

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

**REGULAR MEETING OF THE CITY COUNCIL
Wednesday, February 27, 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 February 6, 2019.
5. Residents may be heard on matters for Council consideration that do not appear on the Agenda.
6. Consideration of a petition by The Miriam Osborn Memorial Home Association to amend the text of the City of Rye Zoning Code to create a new use and development standards for “Senior Living Facilities” in the R-2 Zoning District.
7. RyeACT Youth Leadership Team Presentation of feedback from Youth Speak Out.
8. Capital Expenditure Update.
9. Consideration of a request by the RyeACT Coalition to use the Village Green to hold an Community Prevention Fair on Tuesday, May 14, 2019 contingent upon a certificate of insurance and approval by the City Engineer.
10. Resolution to authorize the addition of Westchester Bank and Signature Bank as authorized depositories of the City of Rye.
11. Consider a request by the Rye Golf Club Commission to appoint Terrence McCartney, Rye Resident, to fill a commissioner seat vacated by Garrick Gelinis for the remainder of his term (ending Dec 31, 2020).
12. Consideration of a request by the Rye Chamber of Commerce for the use of the southern end of the City’s Car Park #2 on Sundays from May 12, 2019 through December 8, 2019 from 6:30 a.m. to 3:30 p.m. for the Rye Farmers’ Market. Market hours are from 8:30 a.m. to 2 p.m.

13. Consideration of a request by the Rye Little League to approve a parade to kickoff Opening Day of the 62nd Little League Season on Saturday, April 6, 2019 beginning at 12:00 p.m.
14. Consideration of a request from the Vita Family to have a food truck at their May 5, 2019 annual picnic at Rye Recreation. The City Council will have to waive § 144-8D and G of the City Code.
15. Consideration of a request from the Stigliano Family to have a children's "gaming truck" for child's birthday party on Sunday, April 7, 2019. The City Council will have to waive § 144-8D and G of the City Code.
16. Proclamation Honoring Kids S.P.A.C.E. on its 25th Anniversary.
17. Appointments to Boards and Commissions, by the Mayor with Council approval.
18. Miscellaneous communications and reports.
19. Old Business/New Business.
20. Adjournment

* * * * *

The next regular meeting of the City Council will be held on Wednesday, March 13, 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 February 6, 2019, at 7:30
P.M.

PRESENT:

JOSH COHN, Mayor
SARA GODDARD
EMILY HURD
RICHARD MECCA
JULIE SOUZA
DANIELLE TAGGER-EPSTEIN
Councilmembers

ABSENT:

BENJAMIN STACKS
Councilmember

The Council convened at 6:30 P.M. Councilman Mecca made a motion, seconded by Councilwoman Souza, enter into executive session to discuss litigation and personnel matters. At 7:32 P.M., Councilman Mecca made a motion, seconded by Councilwoman Souza, to exit executive session and commence the regular meeting of the City Council. The meeting began at 7:40 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.

Mayor Cohn announced the untimely passing of one of the City's volunteer firefighters, Richard Cadigan. Mr. Cadigan was commended for his many years of service. Mayor Cohn said that despite being into his 60s, Mr. Cadigan was fully active in the department and up-to-date with training. There was a moment of silence honoring the memory and life of Mr. Cadigan.

3. General Announcements.

Councilwoman Tagger-Epstein thanked the City of Rye firefighters for all they do. She referenced a recent rescue of a swan from the ice located near Playland. She said that whether it was a resident or animal, the department will be there when they are needed. Councilwoman Tagger-Epstein also reminded all to stay off the ice.

Councilman Mecca announced that Westchester County has posted the civil service exam for firefighters. The County would be taking applications until February 22, 2019. He reminded those interested that the only way to become a firefighter is to take the civil service exam. He invited anyone interested to take the exam.

Councilwoman Tagger-Epstein added that it was Firefighter Cristian Acevedo who rescued the swan on the lake.

4. Draft unapproved minutes of the Regular Meeting of the City Council held January 23, 2019.

Councilman Mecca made a motion, seconded by Councilwoman Hurd, to adopt the minutes of the Regular Meeting of the City Council held January 23, 2019.

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

Gerry Seitz, 141 Kirby Lane, addressed the Council. He asked about alternate sources of revenue for the City, such as raising sales tax, as previously proposed. He asked Mayor Cohn to contact Assemblyman Otis on this issue.

Mayor Cohn thanked Mr. Seitz for attending the meeting. He responded that he had put a call into Assemblyman Otis but that the two had not yet had a conversation on the issue.

Mr. Seitz stressed the importance of his proposal of raising the local sales tax as a potential additional source of revenue for the City.

6. Mayor announcement of the City receiving the National Government Finance Officers Association Distinguished Budget Presentation Award.

Mayor Cohn announced that the City was once again the recipient of the National Government Finance Officers Association Distinguished Budget Presentation Award. He thanked City Comptroller, Joseph Fazzino, for his thoughtful preparation and presentation. He said that Mr. Fazzino's tremendous hard work and skill has impressed the City. Mayor Cohn also thanked City Manager Serrano.

City Comptroller Fazzino thanked the Mayor and Council. He reported that it was the 17th year that the City received this award. He said he was happy to continue the tradition. Mr. Fazzino praised his staff for help with this huge document. He thanked the Mayor and Council for the recognition.

7. Resolution authorizing the City Manager to sign a commercial lease agreement with HRTK-Southern Connecticut, LLC allowing Carefree Boat Club to rent boats at the Boat Basin.

City Manager Serrano explained that this would allow residents or non-residents can rent a boat to try it out. The company would be rent in the form of a boat slip costing the non-resident rate slip. There would be three slips.

Councilwoman Goddard inquired as to why the agreement as written did not define “base rent” in the beginning of the document.

Councilwoman Souza asked that Carefree Boat Club also be defined. Councilwoman Goddard added that the names of the contractor should be uniform.

Councilwoman Souza inquired as to whether this would be for commercial use.

Mayor Cohn said that with respect to the renewal provision, it seems like the company would be able to renew indefinitely. This might be concerning, should the City and Carefree Boat Company wish to terminate their agreement.

Councilwoman Souza suggested adding a mutual consent to renew and a termination clause.

Corporation Counsel Wilson said that Section 17 of the agreement discusses the City’s rights, should the contractor fail to comply with conditions.

Councilman Mecca asked if the rental fee goes into the enterprise fund. City Manager Serrano responded that it would. Councilman Mecca then asked how the City would be covered from an insurance perspective, especially since this service is open to the public. City Manager Serrano responded that the City is being held harmless for the activities.

Councilwoman Souza asked that the insurance specifications be reviewed before signing.

