

APPROVED MINUTES of the Regular
Meeting of the City Council of the City of Rye held in
City Hall on May 22, 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, to enter into executive session to discuss litigation and personnel matters. At 7:32 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 7:35 P.M.

1. Pledge of Allegiance.

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

2. Roll Call.

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

3. General Announcements.

Councilman Stacks announced that the Rye Golf Club is proudly hosting a qualifying tournament for the Metropolitan Golf Association (MGA). He commented that this was a great indication that the course has been maintained well and recovered from the issues with the greens from years ago. Councilman Stacks said it was a testimony of the great work that everyone has done with the Golf Club. He also announced that Memorial Day weekend was approaching, and that the pool would be open Saturday, May 25, 2019. Pool memberships are still available for those interested.

Mayor Cohn added that there would be additional hours for the pool for seniors who register with Rye Recreation. The trips would be \$5 per visit, up to twice a week. Mayor Cohn reminded that the Golf Club was generally open only to members and is self-sustainable, receiving no City funding.

Councilwoman Souza announced that the Rye TV summer camp program registration was open to students from 5th through 9th grade. Signups were available at rtv@ryeny.gov. She also announced that registration was open for Rye Recreation youth camps.

Councilwoman Hurd was happy to announce that the Barley House had reopened in Rye Town Park. It would be running on a limited schedule for the time being. She also announced that Rye Town Park would be using a new parking system, which will be app-based, removing the need for a parking attendant.

Councilman Mecca said that he had limited news from the Planning Commission. On behalf of the Rye Free Reading Room, he was happy to announce that the library renovations were near completion. The library will be open to the public the first week in June.

4. Working Session regarding amending the City of Rye Zoning Code to permit physical fitness facilities in the B-1 (Neighborhood Business) and B-2 (Central Business) Zoning Districts within the "A" and "B" Parking Districts.

City Planner Miller addressed the Council. He said that for tonight's agenda, he would present a brief overview of the zoning history in the City of Rye. He felt it important to understand this aspect in order to review the applicant's proposal for allowing physical fitness use, to discuss the alternatives, and then discussed the pertinent questions posed to the City Council.

City Planner Miller presented a slideshow presentation and discussed the history of zoning and planning for the City. While the zoning code was codified many years, it remains basically the same today. However, the world has changed quite a bit. From a zoning perspective, there were many uses not anticipated years ago that exist today. The applicant today comes to the City as a result from a growing trend in the demand for group physical fitness. Many people have asked for this type of use to be readily available in their community. While there is this potential opportunity, no one is going to make this type of investment unless this use is expressly permitted in a zoning change. City Planner Miller explained that the premise of zoning is not to take one specific property and apply a zoning change only to that. It is to look at the zone area as a whole. In this case, the applicant is asking the City to create a new use for group physical fitness.

The Planning Commission submitted several recommendations for the City Council to review. For example, there is a recommendation to allow this type of use in the B-1 and B-2 districts, but only in the A and B parking districts. It would apply to the property at hand, and also apply to the business district in its entirety. The applicant's proposal also includes a standard for parking. The Planning Commission conducted a review of the proposal and various options throughout the business districts. City Planner Miller discussed each business district. With respect to the central business district, some felt it was a good use to add. Others thought it could be problematic. City Planner Miller said that the questions that the Council must now consider are the following:

Question 1: Is group physical fitness a desirable use for some locations in the City?

Question 2: If so, where?

Question 3: Finally, what standards should apply?

There was general discussion among the Council regarding options and alternatives. With regard to Question 1 above, the Council had general consent in the affirmative.

Councilwoman Souza asked if it was possible to create an entirely new zone to encompass this desired use.

Councilwoman Hurd said she preferred to not allow it in the downtown at all.

Mayor Cohn asked Planning Commission Chair, Nick Everett, to explain some of the Commission's thoughts on parking. Mr. Everett responded that parking comes and parking goes; he said there were a lot of uses in the B-2 zone that do not require any parking, but are still nevertheless permitted. This particular applicant has access to its own parking spaces as an added benefit. Mr. Everett felt that this use would be able to accommodate itself in the long run. From a land use standpoint, the Commission felt that the City cannot totally be afraid of the parking situation.

Councilwoman Souza discussed the optimal times when the site for the applicant would be in use. From a parking perspective, those times may need to be contemplated. General discussion on that topic followed.

Councilwoman Hurd discussed physical fitness in the downtown. She also discussed that it could be problematic to be a membership-oriented program, as it limits others from using the facility.

Mayor Cohn talked about allowing this use on Purchase Street, but not on the first floor. There was general discussion about options, prior uses of the building, and other items.

The Council discussed each zone. The consensus was to not allow the use in the B-2 district, but consider it in the B-1 district. The B-4 district was questionable. There was a suggestion to modify the language to reflect that the B-4 district would include properties having frontage on Theall Road.

There was general discussion on standards, parking, and square footage requirements, as well as the details that would be appropriate at the planning level.

5. Draft unapproved minutes of the Regular Meeting of the City Council held May 8, 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 May 8, 2019.

