

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

**REGULAR MEETING OF THE CITY
COUNCIL VIA ZOOM CONFERENCE**

Wednesday, April 29, 2020

5:50 p.m.

PURSUANT TO GOVERNOR CUOMO'S EXECUTIVE ORDER No. 202.1, REQUIREMENTS UNDER THE OPEN MEETINGS LAW HAVE BEEN SUSPENDED AND PUBLIC BODIES MAY MEET WITHOUT ALLOWING THE PUBLIC TO BE PHYSICALLY PRESENT. FOR THE HEALTH AND SAFETY OF ALL, CITY HALL WILL REMAIN CLOSED. THE MEETING WILL BE HELD VIA ZOOM VIDEO-CONFERENCING WITH NO IN-PERSON LOCATION AND WILL BE BROADCAST ON THE CITY WEBSITE. A FULL TRANSCRIPT OF THE MEETING WILL BE MADE AVAILABLE AT A FUTURE DATE.

RESIDENTS MAY EMAIL COMMENTS REGARDING A PUBLIC HEARING TO: PUBLICHEARINGCOMMENTS@RYENY.GOV. ALL COMMENTS MUST BE RECEIVED BY 4:15 PM ON APRIL 29, 2020. THE SUBJECT OF THE EMAIL NEEDS TO READ, "CHAPTER 177 COMMENTS". RESIDENTS PLEASE INCLUDE FULL NAME AND STREET ADDRESS.

The Council will convene via ZOOM CONFERENCE at 5:15 p.m. and it is expected they will adjourn into a teleconference Executive Session at 5:16 p.m. to discuss attorney-client privileged matters, personnel matters and labor negotiations.

1. Roll Call
2. Draft unapproved minutes of the Regular Meeting of the City Council held April 15, 2020.
3. Coronavirus update and City response.
4. Resolution to transfer \$516,487.50 from the 2020 Capital Reserve Fund for the City of Rye share of Rye Town Park capital expenditures (subject in part to FEMA reimbursement).
Roll Call
5. Resolution regarding 2020 assessment roll and real property grievance process.
6. Resolution adopting a reduction in late penalties for County tax payments.
7. Open the public hearing to amend Chapter 177 "Senior Citizen Tax Exemption" to extend the application deadline for 2020.

8. SEQRA discussion regarding a zoning petition from The Miriam Osborn Memorial Home to amend the text of the City of Rye Zoning Code Association to create a new use and development standards for “Senior Living Facilities” in the R-2 Zoning District.
9. Set a public hearing for May 13, 2020 for consideration of a petition from The Miriam Osborn Memorial Home to amend the text of the City of Rye Zoning Code Association to create new use and development standards for “Senior Living Facilities” in the R-2 Zoning District. All public hearing comments should be emailed to publichearingcomments@ryeny.gov with “Osborn Zoning Change” as the subject.
10. Consideration of a request by the Rye Chamber of Commerce to expand the usable footprint of the southern end of the City’s Car Park #2 on Sundays from May 24, 2020 through December 6, 2020 from 6:30 a.m. to 3:30 p.m. for the Rye Farmer’s Market to accommodate social distancing restriction during the health emergency. The new layout would spread out the proximity of each vendor and limit the number of shoppers allowed to shop simultaneously. Market hours are from 8:30 a.m. to 2 p.m.
11. Old Business/New Business.
12. Adjournment

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The next regular meeting of the City Council will be held on Wednesday, May 13, 2020 at 5:30 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”.

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held on April 15, 2020, at 5:30 P.M.

PRESENT:

JOSH COHN, Mayor
SARA GODDARD
CAROLINA JOHNSON
RICHARD MECCA
JULIE SOUZA
BENJAMIN STACKS
PAMELA TARLOW
Councilmembers

ABSENT: None

The Council convened at 5:30 P.M. by videoconference pursuant to Governor Cuomo's Executive Order 202.1 waiving requirements of the Open Meetings Law. The meeting was streamed live at www.ryeny.gov for public viewing.

1. Roll Call.

City Clerk D'Andrea called the roll via teleconference; there was a quorum present to conduct the meeting.

2. Virtual Visit by State Senator Mayer.

Senator Mayer addressed the Council and the public. She said she wanted to touch on several important issues, including the coronavirus pandemic and district updates within the last few weeks. She discussed the state budget, and stated that they were able to keep AIM flat, but that it may change as the state loses revenue. Second, she discussed how the federal stimulus they were able to protect the school districts by invoking a hold harmless with respect to a loss of aid. She said that there was concern about future potential cuts. She then discussed the newly-passed bail reform issues at length, with respect to specific offenses. She said that a portion of the budget would offset the costs associated with complying with the bail requirements. With respect to the effects on residents due to COVID-19, Senator Mayer discussed several issues. She said that with unemployment, the process has been slow, taking about five days for an individual to receive a call back. She discussed the issues of rental assistance and said that people had been struggling terribly during this time. Because undocumented persons cannot apply for unemployment, she noted the importance in relief with programs such as food distribution and rent relief. She said that there had also been concern with regard to the hard of hearing community. Senator Mayer said that there would continue to be Town Hall discussions to assess the needs of the population.

Mayor Cohn and the Council thanked Senator Mayer.

Councilman Mecca announced that his mother-in-law, longtime resident of the community, Valerie Modello, had passed away. She had lived in Rye since she was a child, and could recall historical knowledge about Rye often.

The Mayor and Council expressed condolences to Councilman Mecca and the family.

3. Coronavirus Update and City response.

Mayor Cohn thanked the City staff and Rye residents for all they have done in the recent weeks dealing with the coronavirus pandemic. He said that if we have curve flattening, it is only because everyone is doing the hard work of putting COVID-19 behind us. He said that Westchester's numbers today have reached 20,947 positive tests, estimated to be 10,264 active positives. There are 1,168 people hospitalized against 3,000 hospital beds available. We have 99 positives in Rye. Mayor Cohn reminded again that the numbers should be regarded as highly qualified. He discussed the Westchester backlog and lag of time reporting. He said that some of the 99 Rye positives have been on the list well beyond the isolation dates. He reminded the community that any concerns about activity in the City related to COVID-19 should be addressed to covid@ryeny.gov. Mayor Cohn said he still was hearing of issues with social distancing, but fewer as of late. He also said that there was new mask guidance today from the governor, requesting that people wear masks in all social situations. He said he was not quite sure what that means, but on the call with the County today, it seemed clear that we will need more masks more of the time. That may be something that the City tries to enforce. He also stated that most people have adjusted to new garbage pickup. He restated that those changes are in order to comply with workforce reductions and also to make sure that DPW staff is not exposed to the contagion. Mayor Cohn further said that landscapers and leaf blowers have remained the subject of attention. The state has now resolved that landscaping services are essential. However, beginning Friday, April 17, 2020 at midnight, the leaf blower ban will go into effect in the City of Rye two weeks earlier than it is scheduled to. Mayor Cohn then stated that the City has been in touch with rye business community. The County will be implementing a program aiding small businesses in applying for federal aid. Mayor Cohn said that City staff is doing a tremendous job and we owe them a great deal of thanks for staff working so hard. He reported that all administrative City workers were operating remotely to meet resident needs. City economics would be discussed later in the evening, but the county announced that it is anticipating major losses in their revenues. It is not yet known how it will transfer to the City, but it can be expected by way of sales tax revenue and hotel tax revenue. Mayor Cohn thanked the Council residents, and City staff for doing all that needs to be done.

City Manager Usry said that to hit some of the highlights of this week, it was very disappointing Friday to temporarily close the Boat Basin and the Golf Club. The commissions of the golf club and the basin have been extraordinary during this time. The skate park and tennis courts have also been closed during this time, where sizeable gatherings were occurring. On a brighter note, City Manager Usry announced that some of the work would be able to be done in the coming week at Rye Rec Park regarding the capital improvements there. This will be dependent on the ability to abide by social distancing, and the level of materials available. The goal would be having that facility open this summer. In terms of camp, Superintendent Rogol will send out a notice that currently camp is still scheduled to occur. However, if camps turn out

to not be able to run, a full refund will be issued, as well as if a family is uncomfortable sending a child to camp. City Manager Usry reported that the covid@ryeny.gov email address seems to be working well. City employees as of last Saturday have been directed to wear masks. He also announced that there have been COVID cases among staff, but that the protocols that have been taken have worked to isolate the issues. Lastly, he announced that since January 1 2020, there have been 23 stolen cars in rye. He reminded residents to be careful not to leave keys in the car.

Mayor Cohn and the Council thanked city Manager Usry for his remarks.

4. Draft unapproved minutes of the Regular Meeting of the City Council held March 11, 2020.

Councilman made a motion, seconded by Councilwoman Goddard, to adopt the draft minutes of the Regular Meeting of the City Council held March 11, 2020.

5. Update on the Chamber of Commerce and the creation of Rye's Up.

Councilwoman Souza announced that Rye's local businesses have joined together to create a concerted effort during the pandemic, called Rye's Up, which can be found on the Chamber of Commerce website. Rye's Up allows residents to virtually shop and support local businesses. She also thanked the residents who have supported local business by buying food for the first responders.

Councilwoman Johnson said that it was a great community push. She also acknowledged those vendors working hard to adapt to the changing times, for implementing new protocols like e-service to still survive. She announced that she will be working with RyeTV on an informational piece highlighting information on vendors who are operating in hopes that the community will support them.

6. Extend temporary suspension of all parking meter rules in effect for the Central Business District Car Parks through May 15, 2020.

Mayor Cohn said that while the parking lots in the central business district are being occupied mostly by the staff of the businesses still running to serve the community. While the parking is currently free during the pandemic, the date would need to be extended if it is to continue.

Councilwoman Johnson made a motion, seconded by Councilwoman Tarlow, to extend the temporary suspension of all parking meter rules in effect for the Central Business District Car Parks through May 15, 2020.

ROLL CALL

AYES: Mayor Cohn, Councilmembers Goddard, Johnson, Mecca, Souza, Stacks, Tarlow
NAYS: None
ABSENT: None

7. Briefing on the City’s Financial Position.

City Manager Usry addressed the Council and read the following memo:

“Beginning in early March, COVID-19 related preparation and planning dominated senior staff time. We have completely transformed all administrative functions and are now operating at nearly the same level of efficiency as we were in February. Equally, our Public Works Department and Emergency Services have provided virtually the same level of essential services as we did just a few months ago. Sadly, the Recreation Department has been extraordinarily impacted by recent required closings and is now only programming in our new virtual world. Equally with the recent ESD interpretation, Rye Golf and the Boat Basin are temporarily closed, causing a significant disruption, both operationally and financially.