Councilwoman Souza made a motion, seconded by Councilwoman Hurd, to authorize the City Manager to sign a commercial lease agreement with HRTK-Southern Connecticut, LLC allowing Carefree Boat Club to rent boats at the Boat Basin.

ROLL CALL

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

8. Authorize payment of the balance of the 2018/2019 Rye Neck Union Free School District taxes collected by the City to the School District.
Roll Call.

By way of background, the balance of unpaid Rye Neck U.F.S.D. taxes on property within the City of Rye is \$287,133.19 at 12/31/18. This balance represents 2.44% of the total tax levied, \$11,759,702.64, on September 1, 2018. Arrears notices will be mailed in conjunction with the 2019 City tax bills, and again during March 2019, May 2019 and June 2019 to try to collect these balances prior to the filing of the list of delinquent taxes with the County scheduled for July 1, 2019. In accordance with Section 22.9 of the City Charter, it is requested that the City Council authorize the City Comptroller to pay the Treasurer of the Rye Neck UFSD the amount due at December 31, 2018.

Councilwoman Tagger-Epstein made a motion, seconded by Councilwoman Souza, to authorize payment of the December 31, 2018 balance of \$287,133.19 to the Rye Neck Union Free School District taxes on February 28, 2019.

ROLL CALL

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

9. Resolution authorizing the City Manager to sign a 4-year agreement with the County of Westchester to participate in their Organic Yard Waste Management Program whereby the City can collect and transport organic yard waste to the designated transfer site for composting .

City Manager Serrano explained that in order to divert additional recyclable materials from the waste stream, the County has an Organic Yard Waste Management Program with several municipalities within the district. The City would collect organic yard waste within its boundaries and transport the waste to a designated transfer site. The County would then arrange for transporting the yard waste from the transfer site to a composting facility and pay for such transportation and disposal costs. There has been an increase in the contract fee due to CPI increase.

Corporation Counsel Wilson explained that the County was asking the City to make a SEQRA determination. This would be a Type II action, and there would need to be a motion that declares it as such.

Councilwoman Hurd made a motion, seconded by Councilman Mecca and unanimously carried, to declare the Organic Yard Waste Management Program a Type II action.

Councilman Mecca inquired as to what the County would be doing with the organic waste collected.

Councilwoman Souza asked about non-district waste costs. There was discussion on this topic.

Councilwoman Goddard made a motion, seconded by Councilwoman Tagger-Epstein, to authorize the City Manager to sign a 4-year agreement with the County of Westchester to participate in their Organic Yard Waste Management Program whereby the City can collect and transport organic yard waste to the designated transfer site for composting.

ROLL CALL

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

10. Consideration of a request by the Westchester County chapter of the National Alliance on Mental Illness (NAMI) to have a ribbon initiative in the Central Business District during the month of May 2019.

Councilwoman Souza made a motion, seconded by Councilwoman Hurd and unanimously carried, to approve the request by the Westchester County chapter of the National Alliance on Mental Illness (NAMI) to have a ribbon initiative in the Central Business District during the month of May 2019.

11. Consideration of request for permission to close a section of Purchase Street for the 67th Annual Celebration of the Halloween Window Painting Contest.

Councilwoman Souza made a motion, seconded by Councilwoman Tagger-Epstein and unanimously carried, to approve the request for permission to close a section of Purchase Street for the 67th Annual Celebration of the Halloween Window Painting Contest on October 20, 2019.

12. Consideration of request from Rye Recreation to hold the Annual Food Truck Festival Saturday, June 22, 2019. The Council will have to waive § 144-8D and G of the City Code.

Councilwoman Souza made a motion, seconded by Councilwoman Hurd, to waive § 144-8D and G of the City Code to permit a request from Rye Recreation to hold the Annual Food Truck Festival Saturday, June 22, 2019.

ROLL CALL

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

13. Consideration of request from Rye Recreation to hold the annual Turkey Run road race on Saturday, November 30, 2019.

Councilwoman Souza made a motion, seconded by Councilwoman Tagger-Epstein and unanimously carried, to approve the request to hold the annual Turkey Run road race on Saturday, November 30, 2019.

14. Miscellaneous communications and reports.

Councilwoman Goddard announced that registration for the food scrap recycling program is now open on the City website. Starting next Tuesday, those registered can pick up their food scrap starter kit. The curbside component was closed out in 36 hours. The City is now accepting waitlist names for curbside pickup in case the program becomes permanent. Councilwoman Goddard said that the City was looking forward to the service which will begin on March 4, 2019. Anyone with questions could email foodscrap@ryeny.gov.

Councilman Mecca said that at the recent Planning Commission meeting, the Commission had heard the referral from this Council for possible rezoning for fitness centers in the central business district. No decisions have been made, but there are issues to consider. For example, the applicant has suggested that the zoning change be applied to Parking District A or B, but the Planning Commission would like to consider the other business districts, inclusive of other properties, such as Avon. He said this was the beginning of the conversation. He said that Commission would be discussing for several meetings before issuing a recommendation.

Councilwoman Souza asked about Trinity Fitness on Purchase Street. Councilman Mecca responded that their current use is being questioned. Councilman Mecca further said that the downtown trend has changed to service-based businesses for the most part. This affects parking turnover. That is being considered.

Councilman Mecca reported that the City of White Plains had seen a greater number of applications for propane storage tanks because of Con Ed moratorium. He said that the temporary storage containers that Con Ed has is compressed natural gas.

Mayor Cohn said that the feedback from building department are that people are looking at propane and renewable energy. There is no end date for the moratorium. The gas problem in Westchester needs to be solved with a new pipeline.

Councilwoman Hurd asked if the moratorium had impacted Con Ed's urgency to do work in Rye. Mayor Cohn responded that it had not, and that the subject areas would remain supplied.

There was discussion about Con Ed's moratorium on new gas connections.

There was also discussion about a possible initiative regarding the ban of unnecessary balloons.

15. Old Business/New Business.

There was nothing discussed under this agenda item.

16. Adjournment.

There being no further business to discuss, Councilman Mecca made a motion at 8:36 P.M. seconded by Councilwoman Souza, to adjourn the regular meeting of the City Council.

Respectfully submitted,

Carolyn D'Andrea
City Clerk



CITY COUNCIL AGENDA

NO. 6

DEPT.: Planning

DATE: February 27, 2018

CONTACT: Christian K. Miller, City Planner

AGENDA ITEM: Consideration of a petition by The Miriam Osborn Memorial Home Association to amend the text of the City of Rye Zoning Code to create a new use and development standards for "Senior Living Facilities" in the R-2 Zoning District.

