector on the existing Building rooftop.

G. Regulatory Compliance

1. Will the proposed project place any fill or a structure within a Flood Zone? ☐ Yes ☒ No
(If yes, Chapter 100, Floodplain Management, may apply)
2. Is a fence or wall proposed as part of the application? ☐ Yes ☒ No
(If yes, Chapter 90, Fences and Walls, may apply)
3. Is the property located within 100 feet of a wetland? ☐ Yes ☒ No
(If yes, Chapter 195, Wetlands and Watercourses, may apply)
4. Is work proposed within a City right-of-way? ☐ Yes ☒ No
(If yes, Chapter 167, Streets and Sidewalks, may apply)
5. Is the proposed activity located within a designated preservation area? ☐ Yes ☒ No
(If yes, Chapter 117, Landmarks Preservation, may apply)
6. Is any land disturbing activity proposed? ☐ Yes ☒ No
(If yes, Chapter 173, Surface Water, Erosion and Sediment Control, may apply)

Rev Dec. 2016



Engineering Review Application

City of Rye, New York Engineering Department

1051 Boston Post Road, Rye, New York 10580

Phone 914.967.7676

Fax 914.967.7185

www.ryeny.gov

Section I. Applicant Information

Job Address 350 Theodore Fremd Ave, Rye, N.Y 10580
Description of work Install one Antenna, Removing one Antenna.
Contractor Ironbo, Inc. Owner Fremd Realty LLC.
Address 197 Firenze Street Address 27 Nursery Lane
City/State/Zip Northvale, NJ 07647 City/State/Zip Rye, N.Y 10580
Phone 201-852-2298 Phone 914-967-1117
Fax _____ Fax _____

Section II. Application Requirements and Conditions

- A. Drawings must be submitted for all applications (2 COPIES)
- B. Drawing scale must be at least 1" = 30'
- C. Street name and house number must be clearly identified.
- D. If applicable, location, size, and type of trees on property shall be shown on drawing.
- E. Location of any trees in the Right-of-Way AND any trees to be removed must be shown.
- F. All work must be in accordance with the New York State Stormwater Management Design Manual.
- G. All driveway work must comply with the City of Rye Code section 197-30.
- H. Existing and Proposed Contours shall be provided if required by the City Engineer.

Section III. Construction Requirements and Conditions

- A. Erosion control measures must be properly installed, maintained and inspected around the work site.
- B. Construction entrances must be properly maintained so that dirt and debris is not deposited on the street.
- C. Exposed areas must be stabilized as soon as land alterations are completed.
- D. Any underground piping or structures must be inspected prior to backfilling.
- E. 24 hour notice is required for any inspection.

Section IV. Storm Drain Connection

Will a connection to the Storm Drain be made?

Yes (Right of Way Permit must be filed.) No (Proceed to Section V.)

Section V. Signature

I hereby certify that I am duly authorized to file this application; that all statements contained in this application are true to the best of my knowledge and belief; and that the work will be performed in the manner set forth in the application, plans and specifications filed herewith in compliance with the applicable laws, ordinances, codes, rules, regulations and directives of the City of Rye. The plans and specifications have been prepared so as to include all necessary data to show compliance with the State, County, and City of Rye regulations. The undersigned understands that the filing of this application amounts to the written consent to all necessary inspection by the Engineering Department in connection with this application.

Applicant

Tia Henry

Date 3-14-19

Real Estate

Applicant (print)

Tia Henry

Title Specialist





FRONT VIEW



SIDE VIEW



REAR VIEW



WORK LOCATION

COM EX Engineering of NY

Com-Ex Engineering of NY • 309 Bailey Road, Purling, NY 12470
Com-Ex Engineering of NY PLLC, State of NY Certificate of Authorization #27-3179723

January 14th, 2018

Smartlink
14 Walsh Drive, Suite 302
4 Sylvan Way N
Parsippany, NJ 07054

SUBJECT: Site ID: WE03752B (350 THEODORE FREMD)
Structural Evaluation of Antenna Mounts
350 Theodore Fremd Ave, Rye, NY 10580 (Westchester County)
Com-Ex Project Number 18199-SMA

To whom it may concern:

In accordance with your request, Com-Ex Engineering of NY, PLLC (Com-Ex) evaluated the structural impact of replacing (1) APX16DWV-16DWV-S-E-A20 in Beta sector, and adding one (1) APXVAARR24_43-U-NA20 antenna in Alpha and Gamma, and one (1) 4449 B71+B12 RRH per sector.

Com-Ex provided construction drawings dated 01/14/19 for L600 CAPACITY upgrades. This analysis is based on that information.

The roof mounts appear capable of supporting proposed antenna equipment changes. Our analysis indicated that the antenna mounts are at 94.1% of their overall capacity.

The assessment specifically assumes: The mounts and all antenna attachments are in good repair and will be properly maintained. The original design and any previous upgrades were completed as per engineering documentation and manufacturer's requirements and were constructed accordingly. The increase to building structure is minimal, less than 1%; therefore, a building analysis is not required.

Roof information was not available and could not be verified to support additional loading increases. Before ballast weight is adjusted provide structural roof information to COM-EX for review and analysis.

Should you have any question or require additional information, please call me at 862-209-4300.

Sincerely,



Com-Ex Engineering of NY
Nicholas Barile, P.E.
NY License #090133



Com-Ex Engineering of NY • 309 Bailey Road, Purling, NY 12470
Com-Ex Engineering of NY PLLC, State of NY Certificate of Authorization #27-3179723

Attachment A

Proposed Equipment Configuration

Final Alpha Sector Antenna Configuration

Rad Center: 40'-0"

- (2) (E) AIR21_B2A_B4P Antenna
- (1) (N) APXVAARR24_43-U-NA20 Antenna
- (1) (N) 1BX-KRY TMA
- (1) (N) 4449 B71+B12 RRH

Final Beta Sector Antenna Configuration

Rad Center: 47'-5"

- (2) (E) AIR21_B2A_B4P Antenna
- (1) (N) APXVAARR24_43-U-NA20 Antenna
- (1) (N) 1BX-KRY TMA
- (1) (N) 4449 B71+B12 RRH

Final Gamma Sector Antenna Configuration

Rad Center: 40'-0"

- (2) (E) AIR21_B2A_B4P Antenna
- (1) (N) APXVAARR24_43-U-NA20 Antenna
- (1) (N) 1BX-KRY TMA
- (1) (N) 4449 B71+B12 RRH

COM : EX

Engineering of NY

Com-Ex Engineering of NY • 309 Bailey Road, Purling, NY 12470
Com-Ex Engineering of NY PLLC, State of NY Certificate of Authorization #27-3179723

Attachment B

Calculations

Structural Wind Calculations for Antenna Mounts Standards:

TIA EIA 222 Revision G
American Society of Civil Engineers ASCE 7

The following material grades were assumed:

- a) Connection bolts: A325N
- b) Pipe grade: ASTM A53-B-35
- c) Angle grade: ASTM A36
- d) Plate grade: ASTM A36
- e) Channel grade: ASTM A36
- f) Tube grade: ASTM A500 Grade B

Ballast weight:

Front side by Antennas: 94lb

Backside: 426 lb

118MPH NO ICE**Wind Analysis F = $qz \times Gh \times (EPA)$ per TIA-222-G** **$qz = 0.00256 \times Kz \times Kzt \times Kd \times V^2 \times I$**