Now that our City is operationally reset (hopefully temporarily) we must now turn our attention to the next, and possibly more challenging task, of planning for the economic impact on this year’s budget and future plans. It is going to be months (and possibly late into the year before we are able to accurately understand the magnitude of the economic shutdown). Regardless, we are now focusing on the areas of our budget that are most vulnerable, and beginning to plan for expense reductions, delays in strategic initiatives, and possible cancellations or deferrals of capital projects. None of this is desired, but we have to be realistic in the potential economic loss that all municipalities will realize in the months ahead. By International Monetary Fund estimates this week the world economy is expected to contract 3% in 2020, this compares to the .1% experienced in 2009.

Tonight I will not provide any forecasts or granular assumptions that would be far too premature. Rather, I want to highlight my immediate concerns. As a community we are extraordinarily fortunate. As a City government we enjoyed a significant economic boost following the 2008 recession. With our accumulated fund balances and other economic resources we will come out of this better than many. However, I cannot overstate the possible economic implications of this pandemic.

As a starting point I want to describe the three largest areas of concern:

1. Financial Liquidity
2. The 2020 Budget
3. The 2021 Budget, including capital/strategic planning

Financial Liquidity

For many state and local governments liquidity is an immediate area of concern. Fortunately for Rye, we collect approximately 60% of our revenues in February through property taxes. For 2020 this accounts for almost \$25.5mm of our \$38.7 mm operating budget. Furthermore, we have a \$4mm General Fund Unassigned Fund Balance and a Capital Reserve Fund of \$5.2mm. I am quite confident that the City will not be under any liquidity pressure, but we will revise and update our cash needs and projections each month for the remainder of this year.

The 2020 Budget

The good news is that we have collected our 2020 property taxes, the bad news is that we have 11 revenue sources that will be significantly affected by the pandemic. These revenue sources (provided in the agenda package total \$10.2mm). Each of these will be under pressure at varying degrees. For tonight I put these into four buckets:

- a. **Consumption related revenues – Sales tax, hotel occupancy and related revenues.** Because retail and restaurant activity directly impacts downtown business district parking, I also include parking meter revenues and fines. This grouping totals \$3.9mm for our 2020 budget. We know that there will be some revenue associated with renewed economic activity, when we reopen, but we are a long way from knowing how much. In May we will get our first report from the County regarding Sales tax, but that will only include the period Nov-Feb. It may be as late as August until we will have more definitive guidance. I will be speaking to the County next week re their revised forecasts.
- b. **Real Estate related revenues** – Since 2010 building permits and mortgage taxes have been a significant revenue source for the City. The 2020 budget attributed \$3mm these items. We are hopeful that mortgage refinancing will be a bright spot. However, building permits are likely to be severely impacted well into 2021.
- c. **Recreation related revenues** – As most of you know Rec Summer Camp and Spring/Summer programming is a significant financial driver for the Recreation Department’s annual budget. For 2020 these account for almost \$1.4mm. We are still hopeful that camp will proceed this year, but we have to consider financial planning if the worst case occurs and we are not able to hold camp. This is now underway.
- d. **Miscellaneous** - It is important to note the three additional areas that will be impacted and are important to the City’s overall financial position. Rye Golf and the Boat Basin each operates as an enterprise fund. They are self-supporting with their membership or slip holder’s dues and have historically been self-supporting, including the accumulation of fund balances for capital projects. Furthermore, they both remit each year a fund transfer to the City totaling \$435k. Given recent events, including the temporary closing, their financials are under significant pressure, including requests for refunds etc.

One additional note, I have been speaking with staff at Rye Town Park in recent weeks regarding their 2020 budget, which is expected to be adopted in the coming weeks. The City is obligated to pay approximately 50% of their operations. In recent years this obligation has averaged \$50k annually. We know there will be an impact on Park revenues this year. Under a worst case scenario, if the Park is not able to operate the beach and associated services, the City’s obligation could be as much as \$400k. As with any municipal operation there are fixed expenses incurred, regardless of their traditional operations.

I do not report any of this to predict or handicap outcome, but rather to frame the severity of the challenges we are facing.

2021 and Beyond

In highlighting longer term impacts I am grouping the 2021 Budget and beyond to include our capital planning. No one has a handle on how a reopening of the economy will occur or look like. On recent calls with New York banks and their economist there are some that are now planning for a second shutdown in the fall. Were this to occur we will be looking at a drastically different budget in 2021. Furthermore, we may see a more permanent reset of some revenue items such as sales tax, as a result of changing consumer habits. As we move through the remainder of the year we will begin planning for the 2021 budget. I anticipate this budget process may look very different from years past.

More immediate is our long anticipated capital program. On the one hand, many of these projects are truly essential, and not simply nice to haves. However, we may find ourselves in the position of further prioritizing our list, at least from a timing standpoint. As you recall, the City has dedicated \$5.2mm of accumulated fund balances for projects, having identified upwards of \$17mm for capital projects, not including most of the costs associated with the sewer settlement and remediation. We will have some new bonding capacity next year, but we were also counting on the capex reserve monies for pay as you go, including soft costs this year and next. We will be reevaluating all of this in the months ahead.

Finally, we will have to consider the implications of this shut down on both Rye Golf and the Boat Basin. Each of these is a financially self-supporting enterprise. The temporary shut down until May 7 is just the most recent impact of the pandemic. Normal operations is and will be significantly impacted this season. The two Commissions are each working collaboratively with the City to make adjustments and take action where necessary. However, I am well aware of the financial pressure they are feeling and planning for. There will be much more to discuss in this regard as the summer progresses.

As I have been saying for weeks, tonight is the first of what will be many Council and community updates on finances. In the next few weeks I will be working with each department head on expense planning. We will be looking at every discretionary item, not to make any sweeping decisions, but to identify those areas with the largest impacts and places that need to be scaled back or eliminated. This will be a work in progress, no doubt.”

The Council thanked City Manager Usry for the update. There was some general discussion on the financials, including continuing discussions and possible grant applications, as well as federal funding possibilities.

8. Set a public hearing for April 29, 2020 to amend Chapter 177 “Senior Citizen Tax Exemption” to extend the application deadline for 2020.

Corporation Counsel said that this amendment would give seniors additional time to file an application for a tax exemption, to June 15, 2020. With the pandemic, the application

numbers are currently down quite a bit compared to others years. Other communities have extended this courtesy deadline for their senior residents as well. The deadline is usually May 1. This would be giving them an additional six weeks.

Councilwoman Souza asked about how the City could get the word out about such an extension to seniors. Corporation Counsel Wilson responded that Recreation Superintendent Rogol and Assessor McEvily are working together on the outreach. Further, she offered that the City could ask the Rye Record to publish it and put it on the City website.

City Manager Usry echoed that Recreation Superintendent Rogol has been instrumental in this outreach.

Councilwoman Souza made a motion, seconded by Councilman Mecca and unanimously carried, to set a public hearing for April 29, 2020 to amend Chapter 177 “Senior Citizen Tax Exemption” to extend the application deadline for 2020. Public comments can be made by mail or by email to publichearingcomments@ryeny.gov up to 4:00 P.M. on April 29, 2020.

9. Presentation by The Miriam Osborn Memorial Home Association for consideration of a zoning petition 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.

Corporation Counsel Wilson reviewed the process with the Council and stated that the Planning Commission had completed their review and has issued a memo back to the City Council on the issue. The next step procedurally would be to set a public hearing and consider the SEQRA issues.

Councilman Mecca said that the Planning Commission had met with the applicant numerous times, looked many factors to ensure that any zoning change would keep Rye in its same character. This means taller buildings being placed further away from the street. He said the Commission was sensitive to the location vicinity to the Osborn School. He said the Commission met again with the architects and engineers and management and became well aware of their needs with the senior living situation. Tonight, the Council will let them make the presentation.

Councilwoman Goddard asked a question about process with regard to SEQRA and the public hearing. She asked about the timing for when proposed changes should be made. Corporation Counsel recommended that changes be suggested prior to the public hearing.

Steven Wrabel, McCullough, Goldberger and Staudt, attorney for the applicant, addressed the Council and introduced Osborn Director Matt Anderson and Andrew Tung, landscape architect. He gave an overview of where the applicant had been to date. He said that the Osborn home is located at 101 Theall Road in the R-2 District. He stated that the applicant was asking for a special exception in the R-2 district to better serve its residents. He said that the applicant would like to remove the existing declaration so all of the zoning for this property is in the zoning ordinance.

Osborn Director Matt Anderson addressed the Council and brought them through a history of construction and updates made, lastly in 2001. He said that as with any industry, the standards have changed in senior living, and the Osborn would like to adapt to those changes. He said that the Osborn is always seeking to provide the highest standard of care for its residents. He said that they were looking for the future with a keen understanding of changing times.

Mr. Anderson took a moment to thank City staff/ essential workers who had been invaluable at the beginning of the pandemic to get much needed supplies. He thanked the community in general. He discussed the myriad of services provided by the Osborn, as well as the partnerships in the community. He said that the Osborn was the largest tax payer in the City, and being able to make the necessary improvements would increase that tax base. He said that they would love to see the necessary updates for their residents. The Osborn homes in the future to continue to remain viable. He mentioned possible improvements for amenities, and also stated that they hoped to expand their Memory Care unit. He further said that residents and potential residents are desiring much larger units. These are all things that he said they were looking for in the future as they continue to evolve. Mr. Anderson said that the last time they did anything major was 25 years ago. He further stated that this was not something they thought would happen overnight. Currently, the Osborn cannot build anything on their campus because it is capped out with respect to zoning. Mr. Anderson stressed the need for the zoning amendment to be able to make the improvements and thanked the Council for their time.

Andy Tung, partner with Divney Tung Schwalbe, landscape architects and representative of the applicant, addressed the Council. He referenced the zoning amendment binder and stated that they have included an environmental assessment. Mr. Tung displayed aerial views and a map of current buildings and proposed buildings.

There was discussion about services, emergency providers, access, and other related items.