FOR THE MEETING OF:

February 27, 2018

RYE CITY CODE,

CHAPTER 197

SECTION 3

RECOMMENDATION: That the City Council

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

The petitioner, Miriam Osborn Memorial Home Association ("The Osborn") is seeking a zoning text amendment to revise the City of Rye Zoning Ordinance in order to allow for the necessary growth and adaptation of The Osborn campus to allow for the improved care of its residents. The petition requests the addition of a new R-2 Senior Living" use the R-2 District. This use would be permitted by special exception use permit approval, giving the City discretion over such developments. The zoning limits such developments to properties that meet certain criteria (at least 50 acres in size and in the R-2 District)in order to prevent such developments on incompatible sites within Rye.

McCULLOUGH, GOLDBERGER & STAUDT, LLP

ATTORNEYS AT LAW

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CITY OF RYE

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CHARLES A. GOLDBERGER
KEITH R. BETENSKY
COUNSEL

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

November 29, 2018

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

Re: The Osborn Home
101 Theall Road
Zoning Text Amendment

Dear Mayor Cohn and Members of the City Council:

This office represents Miriam Osborn Memorial Home Association ("The Osborn"), the owner and operator of the above-referenced property (the "Property"), which is the home of The Osborn's senior living development. The Osborn's facilities include memory care and assisted living, skilled nursing care, independent living apartments, and a number of associated improvements, including community facilities, office space, food preparation areas, and other support facilities needed to properly operate.

As some of you may be aware, The Osborn redeveloped its campus in 1992. Since that time, treatment methods have become more sophisticated, and the standard of care for seniors has greatly improved. The Osborn is in the process of developing its plans for the Property moving forward, to adapt its campus to current and future standards of care. As fully detailed in the enclosed letter from Matthew Anderson, President and CEO of The Osborn, it is imperative that The Osborn continues to adapt and grow with the senior care industry, in order to ensure the best care and quality of life for The Osborn's residents.

The Property is in the R-2 "One-Family" Zoning District, but is currently governed by a Declaration of Covenants and Restrictions that was put in place with the City of Rye as part of The Osborn's 1992 redevelopment. It has been suggested that the most beneficial path moving forward for all parties would be to codify the zoning and dimensional regulations that will affect The Osborn in the future.

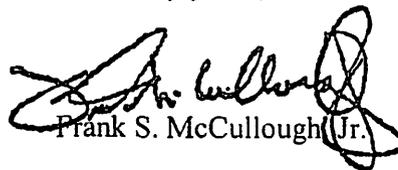
For the foregoing reasons, The Osborn is seeking a zoning text amendment to revise the City of Rye Zoning Ordinance in order to allow for the necessary growth and adaptation of The Osborn campus to allow for the improved care of its residents. Specifically, the enclosed petition requests the addition of a new "R-2 Senior Living" use in the R-2 District. This use would be permitted by special exception use permit approval, giving the City discretion over such developments. The proposed zoning amendment also provides for bulk and height requirements to ensure that the area is improved in a manner that is compatible with surrounding uses and is not over-developed. Moreover, the zoning limits such developments to properties that meet certain criteria (at least 50 acres in size and in the R-2 District) in order to prevent such developments on incompatible sites within Rye.

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"), together with the proposed text amendments to the Zoning Ordinance;
- 2) Letter from Matthew Anderson, dated November 28, 2018, certifying The Osborn's need for the proposed text amendments; and
- 3) Full Environmental Assessment Form ("EAF") relating to the proposed changes¹.

Kindly place this matter on the next available City Council agenda, in order for the Council to consider accepting the Petition and referral of the Petition to the Planning Commission. We look forward to discussing this important project with you.

Very truly yours,



Frank S. McCullough (Jr.)

cc: Christian Miller
Kristen Wilson, Esq.
Matthew G. Anderson
Stephanie Larsen, Esq.

¹ 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.

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

In the Matter of the Petition of

MIRIAM OSBORN MEMORIAL HOME ASSOCIATION
Petitioner,

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

For Amendment to the City of Rye
Zoning Ordinance.

Parcel: 146-13-1-8
-----X

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

PETITIONER, MIRIAM OSBORN MEMORIAL HOME ASSOCIATION (“Petitioner”, or “The Osborn”), with its principal place of business at 101 Theall Road, Rye, New York 10580 hereby petitions the City Council of the City of Rye (“Rye”) for amendments to the Zoning Ordinance of Rye as follows:

INTRODUCTION

1. Miriam Osborn Memorial Home Association is a duly formed and existing not for profit corporation licensed to do business in the State of New York, with its principal place of business at 101 Theall Road, Rye, New York 10580.

2. Petitioner is the owner of a tract of land totaling approximately 55.8 acres of real property, which is the lot identified as 101 Theall Road, City of Rye, County of Westchester, State of New York, shown and designated on the City of Rye Tax Map as Tax Parcel 146-13-1-8 (hereinafter referred to as the “Property”). The Property is the site of The Osborn, a senior living facility comprised of memory care, assisted living units, skilled nursing care, independent living units, and various related community facilities.

3. The Property is located in the R-2 “One-Family” Zoning District in Rye.

4. The Property is the subject of a Declaration of Covenants and Restrictions, dated October 15, 1993, which governs the dimensional regulations for the Property. Currently, these dimensional regulations are not codified anywhere in the City’s Zoning Ordinance.

5. The Property is located on the eastern side of Theall Road, between Osborn Road and Playland Access Drive, and it extends all the way to the western side of Boston Post Road. To the west of the Property, across Theall Road, are primarily office buildings, and a few multi-family and single-family residential lots. Across Boston Post Road, to the east, are single-family houses. Immediately adjacent to the Property along its northern border are additional office buildings. Along the southern border is the Osborn school, and additional single-family homes are located to the south across Osborn Road.

6. Currently, the Property is improved with a senior living campus, comprised of assisted living, memory care, and nursing home facilities, communal buildings, and independent living units. As The Osborn has grown, it has determined that the current facilities will not be able to adequately serve its needs and its residents in the future. As a result, the Petitioner is proposing to establish a new special exception use to allow for future growth and the eventual establishment of facilities needed for the continued and improved care of The Osborn's residents.

7. Therefore, Petitioner is hereby requesting that the City Council of Rye amend the Rye Zoning Ordinance to create a new use in the R-2 Zoning District, specifically a senior living campus use as a special exception use. This use would be established specifically for the benefit of larger properties uniquely situated for such uses within the City.

EXISTING STRUCTURES AND USES ON THE PROPERTY

8. The Property is approximately 55.88 acres and is presently improved with memory care and assisted living facilities, skilled nursing facilities, several garden homes and independent living units, communal amenities, food preparation facilities, offices, equipment storage areas, limited staff housing, and associated parking, landscaping, and security features.

PROPOSED TEXT AMENDMENTS TO ZONING ORDINANCE

9. Petitioner respectfully requests the adoption of a Local Law codifying a Zoning Text Amendment consisting of modifications to the Residence District Table of Use Regulations to permit a new "R-2 Senior Living" special exception use and associated accessory uses.