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

Kent Iarocci, 5 Charlotte Street, thanked the City Council. He discussed a site on Purchase

Street that he felt was a historical site in Rye. He presented a letter that he sent to the U.S. Department of the Interior on the issue. He also discussed the Square House, which he said served as an inn and tavern and was established in 1730.

Peter Archer, 43 Mead Place, addressed the Council. He voiced concern on the Thruway parcel on the Boston Post Road. He discussed the legislation passed through the NYS legislature regarding the sale of the property to Rye Country Day School with the provision that the school enter into an agreement with the City of Rye for recreational field of the proposed field space. He was concerned about the shared use agreement and noted the following, asking the Council to consider certain factors when negotiating the agreement:

- That the parcel should be used for recreational activities exclusively.
- Rye Country Day School should not be permitted to place buildings on the property, or anything not openly shared with the public.
- The space should be shared with the public seven days a week
- The parcel should be available for free to the general public with no cost for parking
- Any fees charged should be monitored by the City
- Since the legislation was to improve recreation space, there should be no elimination of older field space at Rye Country Day School or otherwise.
- Any agreement should stipulate the traffic study that must be made
- Any future building or change should be approved by the City of Rye
- If the school does not keep the agreement, the property should revert to the City
- Any agreement should be made public

Mayor Cohn announced that Memorial Day was coming, with several important events throughout the City, including the walk by the firefighters to the Fireman's Circle, the parade, and the Memorial Day ceremony immediately following at City Hall.

7. Consider authorizing the City Manager to sign an agreement between the City of Rye and Westchester Coalition for Drug and Alcohol Free Youth to participate in special STOP-DWI enforcement details that involve DRE (Drug Recognition Experts) Call-Outs. Roll Call.

City Manager Serrano explained this is a County-wide initiative; the City takes part in the Reimbursement Agreement to implement special enforcement details that will conduct high visibility road checks, saturation patrols, and drug recognition expert call outs, for the period from October 1, 2018 through September 30, 2019. The amount payable will be determined based upon actual participation up to a maximum of \$10,000.00 per contract year.

Councilwoman Souza made a motion, seconded by Councilwoman Hurd and unanimously carried, to authorize the City Manager to sign an agreement between the City of Rye and Westchester Coalition for Drug and Alcohol Free Youth to participate in special STOP-DWI enforcement details that involve DRE (Drug Recognition Experts) Call-Outs.

ROLL CALL

AYES: Mayor Cohn, Councilmembers Goddard, Hurd, Mecca, Souza, Stacks

NAYS: None
ABSENT: Councilwoman Tagger-Epstein

8. Consider authorizing the City Manager to transfer funds from the Rye Golf Club operating contingency fund to the Whitby Castle repair & Maintenance fund.
Roll Call

City Manager Serrano explained that emergency repairs are needed at Whitby Castle. This transfer would cover the additional over expenditures and provide a budget for any potential issues that need to be addressed during the remainder of the year.

Councilman Mecca made a motion, seconded by Councilman Stacks and unanimously carried, to authorize the City Manager to transfer \$36,000 from the Rye Golf Club operating contingency fund to the Whitby Castle Repair and Maintenance fund.

ROLL CALL

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

9. Resolution authorizing the City Manager to sign the contract with the New York State Environmental Facilities Corporation ("EFC") for the WIAA Clean Water Grant Program to enable repairs to the City's sewer system.

City Manager Serrano explained that Governor Cuomo announced in November of 2018 that Rye was awarded \$489,750 in aid to help support the City's "sanitary sewer rehabilitation" projects with an estimated cost of \$1,959,000. This funding will ultimately translate into taxpayer savings as a portion of Rye's critical sewer projects will be supported by the state. This was the first time that Rye applied for this type of aid so the City was thrilled to be selected. This grant is funded through the state's highly successful Water Infrastructure Improvement Act and Intermunicipal Grant programs.

Councilman Goddard made a motion, seconded by Councilwoman Souza and unanimously carried, to authorize the City Manager to sign the contract with the New York State Environmental Facilities Corporation ("EFC") for the WIAA Clean Water Grant Program to enable repairs to the City's sewer system.

ROLL CALL

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

10. Consideration of a request from Dr. Eric Byrne to waive parking restrictions at the snow field lot to accommodate the bond vote on June 11, 2019.

Mayor Cohn explained that Dr. Eric Byrne requests to waive parking restrictions at the Snow Field lot to accommodate residents for the upcoming school bond vote.

Councilwoman Hurd made a motion, seconded by Councilman Stacks and unanimously carried, to waive parking restrictions at the Snow Field lot to accommodate the bond vote on June 11, 2019.

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

There was nothing discussed under this agenda item.

12. Miscellaneous communications and reports.

There was nothing discussed under this agenda item

13. Old Business/New Business.

There was nothing discussed under this agenda item

14. Adjournment.

There being no further business to discuss, Councilman Mecca made a motion, seconded by Councilwoman Souza, to adjourn the meeting into executive session to discuss personnel and litigation matters of the City Council at 9:22 p.m.

Respectfully submitted,

Carolyn D'Andrea
City Clerk