Vult =

118 mph

Vasd = Vult $\times (0.6^{.5})$ =

91.4 mph

$$Kz = 2.01 (Z/Zg)^{2/\alpha} = 0.850$$

$$Zg = 1200$$

Table 2-4 Exposure B

$$\alpha = 7$$

Table 2-4

$$Z = 47.43$$

$$\text{Terrain Category} = I$$

$$Kzt = (1 + KeKt/Kh)^2 = 1.00$$

for Category I

$$Ke = 0.90$$

Table 2-4

$$Kt = 0.53$$

Table 2-5

$$Kh = e^{(f \cdot Z/H)} = 0.000$$

for H=0

$$f = 2.00$$

Table 2-5

$$H = \text{Height of Crest Surrounding Terrain} = 0.00$$

ft

$$Kz = 0.850$$

$$Kzt = 1.0$$

$$Kd = 0.95$$

$$\text{Importance Factor Table 2-3} = I = 1.0$$

Use Class II

$$V = \text{Velocity (3 sec)} = 91.4$$

mph

$$qz = 0.00256 \times Kz \times Kzt \times Kd \times V^2 \times I = 17.3$$

psf

$$Gh = 1.00$$

$$qz Gh = 17.3 \text{ psf}$$

	Equipment Loading	CaAa (sf)	Wind (psf)	Wind Load (lb)	Weight (lb)
FN1	AIR21_B2A_B4P	5.92	17.3	102.2	83
FN2	APXVAARR24_43-U-NA20	17.14	17.3	296.0	114.7
FN3	1BX-KRY TMA	0.35	17.3	6.0	10.1
FN4	4449 B71+B12	1.68	17.3	29.0	74
FN5					
FN6					
	2" Standard Pipe	0.238	17.3	4.1	
	3" Standard Pipe	0.350	17.3	6.0	
	2-1/2"X2-1/2" Steel Angle	0.4167	17.3	7.2	
FT1	AIR21_B2A_B4P	4.22	17.3	72.9	83
FT2	APXVAARR24_43-U-NA20	8.740	17.3	75.5	114.7
FT3	1BX-KRY TMA	0.160	17.3	2.8	10.9
FT4	4449 B71+B12	1.290	17.3	22.3	74
FT5					
FT6					

1/2" ϕ Anchor Bolt

Pcapacity =	1025 lb
Rz =	426 lb
Capacity = (Rz/1.6)/Pcapacity x 100% =	26.0%

Company/Project: COMEX / 18199-SMA

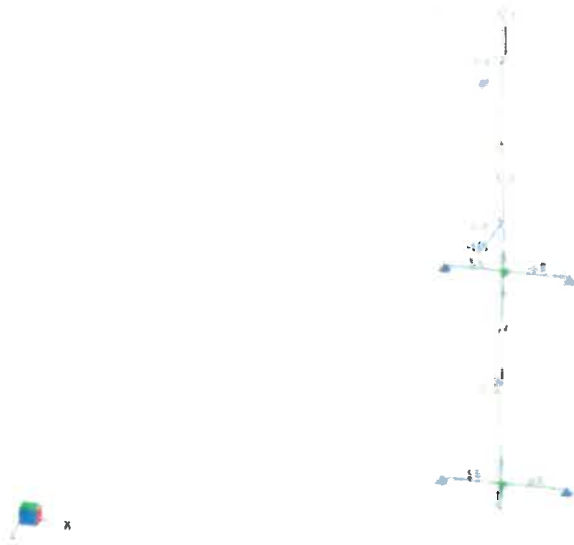
VersaFrame V8.11 (608.0)

Engineer:

Date/Time: 01/11/19 10:40:09

(C) Digital Canal Corp.

LoadComb: [TIA-222-G-2.3.1_0]



Note:

Company/Project: COMEX / 18199-SMA

Engineer:

Date/Time: 01/11/19 10:40:47

VersaFrame V8.11 (608.0)
(C) Digital Canal Corp.

LeadCont: [TIA-222-G-2.3.1_0]



Note:

Company/Project COMEX / 18199-SMA

VersaFrame V8.11 (608.0)
(C) Digital Canal Corp.

Engineer:

Date/Time: 01/11/19 10:40:33

LeadCenter [11A-ZZZ-G-2.3.1_0]



Note:

INPUT Contents

- General:
- Geometry: [Nodes] [Supports]
- Loads: [Point Loads] [Line Loads]

OUTPUT Contents

- Nodal: [Support Reactions]
 - Members:
-

Nodes

Units: Coordinates X, Y, Z [in]

No.	X	Y	Z	No.	X	Y	Z
1	-3.00	-6.00	0.00	2	21.00	-6.00	0.00
3	-3.00	36.00	0.00	4	21.00	36.00	0.00
5	9.00	-6.00	0.00	6	9.00	36.00	0.00
7	9.00	-6.00	3.00	8	9.00	36.00	3.00
9	9.00	90.00	3.00	10	9.00	-10.00	3.00

Supports

Units: Forced Displacements Dx, Dy, Dz [in]; Dox, Doy, Doz [rad]

Node	Flag	Dx	Dy	Dz	Dox	Doy	Doz
1	111000	0.000	0.000	0.000	0.000	0.000	0.000
2	111000	0.000	0.000	0.000	0.000	0.000	0.000
3	111000	0.000	0.000	0.000	0.000	0.000	0.000
4	111000	0.000	0.000	0.000	0.000	0.000	0.000

Point LoadsUnits: Force [lb]; Moment [lb-ft]; Coord-Sys: Local=0, Global=1;
Direction: 0=X, 1=Y, 2=Z, 3=OX, 4=OY, 5=OZ

***** LOAD CASE - Wind *****

Member	Coord-Sys	Direction	Value	Distance
7	1	2	-29.000	0.5
8	1	2	-148.000	0.2
8	1	2	-148.000	0.8

***** LOAD CASE - Dead *****

Member	Coord-Sys	Direction	Value	Distance
7	1	1	-74.000	0.5
8	1	1	-57.400	0.2
8	1	1	-57.400	0.8

***** LOAD CASE - Wind Transverse *****

Member	Coord-Sys	Direction	Value	Distance
7	1	0	22.300	0.5
8	1	0	37.800	0.2
8	1	0	37.800	0.8

Line Loads

Units: Force [lb/ft]; Coord-Sys: Local=0, Global=1; Direction: 0=X, 1=Y, 2=Z

***** LOAD CASE - Wind *****

Member	Coord-Sys	Direction	Value1	Value2	Distance1	Distance2
1	1	2	-5.600	-5.600	0	1
2	1	2	-5.600	-5.600	0	1
3	1	2	-5.600	-5.600	0	1
4	1	2	-5.600	-5.600	0	1
7	1	2	-6.000	-6.000	0	0.2
7	1	2	-6.000	-6.000	0.8	1
8	1	2	-6.000	-6.000	0	0.1
9	1	2	-6.000	-6.000	0	1

***** LOAD CASE - Wind Transverse *****

Member	Coord-Sys	Direction	Value1	Value2	Distance1	Distance2
7	1	0	6.000	6.000	0	1
8	1	0	6.000	6.000	0	1
9	1	0	6.000	6.000	0	1

Support ReactionsUnits: Force Reactions Rx, Ry, Rz [lb]; Moment Reactions Ro_x, Ro_y, Ro_z [lb-ft]**Load Combination 2: TIA-222-G-2.3.1 0**