There was discussion over the covenant memorialized in 1993 between the City and the Osborn with regard to development. The applicant stated that the redline version of the local law in the binder shows the changes currently in the deed in coordination with the guidance from the Planning Commission. Mr. Tung displayed a plan of the current and proposed setbacks with regard to the property boundaries. He further said that they knew the City had recently undertaken a detailed study of the sewer infrastructure and that they had been provided that data by the city engineer. Further, the applicant would be doing more detailed testing to determine where the proposed connections would be.

There was discussion over the Planning Commission's memorandum. The original petition has changed since it was first submitted as a result of the Planning Commission process.

Councilwoman Tarlow thanked Director Anderson for all he was doing to protect our seniors. With COVID, the Osborn and other senior health facilities are in a tough position. Councilwoman Tarlow commented that she loved the Osborn's tree program, and wished it could expanded City-wide. She asked for more information on that before the next conversation. She asked how many more units there would be as a result of the zoning amendment.

Mr. Anderson responded that they were looking at 80 additions maximum on the independent care side, and 50 on the assisted living/ memory care side, for a total of 130 additional units. The numbers are approximate.

Councilwoman Tarlow asked about the fee schedule and asked if the Osborn had plans to do something for the community, such as creating more moderate-income units.

Mr. Anderson responded that the entrance fee model is very complex. He said the Osborn is what is considered a fee-for-service community. The entrance fees are 100% refundable (without the interest being returned). The Osborn is able to use the interest over time on capital improvements. One of the thoughts is that if we built assisted living units, taking the units in the main building and then offering them for a lower fee. It has not been fully decided.

Councilwoman Tarlow asked if there were any other sites that this amendment would apply to.

City Planner Miller responded that it was the only 50 acre property in the R-2 zone.

Councilwoman Tarlow inquired about the City Engineer's review of the utility needs, sewer and storm water systems.

City Planner Miller said that there had been meetings with the applicant. The SSES has been examined, but that he did not have a lot of specifics. Mr. Tung added that a focus of discussion has been the sanitary sewer system. It is a rare opportunity when you can best direct the flow into an existing system. There are some improvements that are needed in the immediately adjoining area.

Councilwoman Tarlow asked that the applicant be prepared to provide the actual upgrades to the infrastructure or financial remuneration to the City should this continue.

Councilwoman Goddard asked about what kind of green infrastructure and sustainable building measures the Osborn might be contemplating, if any.

Mr. Anderson responded that there have been efforts in the current state to conserve energy as a start. They are also in talks with a firm out of Washington, D.C. and that green planning was a focus of the board.

Councilwoman Goddard commented that the Osborn could really can be a model and a leader for our community.

Councilwoman Goddard asked if the covered/ enclosed pathways and interior corridors between the buildings would be counted in the impervious surface limitations. Mr. Tung responded that the enclosed corridors would be counted in the 35% impervious surface limitations, but anything open to the air would not be.

Councilwoman Goddard asked if the maximum height of the new structures would be in line with the existing buildings. Mr. Tung responded that they would be in line.

Mayor Cohn asked if there was any commitment to maintain the tree overage of the campus.

Mr. Anderson responded that for every tree they took down we planted another two trees. There would be a commitment to maintain that.

Mr. Tung then explained selective incursions and setbacks on the Theall Road side of the property, and maximum heights.

Mayor Cohn said there has been some discussion that Osborn needs space for drop-off and pickup of the students. Mr. Anderson said that he understands the backup that happens and that he has spoken to Dr. Byrne about the issue. He said the Osborn was more than willing to sit and have those discussions on a possible easement but that the conversations were premature before the zoning was passed and the true boundaries were known.

Mayor Cohn said that he had heard that EMS may have difficulty getting people in and out of the Osborn now. He asked if the Osborn would take account of this in the potential plans, and whether they would be doing anything with respect to the old buildings to make it easy for EMS to access. He asked if building a covered ambulance access point for the old structure was contemplated.

Mr. Anderson said that they have discussed making some improvements, such as the elevators to be able to fit stretchers adequately. He said that the EMS would be considered in these discussions moving forward.

Mr. Usry also said that the EMS had been in constant communication with the Osborn.

There was general discussion over stormwater flow with the new buildings feeding into the basin, utilities such as Con Ed and other impact items for the new construction.

There was discussion over the open space character of the Osborn, as well as screening and enforcement of the provisions decided. There was also discussion over the demand for the construction (130 additional units).

Mayor Cohn said that it had been a long presentation discussion period. He thanked the applicants for presenting. He asked where the Council would like to move from here.

Corporation Counsel Wilson said that she did not think the City was ready for a significance determination, but the Council can set a public hearing at a future date. That gives City staff the opportunity to review part II of the assessment form. There was discussion over SEQRA and setting the public hearing for the zoning amendment.

The Council agreed that it would be best to put setting a public hearing on the agenda for the next City Council meeting, which would likely be held May 13, 2020. With the virtual nature of the hearing, the Council also agreed that notice to residents was of utmost importance.

10. Update on Suez Water Rate Case.

City Manager Usry reported that the rate case in front of Public Service Commission has been pushed back until October.

11. Continue public hearing to amend Chapter 144 (Peddling and Soliciting) to clarify permit requirements.

There being no further comment from the public, Councilwoman Tarlow made a motion, seconded by Councilman Stacks and unanimously carried, to close the public hearing.

Councilwoman Tarlow made a motion, seconded by Councilman Mecca to adopt the following local law:

CITY OF RYE
LOCAL LAW NO. 4 2020

A local law to amend in its entirety Chapter 144 “Peddling and Soliciting” to reflect changes in exemptions and criminal background check requirements:

Section 1

Chapter 144 “Peddling and Soliciting”

§ 144-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CHARITABLE — The purpose of an organization which has received a letter of determination approving tax exempt status under Title 26 of the United States Code § 501(c)(3) or the purpose of a school club, recognized and affiliated with a public or private school, having a program with annual campaigns to support the public or private school club.

COMMERCIAL — The purpose of solicitation which is not noncommercial, as defined in this section.

CORPORATION — The meaning consistent with the New York State Business Corporation Law and the New York State Not for Profit Corporation Law.

ESTABLISHED PLACE OF BUSINESS — A building or store in which or where the person transacts business and deals in the goods, wares and merchandise he or she hawks, peddles or solicits for during regular business hours.

HAWKER AND PEDDLER — Any person, either principal or agent, who, from any boat or in any public street or public place or by going from house to house or place of business to place of business, on foot or on or from any animal or vehicle, sells or barter, offers for sale or barter or carries or exposes for sale or barter any goods, wares or merchandise, except milk, newspapers, periodicals, books and pamphlets.

NONCOMMERCIAL — The purpose of solicitation which is charitable, as defined in this section, religious or political.

PERSON — Any individual, firm partnership, joint venture, association, social club, league, fraternal organization, joint-stock company, estate, trust, business trust, receiver, trustee, syndicate or any other group acting as a unit. The word "person" shall include the definition of corporation.

SOLICITATION —

A. The act of any person, whether a resident of the City or not, traveling by foot, vehicle or any other type of conveyance who goes from house to house, business to business, from place to place or in or along any highway, street or sidewalk within the City either:

- (1) Requesting, either directly or indirectly, money, credit, funds, contributions, personal property or anything of value;
- (2) Taking or attempting to take orders for the sale of any goods, wares, merchandise or services of any kind, or description for future delivery or for services to be performed in the future, either in person or by distributing flyers and leaflets; and
- (3) Selling and making immediate delivery of any goods, wares, merchandise or services of any kind or description, commonly referred to as "peddling."

B. Solicitation shall not include the following so long as the person is not requesting, either directly or indirectly, money, credit, funds, contributions, personal property or anything of value:

- (1) A person communicating or otherwise conveying ideas, views or beliefs or otherwise disseminating oral or written information to a person willing to directly receive such information, provided that such information is of a political, religious or charitable nature;
- (2) A person seeking to influence the personal belief of the occupant of any residence or business in regard to any political or religious matter;
- (3) A person seeking to obtain, from an occupant of any residence or business, an indication of the occupant's belief in regard to any political or religious matter;
- (4) A person conducting a poll, survey or petition drive in regard to any political matter; and
- (5) A person carrying, conveying, delivering or transporting dairy products, newspapers, or other goods to regular customers on established routes or to the premises of any person who had previously ordered such products, goods or services and is entitled to receive the same.

SOLICITOR — Any person, whether a resident of the City or not, engaged in solicitation.

§ 144-2. Exemptions.

Nothing contained in this chapter shall be deemed to apply to any of the following:

- A. A sale conducted pursuant to an order of any court.
- B. A wholesaler selling articles to dealers or merchants who have an established place of business in the City of Rye.
- C. The peddling of meats, fish, fruit and farm produce by farmers and persons who produce such commodities on their own land, provided that they have otherwise complied with all applicable licensing and health and safety requirements of any other competent governmental body or agency, as well as the Zoning Code of the City, and the sale takes place from a stationary location upon property owned or leased by the seller of such goods.
- D. A not-for-profit organization's sale of food ancillary to a fundraising event, such as a picnic or carnival, that lasts no longer than five consecutive days. This exemption shall not apply to any door-to-door peddling or soliciting.
- E. Any person holding a license pursuant to Section 32 of the General Business Law, "Licenses to veterans of the armed forces of the United States."

§ 144-3. License required.

It shall be unlawful for any person to act as a hawker, peddler or solicitor, as herein defined, without first having obtained a license from the Clerk. The license shall be carried on the person of the licensee at all times while engaging in peddling or soliciting and shall be exhibited by the licensee to any person on demand. A picture of the licensee shall appear on the valid license.

§ 144-4. Certificate for equipment.

The application for a license shall be accompanied by a certificate from the Sealer of Weights and Measures of the County of Westchester, certifying that all weighing and measuring devices to be used by the applicant have been examined and approved, if applicable.

§ 144-5. License application.

To obtain a license to solicit, peddle or hawk within the City of Rye, a person shall make a written application to the Clerk in a form prescribed by the Clerk and provide the following information:

The full name of the applicant, including any nicknames commonly used, home address, telephone number, any mobile telephone number or email address used on a regular basis, date of birth and social security number.