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

11. 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 would only affect properties of more than 50 acres located in the R-2 District.

12. In addition, the proposed Zoning Text Amendment will allow The Osborn to continue to thrive and maintain a high quality of care for its current and future residents. The Osborn has long been a member of the Rye community, and is committed to continuing its relationship with the City.

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: Rye, New York
November 28, 2018

Respectfully submitted,

MIRIAM OSBORN MEMORIAL HOME ASSOCIATION

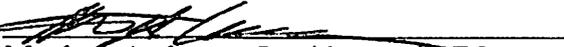
By: 
Matthew Anderson, President and CEO

EXHIBIT A

PROPOSED ZONING TEXT

**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 197-86 of the City of Rye Zoning Ordinance shall be amended by adding a new section (15) entitled “R-2 Senior Living Facilities” to Table A, Column 2, under the heading “R-1, R-2, R-3, R-4, R-5, R-6, RS and RT Districts”, which shall state as follows:

(15) R-2 Senior Living Facilities. In the R-2 District, an age restricted, multi-family residential facility in a campus setting providing a variety of housing types, including, but not limited to: independent living units, assisted living facilities, ambulatory services, and domiciliary care facilities, with healthcare support, including but not limited to availability of accessible units and assistance for residents with activities of daily living, and including other appropriate ancillary and accessory uses typically found in senior residential communities including, but not limited to, communal space, associated office space, equipment storage, residences for staff, support facilities, food preparation and service facilities, provided that:

- (a) Residents of R-2 Senior Living Facilities shall be limited to: (i) a single person 55 years of age or older; (ii) two or three persons, all of whom are 55 years of age or older; (iii) a married couple, live-in companion, or partner, one of which is 55 years of age or older; (iv) the surviving spouse of a person 55 years of age or older, provided that the surviving spouse was duly registered as a resident of the development at the time of the elderly person's death; and (v) one adult 18 years of age or older residing with a person who is 55 years of age or older, provided that said adult is essential to the long-term care of the elderly person as certified by a physician duly licensed in New York State.

[1] Notwithstanding the foregoing, up to four (4) dwelling units within the community may be set aside to be occupied by a superintendent, building manager, or other staff member and their family, to which the limitations on occupancy set forth above shall not apply.

[2] Persons under the age of 55 not specifically permitted to be occupants shall not be permitted to be permanent residents of dwelling units. For the purposes of this section, a “permanent resident” shall mean any person who resides within the dwelling for more than three consecutive weeks or in excess of 30 days in any calendar year, or has listed the residence as an abode for any purpose whatsoever, including, but not limited to, enrollment in public or private schools. Temporary occupancy by guests of families shall be

permitted, provided that such occupancy does not exceed a total of 30 days in any calendar year.

[3] The limitations on occupancy shall be included in the marketing materials for the development as well as within the rules and regulations or terms of any leases, bylaws or covenants and restrictions for the development. Violations of the limitations on occupancy shall be enforceable by the City of Rye Building Inspector against the owner or lessee or the agent of any of them and shall be punishable by a fine of \$250 per day or by imprisonment not exceeding 15 days, or by both such fine and imprisonment. Exceptions to these regulations shall be granted if any limitations are determined to be in violation of any state or federal law.

[4] The Planning Commission shall have the right to require that the owner execute agreements and covenants as it may deem to be required during any site plan approval process as it may reasonably deem to be required to ensure compliance with the stated intent of this section. Said agreements or covenants shall be recorded in the office of the Westchester County Clerk and constitute a covenant running with the land. Such covenant or agreement may be modified or released only as set forth in said covenant or agreement or by the City Council.

- (b) The site for an R-2 Senior Living Facility shall have a minimum of 50 contiguous acres.
- (c) The floor area ratio shall not exceed 0.5.
- (d) Lot building coverage shall not exceed 20% and total impervious coverage shall not exceed 35%.
- (e) Building height shall not exceed five (5) stories or 60 feet.
- (f) There shall be a minimum yard requirement of 150 feet for front yards and a minimum yard requirement of 50 feet for side and rear yards.
 - [1] Required front yard setbacks may be reduced to no less than 60 feet, provided that the maximum permitted area of the encroachment of the structure into this reduced setback shall be no more than 25% of the total area between the front yard line and the standard 150-foot setback. Notwithstanding the foregoing, for all new buildings and structures, a minimum setback of 150 feet shall be maintained from Old Boston Post Road.
 - [2] The provisions of § 197-52 shall not apply to R-2 Senior Living Facilities.
- (g) New parking areas and roadways may be located in required yards, but in no case shall a parking area or roadway be located closer than 40 feet to a property line.
- (h) There shall be a minimum distance of 20 feet between all buildings. Notwithstanding the foregoing, buildings may be connected by exterior paved pathways or interior corridors. The provisions of § 197-70 shall not apply to R-2 Senior Living Facilities.

- (i) For independent living units in R-2 Senior Living Facilities, the minimum amount of residential floor area in each unit shall be 750 square feet for one bedroom units, 900 square feet for two bedroom units, and 1,100 square feet for three bedroom units. For assisted living units, the minimal amount of residential floor area shall be 200 square feet. The provisions of § 197-44.B shall not apply to R-2 Senior Living Facilities.
- (j) On any lot used for an R-2 Senior Living Facility, at least 60% of the property shall be preserved as open space. The provisions of § 197-68 shall not apply to R-2 Senior Living Facilities.
- (k) Off-street parking for R-2 Senior Living Facilities shall be provided as follows:
 - [1] For independent living units: 1.5 spaces per dwelling unit.
 - [2] For assisted living, skilled nursing, nursing home, and memory care facilities: 0.25 spaces per bed.
- (l) The provisions of Chapter 197, Attachment 1, entitled "Table A: Residence Districts" shall not apply to R-2 Senior Living Facilities.
- (m) The provisions of § 197-8.A and C shall not apply to R-2 Senior Living Facilities.

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



The Osborn

A tradition of gracious retirement living.

November 28, 2018

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

Dear Mayor Cohn and Members of the City Council:

The Osborn was formed upon the death of Miriam A. Osborn in 1892, by an act of the New York State legislature, based on instructions in her will to establish a home to care for aged gentlewomen in needy circumstances. John W. Sterling, the executor of Mrs. Osborn's will, purchased the land on Theall's Hill in Rye upon which the original Osborn building was constructed and opened in 1908. Between 1950 and 1970, the board of The Osborn sold off hundreds of acres of landholdings surrounding the current 56-acre campus to generate funds for operations. Some land was sold to large companies for office space, some was sold for development of single-family homes, and some was sold to the Rye school district, which built Osborn Elementary School.