Node	R _x	R _y	R _z	Ro _x	Ro _y	Ro _z
1	-0.000	-195.098	-115.653	0.000	0.000	0.000
2	-0.000	-195.098	-115.653	0.000	0.000	0.000
3	-0.000	371.397	404.053	0.000	0.000	0.000
4	-0.000	371.397	404.053	0.000	0.000	0.000

Load Combination 3: TIA-222-G-2.3.1 30

Node	R _x	R _y	R _z	Ro _x	Ro _y	Ro _z
1	-1.309	-154.705	-99.745	0.000	0.000	0.000
2	-1.309	-160.086	-97.586	0.000	0.000	0.000
3	-57.851	267.327	334.709	0.000	0.000	0.000
4	-57.851	400.061	362.130	0.000	0.000	0.000

Load Combination 4: TIA-222-G-2.3.1 60

Node	R _x	R _y	R _z	Ro _x	Ro _y	Ro _z
1	-2.267	-49.758	-54.136	0.000	0.000	0.000
2	-2.267	-59.077	-50.397	0.000	0.000	0.000
3	-100.199	115.769	172.720	0.000	0.000	0.000
4	-100.199	345.664	220.214	0.000	0.000	0.000

Load Combination 5: TIA-222-G-2.3.1 90

Node	R _x	R _y	R _z	Ro _x	Ro _y	Ro _z
1	-2.617	91.643	8.960	0.000	0.000	0.000
2	-2.617	80.882	13.277	0.000	0.000	0.000
3	-115.703	-42.698	-38.540	0.000	0.000	0.000
4	-115.703	222.770	16.303	0.000	0.000	0.000

Load Combination 6: TIA-222-G-2.3.1 120

Node	R _x	R _y	R _z	Ro _x	Ro _y	Ro _z
1	-2.267	231.602	72.635	0.000	0.000	0.000
2	-2.267	222.283	76.374	0.000	0.000	0.000
3	-100.199	-165.592	-242.451	0.000	0.000	0.000
4	-100.199	64.304	-194.957	0.000	0.000	0.000

Load Combination 7: TIA-222-G-2.3.1 150

Node	R _x	R _y	R _z	Ro _x	Ro _y	Ro _z
1	-1.309	332.611	119.823	0.000	0.000	0.000
2	-1.309	327.230	121.982	0.000	0.000	0.000
3	-57.851	-219.989	-384.368	0.000	0.000	0.000
4	-57.851	-87.255	-356.946	0.000	0.000	0.000

Load Combination 8: TIA-222-G-2.3.1 180

Node	R _x	R _y	R _z	Ro _x	Ro _y	Ro _z
1	-0.000	367.623	137.890	0.000	0.000	0.000
2	-0.000	367.623	137.890	0.000	0.000	0.000
3	-0.000	-191.324	-426.290	0.000	0.000	0.000
4	-0.000	-191.324	-426.290	0.000	0.000	0.000

Load Combination 9: TIA-222-G-2.3.1 210

Node	R _x	R _y	R _z	Ro _x	Ro _y	Ro _z
1	1.309	327.230	121.982	0.000	0.000	0.000
2	1.309	332.611	119.823	0.000	0.000	0.000
3	57.851	-87.255	-356.946	0.000	0.000	0.000
4	57.851	-219.989	-384.368	0.000	0.000	0.000

Load Combination 10: TIA-222-G-2.3.1 240

Node	R _x	R _y	R _z	Ro _x	Ro _y	Ro _z
1	2.267	222.283	76.374	0.000	0.000	0.000
2	2.267	231.602	72.635	0.000	0.000	0.000
3	100.199	64.304	-194.957	0.000	0.000	0.000
4	100.199	-165.592	-242.451	0.000	0.000	0.000

Load Combination 11: TIA-222-G-2.3.1 270

Node	R _x	R _y	R _z	R _{ox}	R _{oy}	R _{oz}
1	2.617	80.882	13.277	0.000	0.000	0.000
2	2.617	91.643	8.960	0.000	0.000	0.000
3	115.703	222.770	16.303	0.000	0.000	0.000
4	115.703	-42.698	-38.540	0.000	0.000	0.000

Load Combination 12: TIA-222-G-2.3.1 300

Node	R _x	R _y	R _z	R _{ox}	R _{oy}	R _{oz}
1	2.267	-59.077	-50.397	0.000	0.000	0.000
2	2.267	-49.758	-54.136	0.000	0.000	0.000
3	100.199	345.664	220.214	0.000	0.000	0.000
4	100.199	115.769	172.720	0.000	0.000	0.000

Load Combination 13: TIA-222-G-2.3.1 330

Node	R _x	R _y	R _z	R _{ox}	R _{oy}	R _{oz}
1	1.309	-160.086	-97.586	0.000	0.000	0.000
2	1.309	-154.705	-99.745	0.000	0.000	0.000
3	57.851	400.061	362.130	0.000	0.000	0.000
4	57.851	267.327	334.709	0.000	0.000	0.000

Steel Check Report

Project:: 18199-SMA
Description: ANTENNA MOUNT
Date: 01/10/2019 07:49 PM

Company: COMEX
User:
Software: Digital Canal VersaFrame

Code Check Results (LRFD14)

CRITICAL STRESS SUMMARY

ID	Section Name	Status	Governing Criteria	Stress Ratio	Load Combination	Distance (ft)
1	L3X3X3/8	OK	Axial-Bending	0.1370	TIA-222-G-2.3.1 180	1.0000
2	L3X3X3/8	OK	Axial-Bending	0.1680	TIA-222-G-2.3.1 0	1.0000
3	L3X3X3/8	OK	Axial-Bending	0.1370	TIA-222-G-2.3.1 180	0.0000
4	L3X3X3/8	OK	Axial-Bending	0.1680	TIA-222-G-2.3.1 0	0.0000
7	Pipe3STD	OK	Axial-Bending	0.1730	TIA-222-G-2.3.1 180	3.5000
8	Pipe3STD	OK	Axial-Bending	0.1945	TIA-222-G-2.3.1 330	0.0000
9	Pipe3STD	OK	Shear Y	0.0002	TIA-222-G-2.3.1 270	0.0000

SELECTED LOAD COMBINATIONS

Load Combination	Code Check	Total	Live	Dependent	Conditional
TIA-222-G-2.3.1 0	x			-	-
TIA-222-G-2.3.1 30	x			-	-
TIA-222-G-2.3.1 60	x			-	-
TIA-222-G-2.3.1 90	x			-	-
TIA-222-G-2.3.1 120	x			-	-
TIA-222-G-2.3.1 150	x			-	-
TIA-222-G-2.3.1 180	x			-	-
TIA-222-G-2.3.1 210	x			-	-
TIA-222-G-2.3.1 240	x			-	-
TIA-222-G-2.3.1 270	x			-	-
TIA-222-G-2.3.1 300	x			-	-
TIA-222-G-2.3.1 330	x			-	-

Company/Project: / 18199-SMA

VersaFrame V8.11 (608.0)
(C) Digital Canal Corp.