- A. A valid driver's license with a clearly delineated license number and state of issuance or other acceptable proof of identification;
- B. If the applicant works for another person or entity of any nature, the name, address, telephone number, email address, and website address of the person or entity to the extent such exists;
- C. A brief description of the solicitation business to be conducted, and the intended area where the business is to be conducted if less than the entire residential area of the City;
- D. Two photographs, two inches by two inches in size, full face on a white background, taken of the applicant within the prior sixty-day period of time which accurately reflect the appearance of the applicant on the date of the application;
- E. An affidavit that the applicant is not disqualified because of prior criminal history and whether the applicant has ever been convicted of a crime and, if so, under what name, with a listing of such conviction, including crime jurisdiction, date and sentence imposed.
- F. If the solicitor is a minor (under the age of 16), a notarized authorization by the applicant's parent or legal guardian. The authorization form is part of the application form.
- G. A description of the vehicle which the applicant wishes to use in carrying out his business or occupation as well as the name of the vehicle owner and registration details.
- H. County Health Department permit number, if a food vendor.
- I. If peddling or soliciting for a corporation, the state in which it is incorporated and the names of its officers along with a copy of its certificate of incorporation.

§ 144-5.1. Criminal background check.

This section shall only apply to commercial solicitation.

- A. The City of Rye shall initiate a criminal history background check of prospective commercial solicitors, including those persons acting on behalf of an employer or other person.
- B. The criminal background check shall not be initiated without the written consent of the person.
- C. A license shall not be issued to any person who refuses to consent to or cooperate in the securing of a criminal history record background check.
- D. The City of Rye Commissioner of Public Safety and/or his designee shall be responsible for reviewing the criminal history record information (CHRI) disseminated by DCJS. All applicants requiring a background check must have the

results of their background check reviewed by the Police Commissioner and/or his designee prior to submitting their application to the City Clerk.

- E. If a prospective applicant has been convicted of a specified criminal activity, any decision regarding such prospective applicant's fitness for a license must be made upon consideration of New York State Correction Law §§ 701 to 703-b and §§ 751 to 753.

§ 144-5.2. Expiration; renewal; revocation; denial; appeal.

The following provisions shall apply to licenses for commercial solicitation:

- A. All licenses granted under the provisions of this chapter shall be reviewed annually and may be renewed thereafter, unless sooner revoked.
- B. Prior to the expiration of a license and upon application for renewal of the license, the Clerk shall determine if the applicant, peddler or solicitor has acted in compliance with the applicable provisions of this chapter and conditions of the license.
- C. The license may be renewed upon a determination that the solicitor or peddler has substantially complied with the terms and conditions of the permit and the requirements of this chapter.
- D. Renewal fees shall be established by a resolution of the City Council and may be amended from time to time.
- E. If it is determined that the solicitor or peddler has not been in compliance with any of the provisions of this chapter, the license shall not be renewed.
- F. The Clerk may revoke any license granted under the provisions of this chapter for any of the following reasons:
 - (1) The applicant provided false, misleading or misrepresented information in procuring the license;
 - (2) The applicant or any person who worked on behalf of or with the applicant failed to comply with the requirements of this chapter;
 - (3) The applicant or any person working on behalf of or who worked on behalf of or with the applicant is convicted of violating any federal, state or local law while in the course of operating under the license;
 - (4) The activities for which the license was granted were or are being conducted in a manner that is detrimental to the public health, safety, peace or welfare.
- B. When a license has been revoked, no other license shall be issued under the provisions of this chapter to the same applicant within one year of the date of revocation.
- C. An application for a license under this chapter may be denied for the following reasons:

- (1) The applicant fails to cooperate with or consent to the criminal background check as stated in this chapter.
- (2) An applicant's background check reveals a conviction for any criminal offense including, but not limited to, violent crimes, sexual assault, possession of a controlled substance, theft, fraud or burglary.
- (3) Fraud, misrepresentation or false statement in the application for the license.
- (4) Fraud, misrepresentation or false statement made in the course of carrying out the applicant's trade, business or occupation.
- (5) Any violation of this chapter.
- (6) Carrying out of the licensed business, trade or occupation in an unlawful manner or in such a way as to breach the peace or to constitute a menace to the health, welfare or safety of the public.
- (7) The license shall not be transferable or assignable. In the event that a licensee shall permit any other person to possess or use such license, such license shall automatically be revoked, and the licensee shall thereby be guilty of violating this chapter, and no application for a further license may be made for a period of one year from the date of revocation.
- (8) Any applicant who has had a license denied or revoked by the Clerk may appeal to the City Manager, in writing, within 30 days of the receipt of the denial or revocation. The City Manager will thereafter hold a hearing within 45 days of receipt of the demand for such hearing to review the determination of the Clerk.

§ 144-6. License fee.

The annual license fees shall be set annually by resolution of the City Council before adoption of the budget for the following year for each license issued pursuant to this chapter.

ROLL CALL

AYES: Mayor Cohn, Councilmembers Goddard, Johnson, Mecca, Souza, Stacks, Tarlow
NAYS: None
ABSENT: None

12. **Old Business/New Business.**

Councilwoman Johnson asked for clarification on how the Council should communicate. Corporation Counsel Wilson stated that meetings cannot be held over email even despite the Governor's Executive Order. If there is a matter to be placed on the agenda, the Mayor and Council can decide to do that.

13. Adjournment.

There being no further business to discuss, Councilman Mecca made a motion, seconded by Councilwoman Souza and unanimously carried, to adjourn the meeting at 8:32 P.M.

Respectfully submitted,

Carolyn D'Andrea
City Clerk



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: April 29, 2020

CONTACT: Greg Usry, Interim City Manager

AGENDA ITEM: Resolution to transfer \$516,487.50 from the City's Capital Reserve Fund for the City of Rye share of Rye Town Park capital expenditures (subject in part to FEMA reimbursement).

FOR THE MEETING OF:
April 29, 2020

RECOMMENDATION: That the City Council approve the following resolution:

RESOLVED, that the City Manager is authorized to transfer \$516,487.50 from the City of Rye Capital Reserve Fund to cover the cost of the City's share of Rye Town Park capital improvements.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The City of Rye is responsible for 39.278% of Rye Town Park capital contributions. Per invoices received through 2/10/2020, the City's share of capital contributions is \$516,487.50. The City is expected to be reimbursed \$445,387.79 from several grants. See attached.

**Rye Town Park Capital Expenditures
Reimbursement Request Through 2/10/2020**

Item	Amount	City Share	Expected	
			Reimbursable Portion	Net Cost
Bathhouse Roof	\$ 177,321.50	\$ 69,648.34	\$ -	\$ 69,648.34
Seawall Building	\$ 1,133,534.54	\$ 445,229.70	\$ 445,229.70	\$ -
Beach Ramp	\$ 402.50	\$ 158.09	\$ 158.09	\$ -
Lease pmt Kiosks	\$ 2,460.58	\$ 966.47	\$ -	\$ 966.47
Lease for permit system	\$ 1,234.54	\$ 484.90	\$ -	\$ 484.90
	\$ 1,314,953.66	\$ 516,487.50	\$ 445,387.79	\$ 71,099.71



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: April 29, 2020

CONTACT: Greg Usry, Interim City Manager

AGENDA ITEM: Resolution regarding 2020 assessment roll and real property grievance process.

FOR THE MEETING OF:

April 29, 2020

RECOMMENDATION: That the Council adopt the resolution.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Governor of the State of New York has issued various Executive Orders and limitations on municipal actions so as to protect the public as well as municipal employees during the time of this COVID-19 Pandemic ("Pandemic"), including Executive Order 202.22, issued April 20, 2020, which authorizes local governments to take certain actions pertaining to real property tax assessment practices pursuant to Article 5 of the Real Property Tax Law (RPTL). As such, the City Council desires to protect the rights of City taxpayers to pursue lawful assessment roll review and grievance proceedings while protecting the health and safety of such persons and municipal employees with the following resolution.

See Attached.

**RESOLUTION REGARDING 2020 ASSESSMENT ROLL AND REAL PROPERTY
GRIEVANCE PROCESS**

WHEREAS, the Governor of the State of New York has issued various Executive Orders and limitations on municipal actions so as to protect the public as well as municipal employees during the time of this COVID-19 Pandemic (“Pandemic”), including Executive Order 202.22, issued April 20, 2020, which authorizes local governments to take certain actions pertaining to real property tax assessment practices pursuant to Article 5 of the Real Property Tax Law (RPTL); and

WHEREAS, consistent with the foregoing, the City Council desires to protect the rights of City taxpayers to pursue lawful assessment roll review and grievance proceedings while protecting the health and safety of such persons and municipal employees.

NOW, THEREFORE, in accordance with Executive Order 202.22, it is Resolved by the City Council as follows:

(1) All “WHEREAS” paragraphs above are incorporated herein by reference as though set forth in full.

(2) The tentative assessment roll shall be published on the City of Rye’s website and taxpayer review of the tentative assessment roll with the City Assessor shall be by appointment only, said appointments to be conducted only by telephone.

(3) The Board of Assessment Review shall only hear grievance complaints remotely by telephone conference call or similar video conference service. The public shall be given an opportunity to hear and/or view said hearings.

(4) The City Assessor and Board of Assessment of Review, in consultation with the Corporation Counsel, will establish any necessary procedures to implement this Resolution and the assessment review and grievance process.

(5) This process shall be applicable for 2020 only.

On a motion by Councilperson _____, seconded by Councilperson _____, the foregoing Resolution was adopted on a vote of ____ ayes and ____ nays.

Dated:



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: April 29, 2020

CONTACT: Greg Usry, Interim City Manager

AGENDA ITEM: Resolution adopting a reduction in late penalties for County property tax payments.

FOR THE MEETING OF:

April 29, 2020

RECOMMENDATION: That the City Council adopt the resolution.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Due to the financial hardships this health emergency has caused for some, the City will reduce the amount of late penalties assessed on County taxes through July 15, 2020.