In the 1980's, The Osborn board sought to restore the institution to fiscal health and its charitable mission by adopting a comprehensive plan named "Pathway 2000". Under this plan, The Osborn intended to renovate and expand the facility to become a continuing care retirement community providing independent living, assisted living and skilled nursing care. In the early 1990's, The Osborn developed a plan for the expansion of its facilities on the Rye campus and made application to the City of Rye for approval of that plan.

Since the 1993 Covenants and Restrictions were established and the "Pathway 2000" project was completed, both health care and senior living have changed dramatically. For The Osborn to continue to innovate, evolve, and grow in the ever-changing competitive market, as well as meet the needs of seniors in the future, it must expand and update its core services, including newer Assisted Living facilities, additional memory care services, and independent living options with varied amenities. By allowing The Osborn to grow beyond its current restrictions, the City would assist The Osborn in positioning itself properly to succeed as a premier service provider and continue to be a significant taxpayer in Rye, as well as a good community partner.

Yours very truly,

Matthew G. Anderson
President and CEO

**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 project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Sponsor Information.

| | | |
|---|--------------|------------------------------------|
| Name of Action or Project: THE OSBORN ZONING AMENDMENT | | |
| Project Location (describe, and attach a general location map): THE PROPERTY LIES EAST OF THEALL ROAD AND WEST OF BOSTON POST ROAD | | |
| Brief Description of Proposed Action (include purpose or need): A LOCAL LAW TO REVISE THE ZONING ORDINANCE OF THE CITY OF RYE IS BEING PROPOSED TO ALLOW FOR FLEXIBLE DESIGN OF SENIOR LIVING ON THE PROPERTY. THE AMENDMENT WILL INCLUDE SENIOR LIVING FACILITIES AS A USE PERMITTED SUBJECT TO ADDITIONAL STANDARDS AND REQUIREMENTS IN A R-2 ZONE. IT WILL ALSO INCLUDE PERMITTED ACCESSORY USES TO R-2 SENIOR LIVING FACILITIES. | | |
| Name of Applicant/Sponsor: MIRIAM OSBORN MEMORIAL HOME ASSOCIATION | | Telephone: (914) 925-8201 |
| | | E-Mail: MANDERSON@THEOSBORN.ORG |
| Address: 101 THEALL ROAD | | |
| City/PO: RYE | State: NY | Zip Code: 10580 |
| Project Contact (if not same as sponsor; give name and title/role): FRANK S. MCCULLOUGH, JR. | | Telephone: (914) 949-6400 |
| | | E-Mail: FMCCULLOUGH@MGSLAWYERS.COM |
| Address: 1311 MAMARONECK AVENUE, SUITE 340 | | |
| City/PO: WHITE PLAINS | State: NY | Zip Code: 10605 |
| 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 Council, Town Board, or Village Board of Trustees <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | ZONING TEXT AMENDMENT | NOVEMBER 2018 |
| b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | ZONING AMENDMENT REFERRAL | |
| c. City Council, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 239-M REFERRAL TO COUNTY PLANNING | |
| 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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | |
| <ul style="list-style-type: none"> • 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? <input type="checkbox"/> Yes <input type="checkbox"/> 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?) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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. Yes No
If Yes, what is the zoning classification(s) including any applicable overlay district?
R-2 ONE-FAMILY (1/2 ACRE MIN PER UNIT)

b. Is the use permitted or allowed by a special or conditional use permit? Yes No

c. Is a zoning change requested as part of the proposed action? Yes No
If Yes,
i. What is the proposed new zoning for the site? _____

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?
RYE NATURE CENTER

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 ONLY

b. a. Total acreage of the site of the proposed action? _____ 55.8 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? _____ 55.8 acres

c. Is the proposed action an expansion of an existing project or use? Yes 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? Yes 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? Yes No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will proposed action be constructed in multiple phases? Yes No
i. If No, anticipated period of construction: _____ months
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? Yes 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)? Yes 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? Yes No
 If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: Ground water Surface water streams 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) Yes 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? Yes 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? Yes 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? Yes 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 proposed action cause or result in disturbance to bottom sediments? Yes No
 If Yes, describe: _____

iv. Will 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: SUEZ
- 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), 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: MAMARONECK WWTP
- Name of district: MAMARONECK
- 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

Yes No
 Yes No

- Do existing sewer lines serve the project site?
- Will line extension within an existing district be necessary to serve the project?
 If Yes:
 - Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

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? Yes No

If Yes:

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? Yes No

iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes 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? Yes No

If Yes, identify:

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)

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? Yes No

If Yes:

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) Yes No

ii. In addition to emissions as calculated in the application, the project will generate:

- _____ 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)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No

If Yes:

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? Yes 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? Yes No

If Yes:

i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? Yes 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? Yes No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____

iii. Will the proposed action require a new, or an upgrade to, an existing substation? Yes No

l. Hours of operation. Answer all items which apply.

| | | | |
|-------------------------|------------|------------------------|------------|
| i. During Construction: | | ii. During Operations: | |
| • Monday - Friday: | _____ 24/7 | • Monday - Friday: | _____ 24/7 |
| • Saturday: | _____ 24/7 | • Saturday: | _____ 24/7 |
| • Sunday: | _____ 24/7 | • Sunday: | _____ 24/7 |
| • Holidays: | _____ 24/7 | • Holidays: | _____ 24/7 |

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No
 If yes:
 i. Provide details including sources, time of day and duration:

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No
 Describe: _____

n.. Will the proposed action have outdoor lighting? Yes No
 If yes:
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Yes No
 Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

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? Yes No
 If Yes:
 i. Product(s) to be stored _____
 ii. Volume(s) _____ per unit time _____ (e.g., month, year)
 iii. Generally describe proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? Yes No
 If Yes:
 i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? Yes No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No
 If Yes:
 i. Describe any solid waste(s) to be generated during construction or operation of the facility:
 • Construction: _____ tons per _____ (unit of time)
 • Operation : _____ tons per _____ (unit of time)
 ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:
 • Construction: _____

 • Operation: _____

iii. Proposed disposal methods/facilities for solid waste generated on-site:
 • Construction: _____

 • Operation: _____

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 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): RETIREMENT COMMUNITY AND REHABILITATION FACILITY
 ii. If mix of uses, generally describe:

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 | ±14.8 | | |
| • Forested | 0 | | |
| • Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural) | ±41.0 | | |
| • Agricultural (includes active orchards, field, greenhouse etc.) | 0 | | |
| • Surface water features (lakes, ponds, streams, rivers, etc.) | 0 | | |
| • Wetlands (freshwater or tidal) | 0 | | |
| • Non-vegetated (bare rock, earth or fill) | 0 | | |
| • Other Describe: _____ | | | |

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:
 THE OSBORN SCHOOL IS AN ADJACENT PROPERTY SOUTH OF THE PROJECT SITE.