Engineer: Sam Gonzalez

Date/Time: 01/10/19 19:33:18

LoadCont: [Delete]



Note:

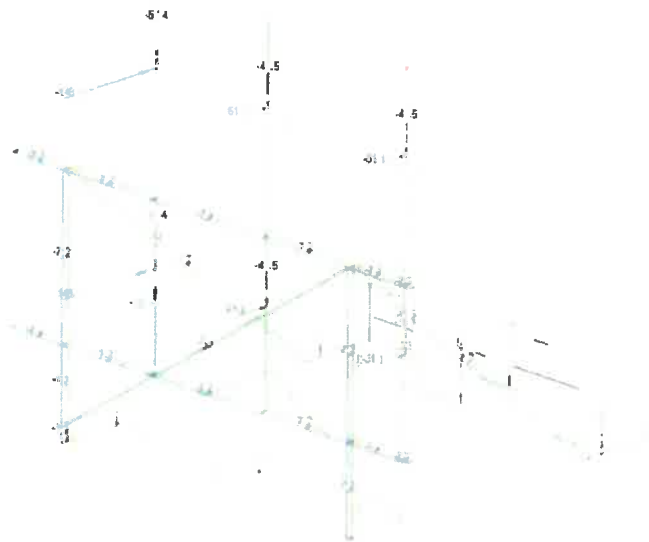
Company/Project / 18199-SMA

VersaFrame V8.11 (608.0)
(C) Digital Canal Corp.

Engineer: Sam Gonzalez

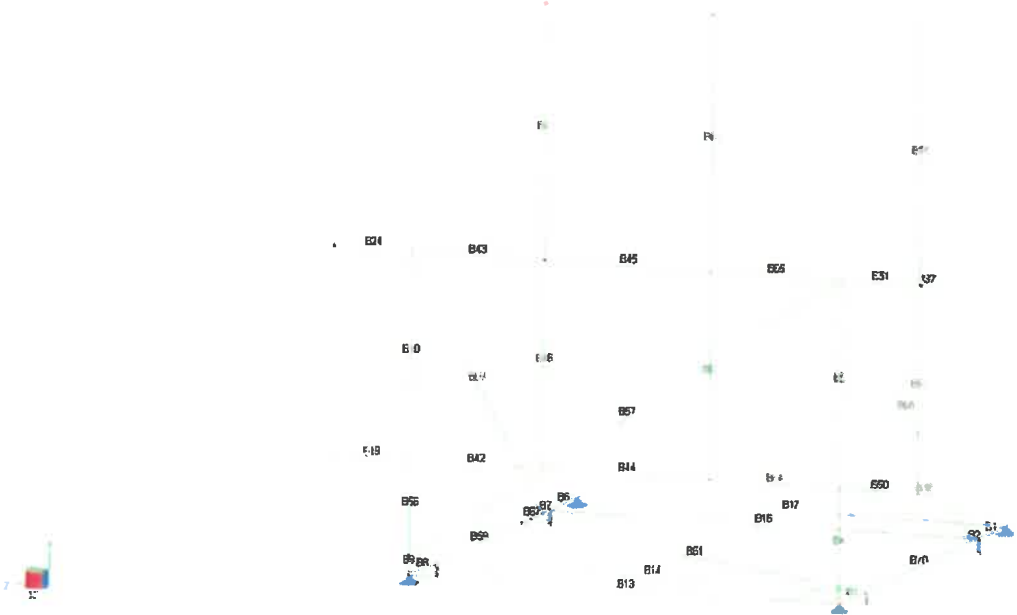
Date/Time: 01/10/19 19:42:15

LoadComb: [Default]

**Note:**

Company/Project / 18199-SMA		VersaFrame V8.11 (608.0) (C) Digital Canal Corp.
Engineer: Sam Gonzalez	Date/Time: 01/10/19 19:32:12	

LoadCont: [Default]



Note:

Company/Project: / 18199-SMA

Engineer: Sam Gonzalez

Date/Time: 01/10/19 19:32:28

VersaFrame V8.11 (608.0)
(C) Digital Canal Corp.

LoadCase: (Default)



Note:

Steel Check Report

Project:: 18199-SMA
Description: Roof Top Antenna Sled
Date: 01/10/2019 07:34 PM

Company:
User: Sam Gonzalez
Software: Digital Canal VersaFrame

Code Check Results (LRFD14)

CRITICAL STRESS SUMMARY

ID	Section Name	Status	Governing Criteria	Stress Ratio	Load Combination	Distance (ft)
1	L2-1/2X2-1/2X3/16	OK	Axial-Bending	0.7755	TIA2.3.2.1 330	1.3330
2	L2-1/2X2-1/2X3/16	OK	Axial-Bending	0.9407	TIA2.3.2.1 330	0.3333
3	L2-1/2X2-1/2X3/16	OK	Axial-Bending	0.1194	TIA2.3.2.1 90	0.0000
4	L2-1/2X2-1/2X3/16	OK	Axial-Bending	0.2275	TIA2.3.2.1 240	0.0000
5	L2-1/2X2-1/2X3/16	OK	Axial-Bending	0.1490	TIA2.3.2.1 120	0.0000
6	L2-1/2X2-1/2X3/16	OK	Axial-Bending	0.5943	TIA2.3.2.1 0	1.3330
7	L2-1/2X2-1/2X3/16	OK	Axial-Bending	0.7349	TIA2.3.2.1 330	0.3333
8	L2-1/2X2-1/2X3/16	OK	Axial-Bending	0.1675	TIA2.3.2.1 30	1.3340
9	L2-1/2X2-1/2X3/16	OK	Axial-Bending	0.1814	TIA2.3.2.1 270	0.3335
10	L2-1/2X2-1/2X3/16	OK	Axial-Bending	0.2263	TIA2.3.2.1 330	0.0000
13	L2-1/2X2-1/2X3/16	OK	Axial-Bending	0.2325	TIA2.3.2.1 90	0.0000
14	L2-1/2X2-1/2X3/16	OK	Axial-Bending	0.3214	TIA2.3.2.1 0	3.8646
16	L2-1/2X2-1/2X3/16	OK	Axial-Bending	0.5710	TIA2.3.2.1 180	3.8646
17	L2-1/2X2-1/2X3/16	OK	Axial-Bending	0.5802	TIA2.3.2.1 180	3.8646
19	L2-1/2X2-1/2X3/16	OK	Axial-Bending	0.0162	TIA2.3.2.1 120	0.0000
24	L2-1/2X2-1/2X3/16	OK	Axial-Bending	0.0162	TIA2.3.2.1 150	0.0000
36	L2-1/2X2-1/2X3/16	OK	Axial-Bending	0.0004	TIA2.3.2.1 120	0.2188
37	L2-1/2X2-1/2X3/16	OK	Axial-Bending	0.0004	TIA2.3.2.1 330	0.2188
42	L2-1/2X2-1/2X3/16	OK	Axial-Bending	0.2444	TIA2.3.2.1 150	2.3646
43	L2-1/2X2-1/2X3/16	OK	Axial-Bending	0.9039	TIA2.3.2.1 0	2.3646
44	L2-1/2X2-1/2X3/16	OK	Axial-Bending	0.2111	TIA2.3.2.1 150	1.9500
45	L2-1/2X2-1/2X3/16	OK	Axial-Bending	0.7624	TIA2.3.2.1 0	0.0000
46	Pipe2STD	OK	Axial-Bending	0.3692	TIA2.3.2.1 0	3.5800
47	Pipe2STD	OK	Axial-Bending	0.3388	TIA2.3.2.1 0	0.0000
50	L2-1/2X2-1/2X3/16	OK	Axial-Bending	0.0942	TIA2.3.2.1 0	1.4167
51	L2-1/2X2-1/2X3/16	OK	Axial-Bending	0.3757	TIA2.3.2.1 0	1.4167
53	Pipe2STD	OK	Axial-Bending	0.1461	TIA2.3.2.1 330	3.5800
55	Pipe2STD	OK	Axial-Bending	0.1431	TIA2.3.2.1 330	0.0000
56	L2-1/2X2-1/2X3/16	OK	Axial-Bending	0.2416	TIA2.3.2.1 330	1.6665
57	L2-1/2X2-1/2X3/16	OK	Axial-Bending	0.2005	TIA2.3.2.1 330	4.6708
59	L2-1/2X2-1/2X3/16	OK	Axial-Bending	0.6548	TIA2.3.2.1 330	0.0000
61	L2-1/2X2-1/2X3/16	OK	Axial-Bending	0.0095	TIA2.3.2.1 0	0.0000
62	Pipe2STD	OK	Axial-Bending	0.1790	TIA2.3.2.1 150	3.5800
63	Pipe2STD	OK	Axial-Bending	0.1434	TIA2.3.2.1 30	0.0000
64	L2-1/2X2-1/2X3/16	OK	Axial-Bending	0.1366	TIA2.3.2.1 240	2.3646
65	L2-1/2X2-1/2X3/16	OK	Axial-Bending	0.5127	TIA2.3.2.1 0	0.0000
67	L2-1/2X2-1/2X3/16	OK	Axial-Bending	0.7451	TIA2.3.2.1 330	0.0000
68	L2-1/2X2-1/2X3/16	OK	Axial-Bending	0.7990	TIA2.3.2.1 330	0.0000
69	L2-1/2X2-1/2X3/16	OK	Axial-Bending	0.3278	TIA2.3.2.1 180	8.1385
70	L2-1/2X2-1/2X3/16	OK	Axial-Bending	0.4988	TIA2.3.2.1 0	4.9080