**RESOLUTION REGARDING REDUCTION OF INTEREST AND PENALTIES
RELATING TO THE LATE PAYMENT OF COUNTY TAXES FOR 2020 AS A RESULT
OF COVID-19**

WHEREAS, on March 7, 2020, the Governor of the State of New York declared a State of Emergency for the entire State of New York; and

WHEREAS, on March 13, 2020, the President of the United States declared a COVID-19 pandemic a national emergency; and

WHEREAS, on March 20, 2020, Governor Cuomo executed the “New York State on PAUSE” executive order, a 10-point policy that, among other things, requires nonessential businesses to close, prohibits nonessential gatherings of individuals, and encourages individuals to stay at home; and

WHEREAS, in response to the COVID-19 public health emergency, the tax filing dates for federal and New York State income taxes have been extended from April 15, 2020 to July 15, 2020; and

WHEREAS, the economic impact of the COVID-19 public health emergency and the measures required to combat it have impaired the ability of individuals to remain current with their financial obligations; and

WHEREAS, Real Property Tax Law Section 1182 provides that the governing body of a taxing authority may authorize the official charged with the collection of a tax to waive interest and penalties upon said tax based upon a finding that it is in the best interest of the taxing authority to do so; and

WHEREAS, City Charter §§ C22-8 and C22-9 allows for the City Council, by resolution, to modify the penalty rates for late payment of taxes;

NOW, THEREFORE, BE IT RESOLVED THAT:

The City Council of the City of Rye finds that it is in the best interest of the City of Rye to reduce the penalties for late payment of County Property and County District taxes as follows: during the month of June up until July 15, 2020 to one percentum (1%); if paid from July 16, 2020 until July 31, 2020 five percentum (5%); if paid during the months of August and September, seven percentum (7%).

This Resolution shall take effect immediately and shall expire on December 31, 2020.

On a motion by Councilperson _____, seconded by Councilperson _____, the foregoing Resolution was adopted on a vote of ____ ayes and ____ nays.



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: April 29, 2020

CONTACT: Greg Usry, Interim City Manager

AGENDA ITEM: Open a public hearing to amend Chapter 177 (Exemptions for Persons with Disabilities and Limited Incomes) to extend the application period for “senior citizen exemptions” under the City Code.

FOR THE MEETING OF:

April 29, 2020

RECOMMENDATION: That the Council open the public hearing.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Similar to other municipalities throughout Westchester and New York State, the City of Rye offers partial real estate tax exemptions to seniors in regards to qualified residential property. These “senior citizen exemptions” are provided pursuant to Section 467 of the Real Property Tax Law, and are codified in Article III of the City Code. As authorized under the State law, the City Code establishes certain requirements to qualify for the exemption, such as income and age requirements, as well as the fact that the property must be used exclusively for residential purposes. For example, to qualify for the partial exemption, the “property must be owned by one or more persons, each of whom is 65 years of age or over, or must be owned by husband and wife, or by siblings, one of whom is 65 years of age or over” (City Code § 177-25), and must be the “legal residence of” and “occupied in whole or in part by the owner or by all the owners of the property” (City Code § 177-26(D)).

See Attached.

CITY OF RYE
LOCAL LAW NO. ____-2020

A local law to amend Chapter 177, Article III “Senior Citizen’s Exemption” of the Code of the City of Rye, by amending § 177-27 “Application for exemption” to add a new sentence with respect to the emergency extension for filing of an application for a Senior Citizen Exemption for 2020.

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

Section 1. § 177-27. Application for exemption. [Amended 4-15-2020 By L.L. No. ____-2020]

§ 177-25 Exemption stated.

[Amended 11-2-1983 by L.L. No. 9-1983; 3-4-1987 by L.L. No. 1-1987; 5-1-1996 by L.L. No. 3-1996]

Pursuant to § 467 of the Real Property Tax Law, real property owned by one or more persons, each of whom is 65 years of age or over, or real property owned by husband and wife, or by siblings, one of whom is 65 years of age or over, shall be exempt from taxation by the City of Rye to the extent permitted by the schedule of exemptions contained in § 467 of the Real Property Tax Law. In addition, persons meeting the above-described age requirements who own shares in a residential cooperative corporation shall be exempt from taxation by the City of Rye to the extent permitted and pursuant to the terms of Subsection 3(a) of § 467 of the Real Property Tax Law.

§ 177-26 Conditions of exemption.

[Amended 5-2-1973 by L.L. No. 1-1973; 11-20-1974 by L.L. No. 1-1974; 11-16-1977 by L.L. No. 7-1977; 9-19-1979 by L.L. No. 3-1979; 12-3-1980 by L.L. No. 10-1980; 4-6-1983 by L.L. No. 2-1983; 11-2-1983 by L.L. No. 9-1983; 3-4-1987 by L.L. No. 1-1987; 4-4-1990 by L.L. No. 8-1990; 5-1-1996 by L.L. No. 3-1996]

No exemption shall be granted:

- A. If the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the maximum sum permitted by the schedule of exemptions contained in § 467 of the Real Property Tax Law. Where title is vested in either the husband or wife, their combined income may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange or a capital asset which may be offset by a loss from the sale or exchange or a capital asset in the same income tax year, net rental income, salary or earnings and net income from self-employment but shall not include supplemental security income, a return of capital, gifts or inheritances.

- B. Unless the owner shall have held an exemption under this section for his previous residence and unless the title of the property shall have been vested in the owner or one of the owners of the property for at least 12 consecutive months prior to the date of making application for exemption. Where a residence is sold and replaced with another within one year and both residences are within the state, the period of ownership of both properties shall be deemed consecutive for purposes of the exemption.
- C. Unless the property is used exclusively for residential purposes.
- D. Unless the real property is the legal residence of and is occupied in whole or in part by the owner or by all of the owners of the property.

§177-27 Application for exemption.
[Amended 4-15-2020 By L.L. No. ____-2020]

Application for such exemption must be made by the owner or all of the owners of the property on forms prescribed by the State Board and furnished by the City Assessor's office, and shall furnish the information and be executed in the manner required or prescribed in such forms, and shall be filed each year in the City Assessor's office on or before the taxable status date, namely, the first day of May. **Notwithstanding the preceding sentence, the last date for filing such application in 2020 shall be June 16, 2020.**

§ 177-28 Notice to apply for exemption.

At least 60 days prior to the taxable status date, the City Assessor shall mail to each person who was granted exemption pursuant to this Article on the latest completed assessment roll an application form and a notice that such application must be filed on or before taxable status date and be approved in order for the exemption to be granted. Failure to mail any such application form and notice or the failure of such person to receive the same shall not prevent the levy, collection and enforcement of the payment of the taxes on property owned by such person.

§ 177-29 Penalties for offenses.

Any conviction of having made any willful false statement in the application for such exemption shall be punishable by a fine of not more than \$100 and shall disqualify the applicant or applicants from further exemption for a period of five years.

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

Section 3: This local law shall take effect immediately upon filing with the Secretary of State.



CITY COUNCIL AGENDA

DEPT.: Planning

DATE: April 29, 2020

CONTACT: Christian K. Miller, City Planner

AGENDA ITEM: SEQRA discussion regarding a zoning petition from The Miriam Osborn Memorial Home to amend the text of the City of Rye Zoning Code Association to create a new use and development standards for “Senior Living Facilities” in the R-2 Zoning District.

FOR THE MEETING OF:

April 29, 2020

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the City Council make a SEQRA determination since they are lead agency.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The City Council has received a petition from Miriam Osborn Memorial Home Association (“The Osborn”) to amend Chapter 197, *Zoning*, of the City Code to allow “Senior Living Facilities” (“SLF”) in the City’s R-2, *Single-Family Residence*, District. The petition submitted by The Osborn seeks to amend the text of the City Zoning Code to allow SLF in the City’s R-2 District. The proposed amendment would allow SLF as a new permitted use in the R-2 Residence District on those properties with 50 or more contiguous acres. The proposed amendment also includes new restrictions and requirements regarding maximum floor area, building setbacks, lot coverage and other development standards.

As currently proposed, the amendment would only apply to property currently owned by The Osborn. This property is the only property currently located in the R-2 District that meets the proposed 50-acre minimum lot area requirement. Currently, The Osborn is regulated outside of the City Zoning Code by way of a Declaration of Covenants and Restrictions, dated October 15, 1993.

The proposed amendment would regulate land use at The Osborn to include new standards that would allow The Osborn to make improvements to its campus that the current Covenants and Restrictions do not allow.



CITY COUNCIL AGENDA

DEPT.: Planning

DATE: April 29, 2020

CONTACT: Christian K. Miller, City Planner

AGENDA ITEM: Set a public hearing from May 13, 2020 for consideration of a petition from The Miriam Osborn Memorial Home to amend the text of the City of Rye Zoning Code Association to create new use and development standards for “Senior Living Facilities” in the R-2 Zoning District.

FOR THE MEETING OF:

April 29, 2020

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the City Council set the public hearing.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The City Council has received a petition from Miriam Osborn Memorial Home Association (“The Osborn”) to amend Chapter 197, *Zoning*, of the City Code to allow “Senior Living Facilities” (“SLF”) in the City’s R-2, *Single-Family Residence*, District. The petition submitted by The Osborn seeks to amend the text of the City Zoning Code to allow SLF in the City’s R-2 District. The proposed amendment would allow SLF as a new permitted use in the R-2 Residence District on those properties with 50 or more contiguous acres. The proposed amendment also includes new restrictions and requirements regarding maximum floor area, building setbacks, lot coverage and other development standards.

All public hearing comments should be emailed to publichearingcomments@ryeny.gov with “Osborn Zoning Change” as the subject.

As currently proposed, the amendment would only apply to property currently owned by The Osborn. This property is the only property currently located in the R-2 District that meets the proposed 50-acre minimum lot area requirement. Currently, The Osborn is regulated outside of the City Zoning Code by way of a Declaration of Covenants and Restrictions, dated October 15, 1993.

The proposed amendment would regulate land use at The Osborn to include new standards that would allow The Osborn to make improvements to its campus that the current Covenants and Restrictions do not allow.

Nick Everett, Chairman
Martha Monserrate, Vice Chair
Andy Ball
Laura Brett
Richard Mecca
Steven Secon
Birgit Townley



Planning Department
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www.ryeny.gov

CITY OF RYE Planning Commission

Memorandum

To: Rye City Council

From: Rye City Planning Commission

Date: December 10, 2019

Subject: **Zoning Text Amendments to Allow Senior Living Facilities (the Osborn Home)**

Pursuant to your request, this memorandum provides the Planning Commission's advisory opinion with respect to the petition of Miriam Osborn Memorial Home Association ("The Osborn") to amend the City Zoning Code to codify and modify standards for senior living facilities in the R-2 District. This memorandum was unanimously approved by the Planning Commission at its December 10, 2019 meeting.