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): _____
 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: _____

 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): B00109
 iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):
 THE SITE LISTED IN THE NYSDEC ENVIRONMENTAL SITE REMEDIATION DATABASE IS BEAVER SWAMP BROOK SITE LOCATED IN HARRISON, NY. REMEDIATION AT THIS SITE WAS COMPLETED OCTOBER 28, 2014.

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? _____ 2 TO 6 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: _____ 52 %
 _____ 26 %
 _____ 22 %

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: _____ % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ % of site
 10-15%: _____ % 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 _____ 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? 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: Principal Aquifer

m. Identify the predominant wildlife species that occupy or use the project site:

| | | |
|-----------------|--------------------|--------------------|
| Squirrel | Chipmunk | Various song birds |
| White tall deer | Wild turkey | |
| Groundhog | Eastern cottontail | |

n. Does the project site contain a designated significant natural community? Yes 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:

- 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? Yes No

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? Yes No

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? Yes 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? Yes No
If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? Yes 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? Yes No
If Yes:
i. Nature of the natural landmark: Biological Community 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? Yes No
If Yes:
i. CEA name: County & State Park Lands
ii. Basis for designation: Exceptional or unique character
iii. Designating agency and date: Agency: Westchester County, Date: 1-31-90

| | |
|---|---|
| e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| If Yes: | |
| 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: | |
| 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 type="checkbox"/> 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? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? | <input type="checkbox"/> Yes <input type="checkbox"/> No |

F. Additional Information

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

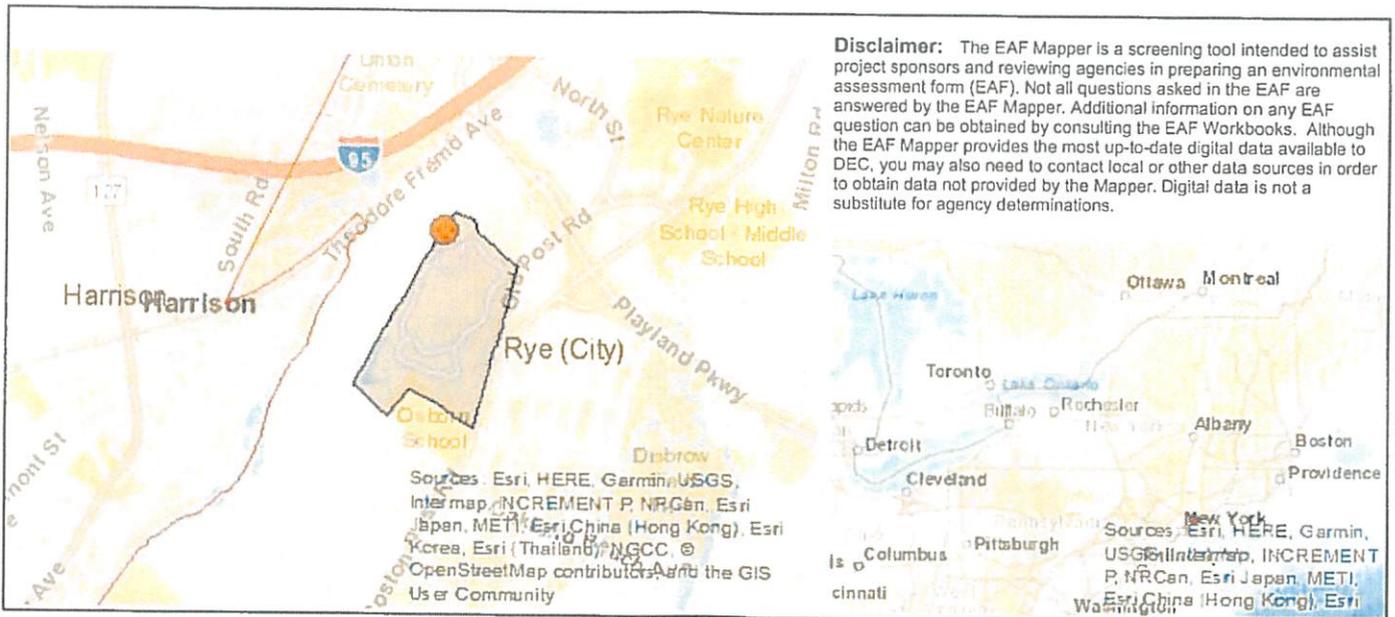
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

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

Applicant/Sponsor Name Miriam Oshay Memorial Home Assoc. Date 11/28/18

Signature [Signature] Title President / CEO



| | |
|--|--|
| 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] | B00109 |
| E.2.g [Unique Geologic Features] | No |
| E.2.h.i [Surface Water Features] | No |
| E.2.h.ii [Surface Water Features] | No |
| E.2.h.iii [Surface Water Features] | No |
| 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] | 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] | Yes |
| E.3.d [Critical Environmental Area - Name] | County & State Park Lands |
| E.3.d.ii [Critical Environmental Area - Reason] | Exceptional or unique character |
| E.3.d.iii [Critical Environmental Area – Date and Agency] | Agency:Westchester County, Date:1-31-90 |
| E.3.e. [National Register of Historic Places] | 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 |

Senior Living Facilities Zoning Text Amendment

December 14, 2018

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standards that would allow The Osborn to make improvements to its campus that the current Covenants and Restrictions do not allow.

Zoning Process

The process to change either the text of the zoning code (i.e. Chapter 197 of the Rye City Code) or change the City's Zoning Map is essentially the same process as the adoption of a local law. The City Council needs to set a hearing on the proposed law, publish the notice of the hearing, have the law available for public inspection before the hearing, close the hearing, make a decision at a public meeting and file the zoning change/local law with the state.

Land use matters have a couple of additional requirements from other local laws. In Rye, zoning petitions are referred to the City Planning Commission for their advisory review and comment. This is typically done at the first meeting of the Council when the petition is presented by the petitioner. Upon referral, the Planning Commission will hear presentations from the petitioner at its regularly scheduled public meetings. During the course of its deliberations the Commission may request additional information from the petitioner or staff. It may also request from the petitioner or recommend to the City Council additional analysis, changes to the proposed amendment or provide other points of planning consideration it deems relevant for the Council. The City Planner prepares a written recommendation based on the comments of the Commission, which considers forwarding the advisory memorandum to the Council after a majority vote.

A decision on a law change is completely discretionary. The Council can consider the petition or not. It can process applications in any manner it so chooses. It is not required to hear or consider any petition. It can change the petition as it deems appropriate even if those changes may not meet the needs of the petitioner. If a vote is considered it requires a simple majority of the City Council. If there is written protest involving a 50% or more of the frontage of properties impacted by the zoning change, then approval of at least three-fourths of the City Council (i.e. 6 members) is required.