SELECTED LOAD COMBINATIONS

Load Combination	Code Check	Total	Live	Dependent	Conditional
TIA2.3.2.1 0	x			-	-
TIA2.3.2.1 30	x			-	-
TIA2.3.2.1 60	x			-	-
TIA2.3.2.1 90	x			-	-
TIA2.3.2.1 120	x			-	-
TIA2.3.2.1 150	x			-	-
TIA2.3.2.1 180	x			-	-
TIA2.3.2.1 210	x			-	-
TIA2.3.2.1 240	x			-	-
TIA2.3.2.1 270	x			-	-

TIA2.3.2.1 300	x			-	-
TIA2.3.2.1 330	x			-	-

INPUT Contents

- General:
- Geometry: [Nodes] [Supports] [Moment Releases]
- Loads: [Point Loads] [Line Loads]

OUTPUT Contents

- Nodal: [Support Reactions]
 - Members:
-

Nodes

Units: Coordinates X, Y, Z [in]

No.	X	Y	Z	No.	X	Y	Z
1	-2.00	0.00	-4.38	2	-2.00	0.00	88.38
3	14.00	0.00	-4.38	4	14.00	0.00	88.38
5	79.99	0.00	-4.38	6	79.99	0.00	88.38
7	96.00	0.00	-4.38	8	96.00	0.00	88.38
9	96.00	24.00	-4.38	10	96.00	24.00	88.38
11	96.00	66.96	-4.38	12	96.00	66.96	88.38
22	96.00	24.00	-24.00	23	96.00	66.96	-24.00
27	96.00	24.00	60.00	28	96.00	66.96	60.00
29	96.00	120.00	60.00	30	96.00	24.00	105.38
31	96.00	66.96	105.38	32	96.00	24.00	-21.38
33	96.00	66.96	-21.38	35	96.00	120.00	-21.38
36	96.00	4.00	88.38	38	30.00	0.00	88.38
39	96.00	24.00	24.00	40	96.00	66.96	24.00
41	96.00	120.00	24.00	42	18.00	0.00	-4.38
43	18.00	0.00	88.38				

Supports

Units: Forced Displacements Dx, Dy, Dz [in]; Dox, Doy, Doz [rad]

Node	Flag	Dx	Dy	Dz	Dox	Doy	Doz
1	111000	0.000	0.000	0.000	0.000	0.000	0.000
2	111000	0.000	0.000	0.000	0.000	0.000	0.000
7	111000	0.000	0.000	0.000	0.000	0.000	0.000
8	111000	0.000	0.000	0.000	0.000	0.000	0.000

Moment Releases

Member ID	Begin OZ	End OZ	Begin OY	End OY	Torsion OX
3	0	1	0	0	0
5	0	1	0	0	0
8	0	1	0	0	0
10	0	1	0	0	0
13	1	1	0	0	0
14	1	1	0	0	0
16	1	1	0	0	0
57	1	1	0	0	0
61	1	1	0	0	0
63	1	1	0	0	0
69	1	1	0	0	0

Point LoadsUnits: Force [lb]; Moment [lb-ft]; Coord-Sys: Local=0, Global=1;
Direction: 0=X, 1=Y, 2=Z, 3=OX, 4=OY, 5=OZ

***** LOAD CASE - Dead *****

Member	Coord-Sys	Direction	Value	Distance
46	1	1	-57.400	0.6
46	1	1	-74.000	0.4
47	1	1	-57.400	0.6
53	1	1	-41.500	0.6
53	1	1	-10.100	0.7
55	1	1	-41.500	0.6
62	1	1	-41.500	0.6
63	1	1	-41.500	0.6

***** LOAD CASE - Wind *****

Member	Coord-Sys	Direction	Value	Distance
46	1	0	-148.000	0.6
46	1	0	-29.000	0.4

47	1	0	-148.00	0.6
53	1	0	-51.10	0.6
55	1	0	-51.10	0.6
62	1	0	-51.10	0.6
63	1	0	-51.10	0.6

Line Loads

Units: Force [lb/ft]; Coord-Sys: Local=0, Global=1; Direction: 0=X, 1=Y, 2=Z

***** LOAD CASE - | Dead *****

Member	Coord-Sys	Direction	Value1	Value2	Distance1	Distance2
13	1	1	-12.00	-12.00	0	1
14	1	1	-12.00	-12.00	0	1
16	1	1	-55.00	-55.00	0	1
17	1	1	-55.00	-55.00	0	1

***** LOAD CASE - | Wind *****

Member	Coord-Sys	Direction	Value1	Value2	Distance1	Distance2
4	1	0	-7.20	-7.20	0	1
5	1	0	-7.20	-7.20	0	1
9	1	0	-7.20	-7.20	0	1
10	1	0	-7.20	-7.20	0	1
19	1	0	-7.20	-7.20	0	1
24	1	0	-7.20	-7.20	0	1
36	1	0	-7.20	-7.20	0	1
37	1	0	-7.20	-7.20	0	1
42	1	0	-7.20	-7.20	0	1
43	1	0	-7.20	-7.20	0	1
44	1	0	-7.20	-7.20	0	1
45	1	0	-7.20	-7.20	0	1
50	1	0	-7.20	-7.20	0	1
51	1	0	-7.20	-7.20	0	1
56	1	0	-7.20	-7.20	0	1
57	1	0	-7.20	-7.20	0	1
64	1	0	-7.20	-7.20	0	1
65	1	0	-7.20	-7.20	0	1
68	1	0	-7.20	-7.20	0	1
69	1	0	-7.20	-7.20	0	1

Support Reactions

Units: Force Reactions Rx, Ry, Rz [lb]; Moment Reactions Rox, Roy, Roz [lb-ft]