Background

The Osborn Home is located on a 55.79-acre property in the R-2, *One-Family Residence*, District. It is one of Rye's oldest institutions with many of its buildings pre-dating the standards and requirements of the City's Zoning Code. The leadership of the Osborn Home has represented that as a single-site entity increasingly competing against large well-capitalized senior care corporations, the long-term commercial viability of the business is not assured. Currently, the Osborn Home property is regulated as a special permit use in the R-2 District and more specifically by covenant and restrictions approved by the Planning Commission in connection with a major expansion of the facility in 1993.

The proposed zoning code amendment would accomplish two objectives: 1) it would formally codify the standards and requirements for "Senior Living Facility" in the City Zoning Code and allow for the existing 1993 covenant and restrictions to be rescinded; and 2) it would create/amend standards for development on the property to accommodate the anticipated future needs of the Osborn Home. The proposed zoning standards apply only to the Osborn Home property. No other property in the City's R-2 Districts meet the 50-acre minimum lot area requirement to be eligible for operating a senior living facility. *No changes to the City's Zoning Map are proposed.*

Zoning Text Amendments to Allow Senior Living Facilities (the Osborn Home)

December 10, 2019

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Proposed Text Amendment

The proposed text amendment specifies the permitted use and related accessory uses existing and/or proposed on the Osborn Home property. The text amendment also codifies the restriction that the property must be limited to persons age 55 and older (with a minor exclusion for four dwellings on the property occupied by staff and their families). The age-restriction is similar to that in the RA-6 District, which was adopted by the City Council in 2016 in connection with the re-zoning of the 120 Old Post Road property located immediately adjacent to the Osborn Home. The Planning Commission supports these text changes with respect to use in that they are more reflective and descriptive of the actual operation of the Osborn Home. The Commission does not find the use or the accessory amenities associated with senior living facilities objectionable.

The Commission engaged in extensive discussions over the past few months of its review of the petition regarding the proposed bulk and dimensional standards. These standards allow for an increase in the maximum permitted floor area ratio (FAR) from the current 0.30 FAR limit under the 1993 covenant and restriction to a proposed FAR of 0.45. The Commission recognizes that additional development helps advance the petitioner's need to maintain this long-standing Rye institution in an increasingly competitive and evolving senior living market place. The zoning amendment provides for a new development program that gives Osborn Home and the City a roadmap for the future.

A concern of the Commission is how the text amendment balances the need for additional development while also preserving to the extent practical the campus-like open space character of the Osborn Home property. The Commission was sensitive to the relationship of new development, existing topographic conditions and perimeter property lines along Boston Post Road, Theall Road and Osborn Road. To that end the zoning petition first submitted to the City Council has changed significantly based on the comments and discussion of the Planning Commission.

The revised petition provides new or modified standards for building height based on their setback relationship to property lines. The revised text amendment increases property line setbacks for five-story buildings and includes other standards regarding maximum site and building coverage and increased landscape buffer requirements. The Commission notes that four- and five-story buildings can create future opportunities that reduce building footprints and potentially increase open space. These regulatory measures seek to better preserve the open-space character of the site. It is recommended that the City Council review the comparative zoning table provided by the petitioner, the cross sections of proposed development as viewed from adjacent streets and the aerial image of the site, which superimposes the proposed building setback boundaries. As development advances in the future these concerns will be again considered as part of a formal site plan application.

Zoning Text Amendments to Allow Senior Living Facilities (the Osborn Home)

December 10, 2019

Page 3 of 3

SEQRA

It is recommended that the City Council carefully review the applicant's environmental assessment form (EAF) and carefully consider how future development may impact a number of potential concerns including, changes in water, sewer and utility demands, fiscal/tax impacts, changes in community service demands based on the anticipated needs of an expanded aged population, visual and community character concerns and traffic considerations.

THE OSBORN
CITY OF RYE
WESTCHESTER COUNTY, NEW YORK

ZONING TEXT AMENDMENT
PETITION

Prepared for Submission To:

CITY OF RYE
CITY COUNCIL

MARCH 2020

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V.2-6	Views to Site Key Plan + 13 Views
V.2-7	Cross Section Key Plan
V.2-8	Cross Section A-A
V.2-9	Cross Section A-A (Boston Post Road Enlargement)
V.2-10	Cross Section A-A (Theall Road Enlargement)
V.3-1	Existing Sanitary Sewer Demand
V.3-2	Sanitary Sewer Map
V.3-3	Existing Utilities Map
V.4-1	Estimated Trip Generation

THE OSBORN

I. COVER LETTER

McGULLOUGH, GOLDBERGER & STAUDT, LLP

ATTORNEYS AT LAW

1311 MAMARONECK AVENUE, SUITE 340

WHITE PLAINS, NEW YORK

10605

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EVANS V. BREWSTER (1920-2005)

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DEBORAH A. GOLDBERGER
EDMUND C. GRAINGER, III
PATRICIA W. GURAHIAN
MEREDITH A. LEFF
KEVIN E. STAUDT
STEVEN M. WRABEL

CHARLES A. GOLDBERGER
KEITH R. BETENSKY
COUNSEL

March 11, 2020

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

Re: The Osborn
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 you may recall, The Property is located 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.

The Osborn is in the process of developing its plans for the future, so that The Osborn campus may adapt to changing standards of care. This evolution is critical to ensure the best care and quality of life for The Osborn’s residents and to remain competitive in the rapidly changing senior living landscape. In order achieve these goals, The Osborn has determined that revisions to the City of Rye Zoning Ordinance (the “Zoning Ordinance”) are needed to allow greater flexibility in accommodating The Osborn’s future needs, and is therefore seeking a Zoning Text Amendment (the “Amendment”) to revise the Zoning Ordinance. Specifically, The Osborn has

requested the addition of a new “R-2 Senior Living” special exception use in the R-2 District, together with related bulk and dimensional requirements. The proposed revisions are intended to provide The Osborn with the necessary flexibility to meet the needs of its residents and the changing senior living and care giving industries.

We last appeared before the Council at its February 27, 2019 meeting, at which time our Petition was referred to the Rye Planning Commission for review and recommendation. Since that meeting, The Osborn has worked with the Planning Commission to refine the proposed zoning text amendment while still providing The Osborn with the flexibility it needs to remain competitive in the years to come. The Planning Commission has completed its review process, and it is our understanding that the Commission’s recommendation has now been sent to the Council.

During the course of the Planning Commission’s review the Applicant retained Divney Tung Schwalbe (“DTS”), a planning and engineering firm with extensive experience in Rye and the greater Westchester area. As a result of the diligent planning discussions with the Planning Commission, the Applicant made a number of revisions to the proposed Amendment. These changes reflect the input and consideration of both the Rye Planning Commission and the Applicant’s planning team. A copy of the revised Petition, together with an updated Amendment and a redline reflecting the changes to the Amendment is enclosed herewith.

Several of the proposed bulk requirements have been modified. Proposed FAR and permitted building coverage have been reduced, and required yard setbacks have been increased. The Applicant is now proposing to leave the existing 160-foot setback requirement in place on all sides of the Property to ensure no new development is placed any closer to Boston Post Road, the Osborn School, or single-family residences than what is already permitted. The Osborn also imposed additional planting and screening requirements to further protect residential neighbors and the Osborn School.

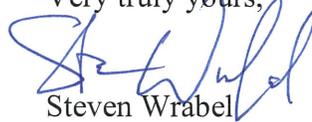
To provide even greater protection of neighbors, DTS and The Osborn developed an additional standard that significantly increases required setbacks from Osborn Road at the southwest corner of the site. The current proposal creates a setback in that area of the Property that is 1.5 times the 160-foot setbacks required elsewhere.

To allow some flexibility in future projects, and to prevent concentration of development at the center of The Osborn’s campus, limited reductions to 100-foot setbacks would be permitted along Theall Road and the northeastern side of the lot, where there are no single-family residential uses adjacent to or across from The Osborn. This setback is consistent with the front yard requirements in the surrounding B-4 and RA-6 Districts and represents a greater side yard requirement than what is mandated in the RA-6 District.

Finally, the revised Amendment has tiered the maximum permitted building height, requiring an increased setback requirement of 240 feet for buildings over four stories and 60 feet in height.

We believe the revised Amendment represents a well-considered change to the current Zoning Ordinance, which balances the needs of The Osborn with larger planning considerations. We are pleased to enclose herewith an amended Petition, together with several studies and analysis of the Property for the Council's review. It is respectfully requested this matter be placed on the next available City Council agenda, so that the Council may declare its intent to act as Lead Agency under SEQRA and consider setting a public hearing. We look forward to discussing this matter with you in greater detail.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Steven Wrabel", is written over the typed name below.

Steven Wrabel

cc: Greg G. Usry
Kristen Wilson, Esq.
Matthew G. Anderson
Stephanie Larsen, Esq.
Divney Tung Schwalbe



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

THE OSBORN

II. PETITION

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 (the “Covenants and Restrictions”), 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 the St Regis residences, in the RA-6 district. 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 55.8 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. Petitioner is also proposing to revoke the Covenants and Restrictions affecting the Property, so that all dimensional and zoning requirements shall be codified in the Zoning Ordinance. Petitioner further requests that the City Council consent, by resolution, to the revocation of the Covenants and Restrictions in conjunction with approval of the Zoning Text Amendment.

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

12. 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.

13. 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.

14. Furthermore, the proposed Zoning Text Amendment has included numerous standards to mitigate potential impacts and ensure the continued campus feel of The Osborn's Property.

15. For all of the foregoing reasons, it is respectfully submitted that the proposed Zoning Ordinance Amendments should be granted, and the Council should consent to the revocation of the Covenants and Restrictions.

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

Dated: Rye, New York
March 6, 2020

Respectfully submitted,

MIRIAM OSBORN MEMORIAL HOME ASSOCIATION

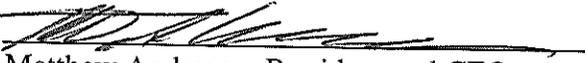
By: 
Matthew Anderson, President and CEO

EXHIBIT A

PROPOSED ZONING TEXT

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

LOCAL LAW NO. ___-2020

**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 0.45.
- (d) Lot building coverage shall not exceed 15% and total impervious coverage shall not exceed 35%.
- (e) Building height shall not exceed four (4) stories or 60 feet. Where proposed buildings are set back at least 240 feet from the all property lines and wholly located within an area of said setback that can contain a horizontal square with 200-foot sides, the permitted maximum building height may be increased to five (5) stories and 75 feet.
- (f) There shall be a minimum yard requirement of 160 feet for front yards and a minimum yard requirement of 160 feet for side and rear yards.