Under General Municipal Law and/or the Westchester County Administrative Code the proposed petition is required to be circulated to the Westchester County Planning Board up to 30 days in advance of a decision and at least 10 days before a hearing. If the proposed zoning petition affects property located within 500 feet of a municipal boundary referral to the adjacent community is also required.

Finally, a decision on a zoning text amendment is required to comply with State Environmental Quality Review (SEQR). The petitioner has submitted with its petition a Full Environmental Assessment Form (EAF) for the Council's consideration. In most instances the only involved agency is the City Council so it is the Lead Agency. There must be a determination of significance (i.e. negative or positive declaration) before the City Council makes its final decision to adopt the proposed zoning text amendment.

Senior Living Facilities Zoning Text Amendment

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Future Development

As the legislative body, the City Council adopts changes in the zoning code. They set the parameters for future development, but they don't approve the specific site plan, building configuration, building design, architecture, etc. That would come at some future point of the property owner's choosing. Specific site development plans would need to be approved by the City Planning Commission and Board of Architectural Review.



CITY COUNCIL AGENDA

NO. 9

DEPT.: City Manager

DATE: February 27, 2019

CONTACT: Marcus Serrano

AGENDA ITEM: Consideration of a request by the RyeACT Coalition to use the Village Green to hold a Community Prevention Fair on Tuesday, May 14, 2019 from 2:00pm - 10:00pm contingent upon a certificate of insurance and approval by the City Engineer.

FOR THE MEETING OF:

February 27, 2019

RECOMMENDATION: That the City Council approve the request.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

This event will be held on the Village Green and hosted by the Rye Free Reading Room. The theme will be a "prevention/ health fair", with various "booths/stations" where community members can find out more about prevention activities and information about drug trends, including results and analysis of their most recent student survey.

From: [Ruttenberg, Noga P.](mailto:Ruttenberg.Noga.P)
To: [Ruttenberg, Noga P.](mailto:Ruttenberg.Noga.P)
Subject: FW: Checking in re: permit for RyeACT Coalition event
Date: Monday, February 25, 2019 4:06:54 PM

From: RyeAct Coalition [<mailto:ryeactcoalition@gmail.com>]
Sent: Sunday, February 24, 2019 2:44 PM
To: D'Andrea, Carolyn E. <cdandrea@ryeny.gov>
Cc: Souza, Julie A. <jsouza@ryeny.gov>
Subject: Checking in re: permit for RyeACT Coalition event

Hi Carolyn:

I'm emailing to request a permit for use of the space on the green for an upcoming RyeACT Coalition community event on Tuesday, May 14th. Julie Souza, who is our RyeACT liaison from the City Council, directed me to reach out to you directly for this purpose. Below is information that I had sent to Marcus Serrano about the event for your reference.

My contact information is in the email content below if you need to reach me.

