

***APPROVED MINUTES*** of the Regular  
Meeting of the City Council of the City of Rye held in  
City Hall on March 27, 2019, at 7:30 P.M.

PRESENT:

JOSH COHN, Mayor  
SARA GODDARD  
EMILY HURD  
RICHARD MECCA  
JULIE SOUZA  
BENJAMIN STACKS  
Councilmembers

ABSENT:

DANIELLE TAGGER-EPSTEIN, Councilmember

The Council convened at 6:30 P.M. Councilman Mecca made a motion, seconded by Councilwoman Hurd, enter into executive session to discuss litigation and personnel matters. At 7:38 P.M., Councilman Mecca made a motion, seconded by Councilwoman Hurd, to exit executive session and commence the regular meeting of the City Council. The meeting began at 7:43 P.M.

1. Pledge of Allegiance.

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

2. Roll Call.

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

3. General Announcements.

Councilwoman Souza announced that the Rye Recreation 6<sup>th</sup> grade basketball team won the Westchester County tournament. She announced that the team will be honored at the upcoming April 10, 2019 City Council meeting.

Mayor Cohn reported that Rye resident, Darcy Gibson, has passed away. Mr. Gibson served the City in many capacities, as he was on the Board of Architectural Review from 1970 to 1973, and then the Board of Appeals from 1974 to 1983. The memorial service and viewing will be held Saturday, March 30, 2019 at Graham Funeral Home from 2pm-6pm and a reception to follow at Ruby's Oyster Bar from 6pm-9pm.

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Additionally, Mayor Cohn provided an update on the Fireman's circle. He stated that there were two main goals for this capital improvement: safety and structural. Regarding safety, prior to 2011, there were safety and vehicular concerns. The circle was cited as a needed improvement in a 2011 Rye Shared Roadways report as well as in a Safe Routes to School survey in 2012. Since then, the design work has been in review with the Traffic and Pedestrian Safety Committee. The design that is being implemented is design that the TPS has deemed as the safest.

From a structural perspective, Mayor Cohn said that the circle has needed to be repaired due to water infiltration and frequent re-paving which resulted the curbs' inability to contain storm runoff and reach its drains. Further, when the pavers were stripped down to the earth, it was discovered that there was a main pipe leak, which added to the deterioration. As a result, the circle has been re-built from the ground up. Work will continue through the week of April 15, 2019. The design is intended to make safe pedestrian crossings for school children, with a new crosswalk at the Grace Church entrance. Unfortunately, the City has lost some on-street parking spaces by Milton Road at the expense of making the roadway safer and crosswalk more visible. The pattern is intended to slow cars and create site lines. There will also be a new sidewalk around the circle to help children walking from the Loudon Woods area to Midland School. Some have remarked on the cobblestones which is there to help vehicle traversing. The other options were less expensive, but this option allowed for extended life of the project in the long term. Mayor Cohn invited Rye residents with further questions to approach the City.

Councilwoman Hurd added that some residents questioned the granite curbs. She commented that besides the aesthetic, they are more durable than cement for a long-term improvement.

4. Draft unapproved minutes of the Regular Meeting of the City Council held March 13, 2019.

Councilwoman Hurd made a motion, seconded by Councilman Mecca and unanimously carried, to adopt the minutes of the Regular Meeting of the City Council held March 13, 2019.

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

Nothing was discussed under this agenda item.

6. Discussion of the new switchgear building at Rye Playland with Hugh Greechan, the County Public Works and Transportation Commissioner.

Hugh Greechan, Westchester County Public Works and Transportation Commissioner, addressed the Council. He commented that he was in favor of the design for the Fireman's Circle, previously discussed by the Mayor. Mr. Greechan discussed the proposed switchgear upgrade behind Playland Park. He made a short presentation with some illustrations of the existing switchgear, which distributes power. He explained that the present switchgear had failed several times. He stated that the current switchgear would be kept in service, and the new

switchgear building would be built around the current structure and then the transfer would be made to the new switchgear.

Peter Tartaglia, Westchester County Deputy Park Superintendent, addressed the Council. There was discussion with Mr. Tartaglia and Mr. Greechan regarding the structures and residences within the park.

Councilwoman Goddard asked about resident impact with regard to the new equipment. Mr. Greechan explained that the hum of the transformer cannot be heard from Roosevelt Avenue.