[1] Where an R-2 Senior Living Facility adjoins or is located across the street from a single-family residence or school, the required yard shall be planted and maintained with appropriate landscaping so as to provide effective visual screening, and shall contain no parking, storage, or other program use. Nothing herein shall prohibit the placement of stormwater management facilities, sidewalks, and/or access drives within the required setback.

[2] Where an R-2 Senior Living Facility is located across a non-State, non-County, or non-federally-designated road from a one-family district, the minimum required setback from that road shall be 240 feet.

[3] Where an R-2 Senior Living facility adjoins or is located across the street from a use other than a single-family residence or school, required yard

setbacks may be reduced to no less than 100 feet, provided that the maximum permitted area of the encroachment of the structure into this reduced setback shall be no more than 30% of the total area between each yard line and the standard 160-foot setback. Notwithstanding the foregoing, for all new buildings and structures, a minimum setback of 160 feet shall be maintained from Old Boston Post Road.

[4] 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.
- (n) Notwithstanding any of the foregoing, any building, structure or use existing on the effective date of this section which does not conform to the provisions of this section may be continued subject to the requirements of Article III of this chapter.

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.

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

LOCAL LAW NO. ___-201920

**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 ~~0.50~~0.45.

(d) Lot building coverage shall not exceed ~~20~~15% and total impervious coverage shall not exceed 35%.

(e) Building height shall not exceed ~~five (5)~~ four (4) stories or 60 feet. Where proposed buildings are set back at least 240 feet from the all property lines and wholly located within an area of said setback that can contain a horizontal square with 200-foot sides, the permitted maximum building height may be increased to five (5) stories and 75 feet.

(f) There shall be a minimum yard requirement of ~~150~~160 feet for front yards and a minimum yard requirement of ~~50~~160 feet for side and rear yards.

[1] Where an R-2 Senior Living Facility adjoins or is located across the street from a single-family residence or school, the required yard shall be planted and maintained with appropriate landscaping so as to provide effective visual screening, and shall contain no parking, storage, or other program use. Nothing herein shall prohibit the placement of stormwater management facilities, sidewalks, and/or access drives within the required setback.

[2] Where an R-2 Senior Living Facility is located across a non-State, non-County, or non-federally-designated road from a one-family district, the minimum required setback from that road shall be 240 feet.

~~4~~[3] Where an R-2 Senior Living facility adjoins or is located across the street from a use other than a single-family residence or school, Rrequired ~~front~~ yard setbacks may be reduced to no less than ~~60-100~~ feet, provided that the maximum permitted area of the encroachment of the structure into this reduced setback shall be no more than ~~25~~30% of the total area between ~~the~~ ~~front~~each yard line and the standard ~~150~~160-foot setback. Notwithstanding the foregoing, for all new buildings and structures, a minimum setback of ~~150-160~~ feet shall be maintained from Old Boston Post Road.

~~2~~[4] 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.

~~(m)~~(n) Notwithstanding any of the foregoing, any building, structure or use existing on the effective date of this section which does not conform to the provisions of this section may be continued subject to the requirements of Article III of this chapter.

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

III. ENVIRONMENTAL ASSESSMENT FORM

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

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

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

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

A. Project and Applicant/Sponsor Information.

Name of Action or Project: The Osborn Zoning Text Amendment Petition - R2 Senior Living Facility		
Project Location (describe, and attach a general location map): 101 Theall Road, City of Rye, Westchester County, NY 10580 - Section 146.13-1-8		
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: New York	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: New York	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 , <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Rye City Council -Zoning Text Amendment Revision of C&Rs	
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	City of Rye Planning Commission - Zoning Amendment Referral	Referral
c. City, 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	Westchester County Department of Planning 239-m	
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.

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

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

C.2. Adopted land use plans.

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

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

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

If Yes, identify the plan(s):

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

If Yes, identify the plan(s):

**** This application is only for the adoption of a zoning text amendment. Nevertheless, we wish to more fully address all potential impacts.**

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 Districts — Minimum lot size 1/2 acre
- 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? R-2 Senior Living Facilities

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 City Police Department
- c. Which fire protection and emergency medical services serve the project site?
Rye City Fire Department; Port Chester-Rye-Rye Brook EMS
- d. What parks serve the project site?
Project Site is approximately 1/4 mile from 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
- 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)? % TBD Units: TBD
- 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 the proposed action be constructed in multiple phases? Yes No
i. If No, anticipated period of construction: TBD 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	--	--	--	TBD
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 TBD

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: Stormwater Treatment

ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____

Rainfall

iii. If other than water, identify the type of impounded/contained liquids and their source. _____

iv. Approximate size of the proposed impoundment. Volume: _____ TBD million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ TBD 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? Yes No
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
 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 the proposed action cause or result in disturbance to bottom sediments? Yes No
 If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No
 If Yes:
 • acres of aquatic vegetation proposed to be removed: _____
 • expected acreage of aquatic vegetation remaining after project completion: _____
 • purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____

 • proposed method of plant removal: _____
 • if chemical/herbicide treatment will be used, specify product(s): _____

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

c. Will the proposed action use, or create a new demand for water? Yes No
 If Yes:
 i. Total anticipated water usage/demand per day: _____ * Up to 16,830 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 Water - Westchester County
 • Does the existing public water supply have capacity to serve the proposal? Yes No
 • Is the project site in the existing district? Yes No
 • Is expansion of the district needed? Yes No
 • Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No
 If Yes:
 • Describe extensions or capacity expansions proposed to serve this project: _____

 • Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No
 If Yes:
 • Applicant/sponsor for new district: _____
 • Date application submitted or anticipated: _____
 • Proposed source(s) of supply for new district: _____

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

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

d. Will the proposed action generate liquid wastes? Yes No
 If Yes:
 i. Total anticipated liquid waste generation per day: _____ * up to 15,300 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 Wastewater Treatment Plant; Blind Brook WWTP
 • Name of district: Mamaroneck; Blindbrook
 • 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

*Unit flow values based on NYSDEC Design Standards for Wastewater Treatment Works, § B.6.b, Design Flow, March 2014 .

• Do existing sewer lines serve the project site? Yes No
 • Will a line extension within an existing district be necessary to serve the project? Yes No
 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?
 _____ TBD Square feet or _____ TBD acres (impervious surface)
 2,434,133 Square feet or 55.8 acres (parcel size)
 ii. Describe types of new point sources. TBD _____

 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)?
 On-site stormwater management facility

 • If to surface waters, identify receiving water bodies or wetlands: _____

 • Will stormwater runoff flow to adjacent properties? Yes No

iv. Does the 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)
 Construction Equipment _____
 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 Hydroflouorocarbons (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 truck trips/day and type (e.g., semi trailers and dump trucks): _____

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

iv. Does the proposed action include any shared use parking? 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 1/2 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
N/A

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: Per § 133-8E of City of Rye

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

ii. During Operations:

- Monday - Friday: _____ 24hrs/ day
- Saturday: _____ 24hrs/ day-
- Sunday: _____ 24hrs/ day
- Holidays: _____ 24hrs/ day

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:
 During construction; TBD _____

ii. Will the 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:
 TBD _____

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 TBD
 If Yes:
 i. Product(s) to be stored _____
 ii. Volume(s) _____ per unit time _____ (e.g., month, year)
 iii. Generally, describe the 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 the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No
 If Yes:
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

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

 iii. Specify amount to be handled or generated _____ tons/month
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No
 If Yes: provide name and location of facility: _____

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

E. Site and Setting of Proposed Action

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

a. Existing land uses.
 i. Check all uses that occur on, adjoining and near the project site.
 Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Aquatic Other (specify): 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)			
• 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: <u>Landscaped Grounds</u>	41.0		

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

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
If Yes,
i. Identify Facilities:
The Osborn School is located on an adjoining parcel southeast 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): 1301473; 1303002
 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, approximately 1,500 feet from the project site. Remediation at this site was completed on 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? _____ 2-6 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:

Crc	_____	26 %
PnB	_____	52 %
PnC	_____	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: _____ 26 % of site
 Moderately Well Drained: _____ 74 % of site
 Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ 65 % of site
 10-15%: _____ 34.5 % of site
 15% or greater: _____ 0.5 % 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: <u>Typical Suburban Species</u> _____ _____ _____	_____ _____ _____
n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <i>i.</i> Describe the habitat/community (composition, function, and basis for designation): _____ _____ <i>ii.</i> Source(s) of description or evaluation: _____ <i>iii.</i> Extent of community/habitat: <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <i>i.</i> Species and listing (endangered or threatened): _____ _____ _____	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <i>i.</i> Species and listing: _____ _____	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, give a brief description of how the proposed action may affect that use: _____ _____	
E.3. Designated Public Resources On or Near Project Site	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>i.</i> If Yes: acreage(s) on project site? _____ <i>ii.</i> Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <i>i.</i> Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature <i>ii.</i> Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <i>i.</i> CEA name: <u>County & State Park Lands</u> <i>ii.</i> Basis for designation: <u>Exceptional or unique character</u> <i>iii.</i> Designating agency and date: <u>Agency: Westchester County, Date: 1-31-90</u>	

<p>c. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?</p> <p>If Yes:</p> <p>i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District</p> <p>ii. Name: _____</p> <p>iii. Brief description of attributes on which listing is based: _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>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?</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>g. Have additional archaeological or historic site(s) or resources been identified on the project site?</p> <p>If Yes:</p> <p>i. Describe possible resource(s): _____</p> <p>ii. Basis for identification: _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?</p> <p>If Yes:</p> <p>i. Identify resource: _____</p> <p>ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____</p> <p>iii. Distance between project and resource: _____ miles.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?</p> <p>If Yes:</p> <p>i. Identify the name of the river and its designation: _____</p> <p>ii. Is the activity consistent with development restrictions contained in 6 NYCRR Part 666?</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