Load Combination 2: TIA2.3.2.1 0

Node	Rx	Ry	Rz	Rox	Roy	Roz
1	602.15	955.05	-7.53	0.00	0.00	0.00
2	536.68	893.44	0.73	0.00	0.00	0.00
7	200.95	-62.78	29.13	0.00	0.00	0.00
8	189.20	-104.98	-22.34	0.00	0.00	0.00

Load Combination 3: TIA2.3.2.1 30

Node	Rx	Ry	Rz	Rox	Roy	Roz
1	414.34	815.28	-6.47	0.00	0.00	0.00
2	380.92	780.86	1.76	0.00	0.00	0.00
7	110.84	-74.31	18.13	0.00	0.00	0.00
8	77.02	158.89	-210.79	0.00	0.00	0.00

Load Combination 4: TIA2.3.2.1 60

Node	Rx	Ry	Rz	Rox	Roy	Roz
1	115.02	583.63	-3.73	0.00	0.00	0.00
2	126.36	588.44	4.26	0.00	0.00	0.00
7	-6.97	46.55	18.54	0.00	0.00	0.00
8	-60.49	462.09	-360.88	0.00	0.00	0.00

Load Combination 5: TIA2.3.2.1 90

Node	Rx	Ry	Rz	Rox	Roy	Roz
------	----	----	----	-----	-----	-----

1	-215.899	322.210	0.013	0.000	0.000	0.000
2	-159.421	367.512	7.708	0.000	0.000	0.000
7	-120.400	267.419	30.392	0.000	0.000	0.000
8	-186.232	723.589	-432.833	0.000	0.000	0.000

Load Combination 6: TIA2.3.2.1 120

Node	R _x	R _y	R _z	R _{ox}	R _{oy}	R _{oz}
1	-489.494	101.260	3.801	0.000	0.000	0.000
2	-400.046	177.153	11.232	0.000	0.000	0.000
7	-198.752	528.912	50.587	0.000	0.000	0.000
8	-266.784	873.405	-407.448	0.000	0.000	0.000

Load Combination 7: TIA2.3.2.1 150

Node	R _x	R _y	R _z	R _{ox}	R _{oy}	R _{oz}
1	-632.014	-19.889	6.559	0.000	0.000	0.000
2	-530.699	68.411	13.778	0.000	0.000	0.000
7	-221.235	760.780	73.614	0.000	0.000	0.000
8	-281.144	871.429	-291.311	0.000	0.000	0.000

Load Combination 8: TIA2.3.2.1 180

Node	R _x	R _y	R _z	R _{ox}	R _{oy}	R _{oz}
1	-605.072	-8.862	7.469	0.000	0.000	0.000
2	-515.829	70.586	14.507	0.000	0.000	0.000
7	-182.346	900.964	93.152	0.000	0.000	0.000
8	-225.752	718.042	-115.128	0.000	0.000	0.000

Load Combination 9: TIA2.3.2.1 210

Node	R _x	R _y	R _z	R _{ox}	R _{oy}	R _{oz}
1	-416.041	131.245	6.262	0.000	0.000	0.000
2	-359.127	183.279	13.172	0.000	0.000	0.000
7	-92.804	912.045	103.895	0.000	0.000	0.000
8	-115.161	454.161	74.031	0.000	0.000	0.000

Load Combination 10: TIA2.3.2.1 240

Node	R _x	R _y	R _z	R _{ox}	R _{oy}	R _{oz}
1	-116.069	362.715	3.311	0.000	0.000	0.000
2	-102.961	376.216	10.237	0.000	0.000	0.000
7	23.566	791.259	103.057	0.000	0.000	0.000
8	21.541	150.540	225.223	0.000	0.000	0.000

Load Combination 11: TIA2.3.2.1 270

Node	R _x	R _y	R _z	R _{ox}	R _{oy}	R _{oz}
1	214.285	623.632	-0.513	0.000	0.000	0.000
2	183.495	597.548	6.648	0.000	0.000	0.000
7	136.119	570.921	91.023	0.000	0.000	0.000
8	148.060	-111.371	297.562	0.000	0.000	0.000

Load Combination 12: TIA2.3.2.1 300

Node	R _x	R _y	R _z	R _{ox}	R _{oy}	R _{oz}
1	486.659	844.247	-4.156	0.000	0.000	0.000
2	423.181	787.795	3.426	0.000	0.000	0.000
7	215.027	309.873	71.083	0.000	0.000	0.000
8	230.208	-261.184	271.474	0.000	0.000	0.000

Load Combination 13: TIA2.3.2.1 330

Node	R _x	R _y	R _z	R _{ox}	R _{oy}	R _{oz}
1	628.528	965.573	-6.696	0.000	0.000	0.000
2	552.276	896.021	1.326	0.000	0.000	0.000
7	238.957	77.924	48.492	0.000	0.000	0.000
8	245.381	-258.788	154.238	0.000	0.000	0.000

Load Combination 16: DEAD

Node	R _x	R _y	R _z	R _{ox}	R _{oy}	R _{oz}
1	-1.043	442.165	-0.275	0.000	0.000	0.000
2	15.184	458.088	6.252	0.000	0.000	0.000
7	7.359	537.561	71.499	0.000	0.000	0.000
8	-21.500	396.483	-77.476	0.000	0.000	0.000

ATC Hazards by Location

Search Information

Coordinates:	40.9773, -73.6969
Timestamp:	2019-01-10T06:03:37.820Z
Hazard Type:	Wind

Map Results



Text Results

ASCE 7-16

MRJ 10-Year	75 mph
MRJ 25-Year	83 mph
MRJ 50-Year	91 mph
MRJ 100-Year	97 mph
Risk Category I	107 mph
Risk Category II	116 mph
Risk Category III	126 mph
Risk Category IV	▲ 130 mph

You are in a wind-borne debris region if you are also within 1 mile of the coastal mean high water line.

ASCE 7-10

MRJ 10-Year	76 mph
MRJ 25-Year	86 mph
MRJ 50-Year	92 mph
MRJ 100-Year	97 mph
Risk Category I	108 mph
Risk Category II	118 mph
Risk Category III-IV	126 mph

ASCE 7-05

ASCE 7-05 Wind Speed **107 mph**

1



CITY COUNCIL AGENDA

NO. DEPT.: Fire Department DATE: September 12, 2019
CONTACT: Robert Falk, Commissioner of Public Safety

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

FOR THE MEETING OF:

September 18, 2019

RYE CITY CODE,

CHAPTER

SECTION

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

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: The Commissioner of Public Safety has advised that a background check for Joseph Tolve confirms that he is a viable candidate for a Volunteer Firefighter position at Milton Point Engine and Hose Company.



Lt. Robert J. Falk
Commissioner of Public Safety

City of Rye, New York
21 McCullough Pl
Rye, NY 10580
Phone: (914) 967-1234
FAX: (914) 967-8341



TO: Mr. Marcus Serrano, Rye City Manager
FROM: Lt. Robert J. Falk, Public Safety Commissioner
SUBJECT: Joseph Rocco Tolve – Volunteer Firefighter Candidate
DATE: September 12, 2019

A background investigation was completed and it has been determined that applicant, Joseph R. Tolve a resident of Rye, NY, is a viable candidate for the position of Volunteer Firefighter with the City of Rye Fire Department.

This writer finds no substance to prevent the City of Rye Fire Department from hiring candidate Joseph Rocco Tolve as a volunteer firefighter.