Mayor Cohn asked if the building would be insulated to handle a transformer explosion. Mr. Greechan explained it would be built to the electrical code and safety setbacks.

There was then discussion about storage and the mechanics of a switchgear.

Councilman Stacks asked about the timing of this project. Mr. Greechan reported that the County was looking to complete the design in 2-3 months, go to bid by the end of summer, and do off-season construction with the optimal goal to complete by opening day 2020. He said that the work would be done from the Playland side.

Mayor Cohn asked what the back of the structure would look like. Discussion about the back of the building, earth tones for aesthetics, and that the location was set to be in same location as it currently sits.

Bertrand de Frondeville, 19 Hook Rd, asked about raising of the utility to avoid flooding. Mr. Greechan explained that it would be 2.5 feet above the water level.

7. Open a Public Hearing to adopt a local law which amends Chapter 100, *Floodplain Management*, of the Rye City Code adopting a Letter of Map Revision (LOMR) to the National Flood Insurance Rate Maps for the City.

Councilman Mecca made a motion, seconded by Councilwoman Hurd, to open the public hearing on Chapter 100, Floodplain Management.

There were no comments.

Councilman Mecca made a motion, seconded by Councilwoman Hurd, to close the public hearing on Chapter 100, Floodplain Management.

Councilman Mecca explained this was brought to the City's attention by FEMA. He reported that by making this change, it can provide some flood insurance relief to those impacted due to the erroneous designation. Mayor Cohn said he hopes that people subject to the inconsistency would be helped.

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Councilman Mecca made a motion, seconded by Councilwoman Hurd, to adopt a resolution finding that there is no significant adverse environmental impact and that a negative resolution is warranted under SEQRA.

**ROLL CALL**

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

Councilman Mecca made a motion, seconded by Councilwoman Goddard, to amend Chapter 100 of the Rye City Code as follows:

**WHEREAS**, the City of Rye was advised in a March 6, 2019 letter from the New York Department of Environmental Conservation (NYSDEC) that the Federal Emergency Management Agency (FEMA) has revised Flood Insurance Rate Map (FIRM) panel number 36119C0354F to correct a typographical error noted on the current FIRM adopted in September 28, 2007; and

**WHEREAS**, the map revision, known formally as a Letter of Map Revision (LOMR), requires that Chapter 100, Floodplain Management, of the Rye City Code be amended to reflect the new revised FIRM panel; and

**WHEREAS**, the LOMR involves a small flood zone designation west of Stuyvesant Avenue generally between 720 Milton Road (A.K.A. Milton Harbor House) and a location approximately 500 feet north of Van Wagenen Avenue; and

**WHEREAS**, the flood zone area in question on the current FIRM includes two labels – one indicating “AE13” and the other inaccurately and improperly indicating “VE13”; and

**WHEREAS**, the LOMR changes this typographical label for this flood zone from “VE13” to “AE13”; and

**WHEREAS**, the City Council conducted a noticed public hearing on March 27, 2019 and all those wishing to be heard were given the opportunity to be heard; and

**WHEREAS**, there was no public comment; and

**WHEREAS**, the City Council has reviewed the Environmental Assessment Form (EAF) and determines that the proposed action is consider an Unlisted Action; and

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

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council designates itself as Lead Agency and based on its review of the Environmental Assessment Form (EAF), the criteria

listed in Section 617.7(c) of SEQRA and the complete record, the City Council finds that the proposed action will not have a significant adverse environmental impact; and

**BE IT FURTHER RESOLVED**, that the City Council adopts Local Law #3-2019 A Local Law to Amend Chapter 100, Floodplain Management, of the Rye City Code to Reflect a Letter of Map Revision Amending Flood Insurance Rate Map Panel 36119C0354F.

**LOCAL LAW NO.  
3-2019**

**A LOCAL LAW TO AMEND CHAPTER 100. FLOODPLAIN MANAGEMENT,  
OF THE RYE CITY CODE TO REFLECT A LETTER OF MAP  
REVISION AMENDING FLOOD INSURANCE RATE MAP PANEL  
36119C0354F.**

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

**Section 1.** §100-3.B(1), “General provisions” of the City of Rye Code is hereby amended to add the following new subsection (c):

- (c) Letter of Map Revision, Case Number 18-02-1994P, effective May 2, 2019, amending Flood Insurance Rate Map Panel 36119C0354F.