Thank you for your assistance!
Nancy Pasquale
RyeACT Coalition Coordinator

~~~~~  
Hi Marcus:

RyeACT Coalition is holding its annual community-wide prevention event this year on Tuesday, May 14th.

This year, we are planning a "We Are RyeACT : Community Prevention Fair." The Rye Free Reading Room is going to be our "host" location, but we would actually like to set up some of the event activities out on the green, so I'm reaching out early to find out what would be involved in order to make that happen. I have copied Mayor Cohn, who is a member of our RyeACT Steering Committee, and Councilwoman Julie Souza, who is our RyeACT Coalition liaison. Also copied herein are Coalition Chair Julie Killian, Denise Woodin from the YMCA (the coalition's fiscal agent) and Chris Shoemaker from library.

As you might imagine given the theme of the event, it will be a "prevention/ health fair", with various "booths/stations" where community members can find out more about prevention activities and information about drug trends, including results and analysis of our most recent student survey.

The "main attraction" that we would love to feature on the green are some inflatables (we are considering a brain and lungs) that attendees can walk through to learn about the impact of substances on brain/lung/and overall health. I've included a link to the company's website (Medical Inflatables) below for your reference. Once we set up our contract with them, they are accustomed to providing certificates of insurance etc. that you would normally require.

[http://www.medicalinflatables.com/?\\_vsrefdom=adwords](http://www.medicalinflatables.com/?_vsrefdom=adwords)

I did a walk through of the library with Chris Shoemaker--so there is alternate indoor space at the library in the event of bad weather on that date. But ideally, having this "feature" item(s) out on the green will help attract folks to the event on that date and really contribute to the "community event" atmosphere.

I would be happy to set up time to meet with you or talk by phone as needed to answer any questions you might have and to complete any required permit paperwork, etc. You can reach me via return email or by phone at 914-481-4141 or (mobile) 203-981-8229.

Please let me know what our next steps should be. We have greatly appreciated the city's support for our community events in past years, and look forward to working with you to make this year's event happen! Thank you, in advance, for your help.

Regards,  
Nancy Pasquale  
RyeACT Coalition Coordinator



# CITY COUNCIL AGENDA

NO. 10

DEPT.: Finance

DATE: February 27, 2019

CONTACT: Joe Fazzino, Deputy Comptroller

**AGENDA ITEM:** Resolution to authorize the addition of Westchester Bank and Signature Bank as authorized depositories of the City of Rye.

**FOR THE MEETING OF:**

February 27, 2019

**RECOMMENDATION:** That the Council approve this resolution.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** These banks have other Municipal clients, will provide investment opportunity and allow the Comptroller to compare and negotiate services and interest rates.



# CITY COUNCIL AGENDA

NO. 11

DEPT.: Rye Golf Club

DATE: February 27, 2019

CONTACT: Jim Buonaiuto, General Manager

**AGENDA ITEM:** Consider a request by the Rye Golf Club Commission to appoint Terrance McCartney, Rye Resident, to fill a commissioner seat vacated by Garrick Gelinis for the remainder of his term (ending Dec 31, 2020)

**FOR THE MEETING OF:**

February 27, 2019

**RYE CITY CODE,**

**RECOMMENDATION:** That the Mayor and the City Council approve the appointment of Terrance McCartney.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

The Rye Golf Club Commission needs to fill the empty seat of Garrick Gelinis.

**From:** [Buonaiuto, Jim](#)  
**To:** [Ruttenberg, Noga P.](#)  
**Cc:** [Serrano, Marcus A.](#)  
**Subject:** For Council Consideration  
**Date:** Wednesday, January 16, 2019 10:16:32 AM

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Good Morning Noga,

The Rye Golf Club Commission wishes to notify the City Council that one of our commissioners; Garrick Gelinas, has resigned. The commission requests that the City Council appoint Terrance McCartney, Rye Resident, to fill the seat vacated by Garrick for the remainder of Garrick's term (ending Dec 31, 2020).

Please let me know if any further information needs to be provided from the club.

Thank you,

***Jim Buonaiuto***

General Manager  
Rye Golf Club  
330 Boston Post Road  
Rye, New York 10580  
P: 914.835.3200 option 7  
F: 914.835.3229



# CITY COUNCIL AGENDA

NO. 12      DEPT.: Rye Chamber of Commerce      DATE: February 27, 2019  
CONTACT: Margaret Ricketts, President

**AGENDA ITEM:** Consideration of a request by the Rye Chamber of Commerce for the use of the southern end of the City's Car Park #2 on Sundays from May 12, 2019 through December 8, 2019 from 6:30 a.m. to 3:30 p.m. for the Rye Farmers Market. Market hours are from 8:30 a.m. to 2 p.m.

**FOR THE MEETING OF:**

February 27, 2019

**RYE CITY CODE,**  
CHAPTER  
SECTION

**RECOMMENDATION:** That the Council consider approving the request.

**IMPACT:**    Environmental    Fiscal    Neighborhood    Other:

**BACKGROUND:**

The Merchants Association requests the use of the southern end of Car Park #2 on Sundays from May 12, 2019 through December 8, 2019 from 6:30 a.m. to 3:30 p.m. for the Rye Farmers Market. Market hours are from 8:30 a.m. to 2 p.m. The City Council is asked to approve the request.

See attached request.



February 14, 2019

Noga Ruttenberg  
Secretary to the City Manager  
City of Rye  
1051 Boston Post Road  
Rye, New York 10580

RE: Rye Farmers Market

Dear Ms. Ruttenberg:

On behalf of the Rye Chamber of Commerce, I am writing to request permission from the City for use of Parking Lot # 2 southern end on Sundays from 6:30 am – 3:30 pm from May 12–December 8, 2019 for the Rye Farmers Market. Market hours are from 8:30 am – 2 pm.

Our members will be setting out their own tables and tents with a mindful eye to keep the ends delineated with traffic cones.

I will contact Commissioner Falk of the Rye City Police Department to make sure the village officer is aware of this seasonal activity. An insurance certificate will be provided upon approval.

Thank you in advance for your consideration.

Very truly yours,

.

Pamela Dwyer

President,  
Rye Chamber of Commerce



# CITY COUNCIL AGENDA

NO. 13

DEPT.: City Manager

DATE: February 27, 2017

CONTACT: Marcus Serrano, City Manager

**AGENDA ITEM:** Consideration of a request by the Rye Little League to approve a parade to kickoff Opening Day of the 62nd Little League Season on Saturday, April 6, 2019 beginning at 12:00 p.m.

**FOR THE MEETING OF:**

February 27, 2017

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council consider granting the request.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

The Rye Little League is requesting the Council approve a parade to kickoff Opening Day of the 61<sup>st</sup> Little League Season on Saturday, April 6, 2019 beginning at 12:00 p.m. with a rain date of Sunday, April 7, 2019.

See attached request from Mark Howard, Parade Coordinator.



Dear Mr. Serrano,

The Rye Little League has designated Saturday, April 6th, 2019 as Opening Day of the 62nd Little League Season.

We are planning to do what we have done for the past 61 years; a parade beginning at noon that originates at the Rye Train Station and ends at Grainger Field at Disbrow Park.

The parade will likely have upwards of 500 participants, including the Rye Little League, Rye Girls Sports League, marching bands, several vehicles and a variety of emergency vehicles (ambulance and fire trucks).

We respectfully request that you issue the League a permit to hold the parade on Saturday the 6th of April at noon and in addition, permission to reschedule for Sunday the 7th of April at noon in the event of rain on Saturday. We understand that the City's permission is conditioned upon the League furnishing a certificate evidencing \$1,000,000 liability insurance with the City of Rye named as additional insured and a hold harmless clause indemnifying the City against claims and judgments resulting from the use of City property. The certificate is forthcoming.

Upon the City's approval, the assistance and cooperation of the City of Rye Police will be requested directly through the Police Commissioner.

Sincerely,

Mark H. Howard  
Parade Coordinator  
(914)937-5820  
markhoward714@gmail.com



# CITY COUNCIL AGENDA

NO. 14

DEPT.: City Manager's Office

DATE: February 27, 2019

CONTACT: Marcus Serrano, City Manager

**AGENDA ITEM:** Consideration of request from the Vita Family to have a food truck at their May 5, 2019 annual picnic at Rye Recreation.

**FOR THE MEETING OF:**

February 27, 2019

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

**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 Recreation Department asking on behalf of the Vita Family to have a food truck at their annual picnic on May 5, 2019. 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.

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INTEROFFICE MEMORANDUM

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**TO:** MARCUS SERRANO, CITY MANAGER  
**FROM:** SALLY ROGOL, SUPERINTENDENT  
**SUBJECT:** REQUEST FOR FOOD TRUCK, PICNIC EVENT MAY 5, 2019  
**DATE:** FEBRUARY 13, 2019  
**CC:** NOGA RUTTENBERG

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The Vita Family is having their annual picnic at Rye Recreation. They are the owners of Longford's ice cream store here in Rye. They have requested to have their truck at their event on Sunday, May 5, 2019.

We understand that the local code § 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.

Both of these restrictions would need to be overridden to allow the food truck to be at their event.

Please let me know if you need any additional information.



# CITY COUNCIL AGENDA

NO. 15

DEPT.: City Manager's Office

DATE: February 27, 2019

CONTACT: Marcus Serrano, City Manager

**AGENDA ITEM:** Consideration of a request from the Stigliano Family to have a children's "gaming truck" for child's birthday party on Sunday, April 7, 2019. The City Council will have to waive § 144-8D and G of the City Code.

**FOR THE MEETING OF:**

February 27, 2019

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

**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 Recreation Department asking on behalf of the Stigliano Family to have a gaming truck at their child's birthday party on Sunday, April 7, 2019. 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.

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INTEROFFICE MEMORANDUM

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**TO:** MARCUS SERRANO, CITY MANAGER  
**FROM:** SALLY ROGOL, SUPERINTENDENT  
**SUBJECT:** REQUEST FOR GAMING TRUCK, APRIL 7, 2019  
**DATE:** FEBRUARY 25, 2019  
**CC:** NOGA RUTTENBERG

---

The Stigliano Family would like to host their child's birthday party here at Rye Recreation. They are hoping to have a children's "gaming truck" for that event on Sunday, April 7, 2019.

I don't know if that falls under the local code § 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.

If so, both of these restrictions would need to be overridden to allow the gaming truck to be at their event.

Please let me know if you need any additional information.