Lt. Robert J. Falk
Public Safety Commissioner



RYE FIRE DEPARTMENT MEMBERSHIP APPLICATION

Company nomination: ☐PEH ☐PHL ☐MPH ☐PATROL

SPONSOR NAME: _____

Name: (First Middle Last) Joseph Rocco Tolve

Address: 251 Forest Ave

Other Addresses within past 5 years: 21 Towpath Ln Waterford NY,
Fort Hood, TX, Sonon Air Base South Korea

Phone Numbers: Home 914 967 4683 Work _____

Cell 914 400 5315 E-Mail Joseph.Tolve88@gmail.com

Do you have a valid NYS driving license? ☒ YES ☐ NO

Driver License ID # and Class 944 048 670 DM

Date of Birth: 11/01/1988 SSN: 110 74 4780

Height: 5/10 Weight: 184 Hair color: Br Eye Color: Br

Citizenship: USA Military status, prior military service RESERVES (Prior Active)

EDUCATION: (Give name, location, years attended, graduation date and degree awarded)

High School: Rye High School 2007 Diploma

College: SUNY Cobleskill 2010 Associates

Other: Fordham University (Current)

EMPLOYMENT: (within last 5 years - use separate sheet if necessary)

Dates	Employer name and address	Position	Reason for leaving
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<u>See</u>	<u>Attached</u>	<u>Resume</u>	
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PRIOR FD EXPERIENCE:

Have you ever applied to or been a member in any other fire company or similar organization. If so please explain, giving full details and present status.

Harrison FD (Present but will Resign), Halfmoon FD (Resign)

ACTIVITIES: (Civic, Athletic, Hobbies etc.)

Boating, Hunting, Fishing



CITY COUNCIL AGENDA

NO. 15

DEPT.: City Manager

DATE: August 5, 2018

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Consideration of a request by the Midland Fair Committee to approve a parade to precede the Midland Elementary School Fair on Saturday, April 25, 2020 from 9:00 a.m. to 10:15 a.m.

FOR THE MEETING OF:

September, 18 2019

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council consider granting the request.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:

The Midland Fair committee is requesting the Council approve a parade to precede the Midland Elementary School Fair on Saturday, April 25, 2020 from 9:00 a.m. to 10:15 a.m.

See attached request from Julie Souza, Co-Chair, Midland Fair committee.

From: [Souza, Julie A.](#)
To: [Ruttenberg, Noga P.](#); [Cohn, Josh](#); [Serrano, Marcus A.](#); [D"Andrea, Carolyn E.](#)
Subject: Sept agenda?
Date: Monday, August 05, 2019 8:56:57 AM

Can we please add an agenda item to a future mtg to approve a request from Midland Elementary for permits for a parade and food trucks for their annual school fair on April 25, 2020? I defer to Josh as to when he is willing to add to agenda.

Thank you!

Julie

Carolyn, lmk if you need anything further...



CITY COUNCIL AGENDA

NO. DEPT.: City Manager's Office DATE: August 5, 2019
CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Consideration of a request from the Milton School PTO to have 2-3 food trucks for the Midland Fair on April 25, 2020 from 10:00 am – 3:00 pm. The City Council will have to waive § 144-8D and G of the City Code.

FOR THE MEETING OF:

September 18, 2019

RYE CITY CODE,

CHAPTER
SECTION

RECOMMENDATION: That the City Council approve the request for the food trucks.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

Waive § 144-8D and G of the City Code.

BACKGROUND: The City Manager's Office received a request from the Midland School PTO to have 2-3 food trucks for the Midland Fair on April 25, 2020. The Council will have to waive § 144-8D and G which states;

§144-8 Restrictions states that licensed hawker, peddler or solicitor shall:

D. Not stand nor permit the vehicle used by him or her to stand in one place in any public place or street for more than 10 minutes or in front of any premises for any time if the owner or lessee of the ground floor thereof objects.

G. Not create or maintain any booth or stand, or place any barrels, boxes, crates or other obstructions, upon any street or public place for the purpose of selling or exposing for sale any goods, wares or merchandise.

See attached.

From: [Souza, Julie A.](#)
To: [Ruttenberg, Noga P.](#); [Cohn, Josh](#); [Serrano, Marcus A.](#); [D"Andrea, Carolyn E.](#)
Subject: Sept agenda?
Date: Monday, August 05, 2019 8:56:57 AM

Can we please add an agenda item to a future mtg to approve a request from Midland Elementary for permits for a parade and food trucks for their annual school fair on April 25, 2020? I defer to Josh as to when he is willing to add to agenda.

Thank you!

Julie

Carolyn, lmk if you need anything further...



CITY COUNCIL AGENDA

NO.

DEPT.: City Manager

DATE: September 7, 2019

CONTACT: Marcus Serrano

AGENDA ITEM: Consideration of a request by the Sole Ryeders & Friends and the Rye High School Breast Cancer Awareness Club to have a TieTheTownPink breast cancer awareness campaign in the City of Rye during the month of October, 2019.

FOR THE MEETING OF:

September 18, 2019

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council consider granting the request.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: Sole Ryeders & Friends, together with the Rye High School Breast Cancer Awareness Club and the RHS Crew team, will launch TieTheTownPink, a breast cancer awareness campaign whose goal is to adorn hundreds of trees throughout the City of Rye with pink ribbons on the morning of October 1, 2019 to show support of people and their families who are fighting breast cancer. They seek permission from the City of Rye to tie large pink ribbons around trees and lampposts throughout the City and on downtown Purchase Street from October 1 – 31, 2019. They would also like permission to tie ribbons at Disbrow Park and Nursery Field. Sole Ryeders & Friends will take responsibility for placing the ribbons around town and will take all ribbons down at the end of the campaign.



CITY COUNCIL AGENDA

NO. DEPT.: City Manager DATE: September 7, 2019
CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Consideration of a request by the Rye Merchants Association to close a portion of Purchase Street on Sunday, December 1, 2019 from 10:00 a.m. to 4:00 p.m. for the *Mistletoe Magic* event.

FOR THE MEETING OF:

September 18, 2019

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council consider granting the request.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:

The Merchants Association is requesting the Council authorize the closing of Purchase Street for its annual Mistletoe Magic event to be held this year on Sunday, December 1, 2019 from 10:00 a.m. to 4:00 p.m.

See attached request.



August 15, 2019

Ms. Carolyn E. D'Andrea
City Clerk
City of Rye
1051 Boston Post Road
Rye, New York 10580

Re: Rye Chamber of Commerce "Mistletoe Magic"

Dear Ms. D'Andrea;

On behalf of the Rye Chamber of Commerce, I am writing to request permission from the City for use of city streets on Sunday, **December 1, 2019** for the Mistletoe Magic event. Specifically, we are requesting that Purchase Street be closed from the Square House north to Purdy Avenue from the hours of 10 a.m. to 4 p.m.

Our members will be providing entertainment with costumed characters, Rye Art Center children's musical ensembles, strolling carolers, a horse and buggy ride and assorted refreshments and arcade games and more.

If approved, I understand we must coordinate logistics with Commission Falk / Lt. Craig of the Rye City Police Department. An insurance certificate will be provided upon approval.

Thank you in advance for your consideration.