**Section 2. Effective Date**

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

**ROLL CALL**

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

Councilwoman Hurd explained that this error seems to affect a number of houses and asked who would reach out to the residents. Corporation Counsel Wilson explained that it was FEMA’s error, and the City would do its best to reach out to FEMA or inform the residents directly.

8. Consideration of a request by the Rye Chamber of Commerce for the use of City streets for the Annual Sidewalk Sale to be held on Thursday, July 25, 2019 through Saturday, July 27, 2019 from 9:00 a.m. to 5:00 p.m.

Councilwoman Souza made a motion, seconded by Councilwoman Hurd and unanimously carried, to approve the request by the Rye Chamber of Commerce for the use of City streets for the Annual Sidewalk Sale to be held on Thursday, July 25, 2019 through Saturday, July 27, 2019 from 9:00 a.m. to 5:00 p.m.

ROLL CALL

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

9. Consideration of a request from Sally Rogol, the superintendent of Rye Recreation, to have a food truck for Summer Camp 2019 at Rye Recreation. The City Council will have to waive § 144-8D and G of the City Code.

Councilwoman Souza made a motion, seconded by Councilman Stacks and unanimously carried, to waive § 144-8D and G of the City Code and approve a request from Sally Rogol, the superintendent of Rye Recreation, to have a food truck for Summer Camp 2019 at Rye Recreation.

ROLL CALL

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

10. Consideration of a request from the Milton School PTO to have a food truck for the Parent Social at Rye Town Park on the evening of June 22, 2019. The City Council will have to waive § 144-8D and G of the City Code.

Councilwoman Souza made a motion, seconded by Councilwoman Hurd and unanimously carried, to waive § 144-8D and G of the City Code and approve a request from the Milton School PTO to have a food truck for the Parent Social at Rye Town Park on the evening of June 22, 2019.

ROLL CALL

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

11. Consideration of a request by the Midland School to have two food trucks at the Midland Fair on Saturday, April 27, 2019 from 10:00a.m. to 3:00p.m. The City Council will have to waive § 144-8D and G of the City Code.

Councilwoman Souza made a motion, seconded by Councilman Stacks and unanimously carried, to waive § 144-8D and G of the City Code and approve a request from the Milton School to have two food trucks on Saturday, April 27, 2019 from 10:00a.m. to 3:00p.m.

ROLL CALL

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

12. Consideration of a request by Dr. Eric Byrne to waive parking restrictions at the snow field lot to accommodate the Middle School Expo on April 5, 2019.

Councilwoman Souza made a motion, seconded by Councilman Hurd and unanimously carried, to waive parking restrictions at the snow field lot to accommodate the Middle School Expo on April 5, 2019.

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

There was nothing discussed under this agenda item.

14. Miscellaneous communications and reports.

Councilwoman Goddard announced that on April 12, 2019, there will be a “Planting a Pollinator Paradise” program at the Rye Nature center. This will be a free event. She also announced that the 2019 Green Screen will be held on April 25, 2019 with Rye Sustainability and Rye Country Day School at 6:00pm. The feature will be “The Clean Bin Project.”

Councilman Mecca announced that the Planning Commission met again recently, hearing the issue of the proposed tennis bubble at Apawamis Country Club, and the zoning amendment proposal by the Osborn Home. There will be an upcoming site walk. The final item of consideration was the YMCA request to allow group fitness in the central business district.

Councilwoman Hurd announced that the YMCA March Madness fundraiser on March 30, 2019 at Coveleigh Country Club. She also announced that the Rye Youth Council spring benefit luncheon will take place Thursday, April 25, 2019 at Shenorock. The luncheon will feature Arnaud Collery of Stand Up For Passion. Lisa Hogan Luthringer will be honored. Councilwoman Hurd also announced that the Rye Town Park Commission has hired Russ Gold as Park Director for the upcoming season. The Commission also hired Victor Federico to be the groundskeeper.

Councilwoman Souza announced that Rye Recreation camp registration was open.

Councilwoman Hurd inquired on Rye Recreation possibly opening a nursery school. Councilwoman Souza responded that she would report back to the Council.

Councilman Stacks announced that the greens at the Rye Golf Club will be open on March 28, 2019, a true sign of spring.

15. Old Business/New Business.

There was nothing discussed under this agenda item.

16. Adjournment.

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There being no further business to discuss, Councilman Mecca made a motion, seconded by Councilman Stacks, to adjourn the meeting.

Respectfully submitted,

Carolyn D'Andrea  
City Clerk