Very truly yours,
Pamela Dwyer
Rye Chamber Board President

cc:

City Manager – Marcus Serrano

Rye Chamber of Commerce, PO Box 72, Rye, NY 10580



CITY COUNCIL AGENDA

NO. DEPT.: City Manager DATE: August 5, 2018
CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Consider a request by Christ's Church Nursery School for use of the City streets on Saturday October 19, 2019 from 8:00 a.m. to 4:00 p.m. for their Touch a Truck/Vehicle Fair event.

FOR THE MEETING OF:

September 18, 2019

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the Council consider granting the request.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:

Christ Church is requesting the Council approve use of the City streets on Saturday October 19, 2019 from 8:00 a.m. to 4:00 p.m. for their Touch a Truck/Vehicle Fair event. This is an annual event.

See attached request from Megan Belniak.

From: [Megan Belniak](#)
To: [Ruttenberg, Noga P.](#)
Subject: Re: Christ Church Vehicle Fair
Date: Monday, August 05, 2019 3:59:57 PM

Hi. Thanks so much for reaching out! Our Fall Fair will be on Saturday, October 19th this year. We would like to close Recotry street from 8am-4pm. We will need barricades at both ends. Please let me know if you need any additional information from me

Thank you so much!
Megan Belniak

On Mon, Aug 5, 2019, 10:57 AM Ruttenberg, Noga P. <nruttenberg@ryeny.gov> wrote:

Hello Megan.

I am preparing the City Council agenda for their September meeting. I see there was a request last year for a Christ Church Vehicle Fair on October 20, 2018. Will you be submitting the same request this year? If so, can you kindly submit your request in writing so I can add you to the 9/18 agenda? I will need the date and times of the event and which streets you will be needing.

Thank you,

Noga Ruttenberg

Assistant to the City Manager

914-967-7404

nruttenberg@ryeny.gov



CITY COUNCIL AGENDA

DEPT.: City Manager's Office

DATE: August 20, 2019

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Retroactive consideration of a request by Christ's Church for use of City streets on Sunday, September 15, 2019 from 9:00 a.m. to 1:30 p.m. for their semi-annual picnic.

FOR THE MEETING OF:

September 18, 2019

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Council approve the request from Christ's Church.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND: Christ's Church is requesting use of City streets for their semi-annual picnic, asking that traffic be restricted on Rectory Street on Sunday, September 15, 2019 from 9:00 am to 1:30 pm.

See attached request from Charlotte Minor.

From: [Charlotte Minor](#)
To: [Ruttenberg, Noga P.](#)
Subject: September 15, 2019
Date: Tuesday, August 20, 2019 3:02:37 PM
Attachments: [Certificate for Christ Church \(9.15.19\).pdf](#)

Hi Noga,

Our church is having a parish picnic on Sunday, September 15th and we would like to close Rectory Street from 9 am to 1:30 pm. We would like a barricade at the intersection of Milton and Rectory.

We will have the grill, tables, and chairs set out, possibly a face painter for the kids.

Enclosed is the certificate of insurance for the day. If you need any other information please let me know.

Best regards,
Charlotte Minor
Parish Administrator

Christ's Church
Rectory Street
Rye, NY 10580
914.967.1749 x228
914.967.0398



RYENEW0002

POLN

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

8/20/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER The Church Insurance Agency Corp 210 South St, Ste 2 Bennington, VT 05201-2894		CONTACT NAME: PHONE (A/C, No, Ext): E-MAIL ADDRESS:		FAX (A/C, No):
		INSURER(S) AFFORDING COVERAGE		NAIC #
		INSURER A : Church Ins Co of Vermont		10669V
INSURED Christs Church Rectory St Rye, NY 10580-3817		INSURER B :		
		INSURER C :		
		INSURER D :		
		INSURER E :		
		INSURER F :		

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:


THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	COMMERCIAL GENERAL LIABILITY <input checked="" type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y	N	NYS0001962	7/15/2019	7/15/2020	EACH OCCURRENCE	\$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 1,000,000
							MED EXP (Any one person)	\$ 30,000
							PERSONAL & ADV INJURY	\$ 1,000,000
							GENERAL AGGREGATE	\$ 5,000,000
							PRODUCTS - COMP/OP AGG	\$ 1,000,000
								\$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident)	\$
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
	UMBRELLA LIAB EXCESS LIAB DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE	\$
							AGGREGATE	\$
								\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y / N <input type="checkbox"/>	N / A				PER STATUTE	OTH-ER
							E.L. EACH ACCIDENT	\$
							E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
See attached page.

CERTIFICATE HOLDER

CANCELLATION

City of Rye 1051 Boston Post Rd Rye, NY 10580-2945	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 

DESCRIPTION OF OPERATIONS -

Christs Church Rectory St Rye, NY 10580-3817	City of Rye 1051 Boston Post Rd Rye, NY 10580-2945
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All operations of the named insured including BBQ to be held 9/15/19 in connection with which the certificate holder is named as an additional insured but only in connection with the actions of the named insured.

CANCELLATION: THE POLICY IS SUBJECT TO THE PREMIUMS, FORMS, AND RULES IN EFFECT FOR EACH POLICY PERIOD. SHOULD THE POLICY BE TERMINATED, THE COMPANY WILL ENDEAVOR TO GIVE THE ADDITIONAL INTEREST IDENTIFIED 30 DAYS WRITTEN NOTICE, AND WILL SEND NOTIFICATION OF ANY CHANGES TO THE POLICY THAT WOULD EFFECT THAT INTEREST, IN ACCORDANCE WITH THE POLICY PROVISIONS OR REQUIRED BY LAW.



CITY COUNCIL AGENDA

NO. DEPT.: City Manager DATE: September 16, 2019
CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Consideration of a request from the Rye Country Day School Upper School Environmental Club to organize a youth climate action demonstration on the Village Green on Friday, September 20, 2019 beginning at 12:15 pm.

FOR THE MEETING OF:

September 18, 2019

RYE CITY CODE,

CHAPTER SECTION

RECOMMENDATION: That the City Council approve the request from the Rye Country Day School Upper School Environmental Club for use of the Village Green.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND: The Rye Country Day School Upper School Environmental Club, led by senior Peggy Helman, is working with their peers at RCDS and in other area schools including Rye High School to organize a youth climate action demonstration in solidarity with the global climate strike movement. The students are hoping to gather a large group to walk to downtown Rye around 12:15pm on Friday, September 20, 2019 to voice their concerns about global climate change. They are hoping to gather on the lawn in front of the Rye Library. They are preparing posters with information about climate change and speeches to share their passion and concern.

From: Peggy Helman [mailto:Peggy_Helman@ryecountryday.org]
Sent: Tuesday, September 17, 2019 12:38 PM
To: Serrano, Marcus A. <mserrano@ryeny.gov>
Cc: kkaburida@gmail.com
Subject: Strike for Climate Action

Hello Mr. Serrano,

My name is Peggy Helman, and I am a senior at Rye Country Day School. I am the president of my school's Environmental Club, and I, alongside Rye High School senior Kayla Arubida, am helping organize a strike this Friday, September 20th, from 12:15-1:15 on the lawn outside Rye City Hall and the Rye Public Library.

I am writing you to alert you of this event and to check in to see if the space is available for our purposes. I have spoken with several administrators with my school who have relayed the information to me that use of this public space must be approved by the city. Our intention is to stand in solidarity with the thousands of climate strikes taking place globally on this date and to create a forum for conversation surrounding the topic of climate leadership and the future of our planet.

Please feel free to reach out with any questions or concerns. I can be best reached at this email: peggy_helman@ryecountryday.org

Best,
Peggy and Kayla