F. Additional Information

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

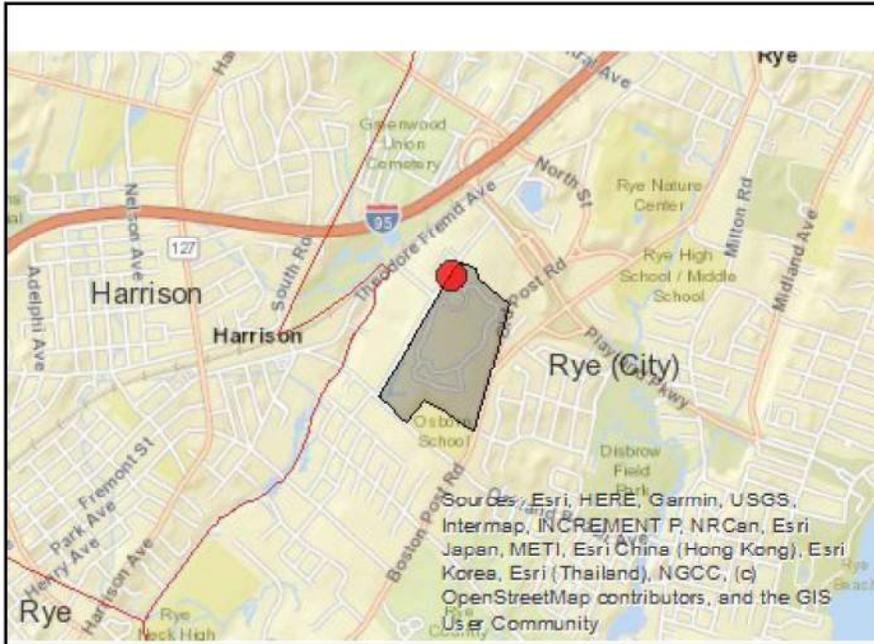
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

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

Applicant/Sponsor Name Miriam Osborn Memorial Home Association Date 3/11/2020

Signature  Title Partner, Divney Tung Schwalbe, LLP



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



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 or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

THE OSBORN

IV. THE OSBORN IN RYE

1. THE OSBORN HISTORY

Origins and Founding

Miriam Osborn's concerns for aged widowed women resulted from her worry for her acquaintances because of how easily fortunes could be lost in the financial markets where her husband worked. After her husband died, she consulted his attorney John Sterling and began planning her own legacy. She envisioned a home where women, raised like she, without self-sustaining work, could live out their lives.

John Sterling, a founding partner in the law firm of Shearman and Sterling, with well-known clients including Jay Gould, James Fisk, the National City Bank, and Standard Oil, supported Miriam Osborn's idea and became an active participant in advancing her vision. After her death, he dedicated himself to the actualization of her plan, from selection of the site, land acquisition, and selection of master craftsmen and materials to supervising the operation.

The first building was completed on the Osborn campus in 1908 as a home for aged gentlewomen in needy circumstances – the culmination of Miriam Osborn's dream.

Development of The Osborn Home

Since 1908 other buildings have been added to the campus and many women and men have come to live in them, surrounded by lush and tranquil grounds and cared for by a staff dedicated to Miriam Osborn's vision.

In 1934 the Sterling Building, named after John Sterling and anchored by the ten (10) story tower, was opened to Osborn residents. The building is operational today and houses a variety of uses including the Sterling Theater and Lounge which can accommodate up to 500 people.

Residents at what had become known as "The Osborn Home" paid a non-refundable admission of \$500 (later increased to \$1,000) and assigned all their worldly possession to the home in exchange for care and shelter for the remainder of their lives. The last "assignment" resident in the Osborn moved in in 1975. New York State ended the "assignment process" after 1975.

Changes in Senior Care and Financial Struggles

The operations of The Osborn Home remained largely unchanged from its 1908 opening until 1975. Beginning in the 1960s, a series of events revolutionized the field of aging services and the regulation of care of the aged. The passage of Titles XVIII and XIX of the Social Security Act established the Medicare and Medicaid programs and created regulations that govern the establishment and operation of nursing homes in the United States. Over the next two decades, the regulations governing nursing homes became increasingly more stringent and The Osborn fell under the regulatory arm of the New York State Department of Health as a licensed nursing home. Eventually the increases in the cost of labor, employee benefits and the cost of energy, combined with other factors, negatively affected The Osborn's financial integrity. As a result, occupancy declined precipitously, and the Board of Trustees began to ask difficult questions

Zoning Text Amendment Petition
R-2 Senior Living Use

about the future of the institution.

Pathway 2000 and Revitalization of The Osborn

In 1988 the Board of the Osborn retained Mark Zwerger as the new Chief Executive Officer of The Osborn to lead an effort to restore its fiscal health and to create a sustainable operation to continue the operation of The Osborn in the vision of its founders. At that point, The Osborn's operations occupancy had dwindled to 115 residents with 60 of those residents fully supported financially by The Osborn. After three years of study the Board adopted a comprehensive plan to restore The Osborn to its original mission and create a sustainable charity in perpetuity.

This plan, titled Pathway 2000, was adopted by the Board on May 14, 1991. It called for the construction of 26 buildings, including 20 garden homes, three multistory apartment buildings, a natatorium, a gatehouse, and a new skilled nursing facility – “The Osborn Pavilion”. The project also included the renovation of the existing three buildings into rental accommodations for seniors. The plan was submitted to the City of Rye in November, 1992 and was approved by the City in June of 1993.

The official ground breaking for the new construction at The Osborn took place on November 6, 1994, which included the construction of the first 13 of the 20 garden homes, the 54-unit Sterling Park apartment building, the new gate house and a natatorium housing, a pool and the spa. At the same time the necessary renovations connecting the old and new construction were completed. The 2000 building and the garden homes opened in June of 1996. The original buildings were renovated in phases from 1997 to 1999. The final phase of Pathway 2000 commenced in January 2000 with the construction of the remaining two Sterling Park apartment buildings which opened in July of 2001. The official dedication of the Pathway 2000 Project took place on September 28, 2002.

In total, Pathway 2000 cost approximately \$120 million. The project was financed through two sources: the proceeds of the sale of tax-exempt bonds and the accumulation of 100 percent refundable entrance fees paid by Sterling Park residents. Those fees added up to about \$80 million, and the balance of bonds remaining at the completion of the project was about \$45 million.

Action was then taken by the Board and administration to petition the courts of New York for “decertification” of the Sterling Building from a nursing home to an independent living residence. Marketing initiatives included a new logo, a streamlined admission process and a contemporary new name – The Osborn.

The goal of Pathway 2000, to restore The Osborn to Miriam Osborn and John Sterling's vision and create a sustainable charitable operation into perpetuity, has been accomplished. The Osborn provides over \$3 million annually in free care to seniors in need. Over 400 residents call The Osborn “home” while 300 others annually come to The Osborn Pavilion for rehabilitation. Hundreds of seniors residing in the community have availed themselves of the care provided by Osborn Home Care.

2. THE OSBORN TODAY

A. Profile

The Osborn offers a variety of programs geared toward the delivery of residential and health care services for its residents in independent living, assisted living, memory care and skilled nursing settings. The continuum of care also includes medical services, social and dietary services, occupational, physical and speech therapy, religious services, recreational activities, podiatry, ophthalmology, dentistry, transportation, a beauty salon, and a barber shop. Osborn Home Care provides home care services off campus in the surrounding communities and to campus residents. The average age of entry for new residents is 82 years and the average age of residents is 89 years.

Sterling Park at The Osborn consists of 148 entrance fee independent living apartments within three connected residential buildings and 40 garden homes in 20 duplex buildings. The garden homes contain attached garages, deck and basements.

Assisting Living at The Osborn consists of approximately 96 rental independent living and assisting living apartments within the Osborn (1908), Strathcona (1929) and Sterling Buildings (1938). All three buildings have been periodically renovated, most recently around 2000. There are five dining rooms, the main campus kitchen, two libraries, an interfaith chapel, beauty salon, 200-seat theater, conference and training rooms, lounges, and administrative and support staff offices.

The Osborn Pavilion is a skilled nursing facility containing approximately 84 private resident rooms in a separate building connected to the Sterling Building clustered in groups of seven and eight. The Osborn Pavilion is available by residents from other levels of care at The Osborn and from the outside community, and the facility offers skilled nursing care and inpatient and outpatient physical, occupational and speech therapy services. The common areas include two resident dining rooms, rehabilitation, activity areas, service and support areas and administrative offices.

The Osborn also provides memory care services that is designed to offer care for 13 residents in private rooms and several open areas for dining, art, music, exercise and leisure. The Memory Care Center is a distinct unit of the assisted living program to provide care for individuals with dementia who can perform most of the daily activities but benefit from professional care and support. Additionally, The Osborn offers residents with ongoing social, educational, entertainment and fitness facilities and programs.

B. Community Services

During 2018, The Osborn provided the following senior living and healthcare offerings for Rye and area residents:

- 20-25% of Osborn residents (independent living, assisted living, skilled nursing) are

Zoning Text Amendment Petition
R-2 Senior Living Use

- former Rye residents or are related to Rye families,
- over 60% of the 194 patients served by Osborn Home Care (which provides in-home assistance to seniors) were Rye residents (102 at The Osborn + 18 at private homes),
- 24% of the 600 short-term (generally 2-3 weeks) stays under the Osborn Inpatient Rehabilitation program were Rye residents (approximately 66 from The Osborn and 78 from private homes), and
- over 75% of the 255 outpatients assisted by the Osborn Outpatient Rehabilitation program were Rye residents.

Commitment to Charity

As stated on The Osborn's website, "Our mission is to provide exceptional living communities and health care, assure long-term financial security, and maintain our commitment to charity". The Osborn is committed to its role as a good corporate citizen in the City of Rye and Westchester County. During 2019, over \$3.5 million in scholarships were provided by The Osborn and Osborn Home Care.

The Osborn Foundation's philanthropic mission illustrates the breadth and depth of the organization's commitment to engaging the City of Rye and surrounding communities through meaningful initiatives and longstanding partnerships (See Exhibit IV.2-1, The Osborn Foundation 2018 Donor Report).

Community Outreach and Partners

The Osborn hosts many community events on its campus and supports many community organizations. Year-round programs and partnerships allow The Osborn to engage with members of the greater Rye community and support a diverse set of programs and initiatives.

One of its longstanding and celebrated community events is the annual Jack Miller Easter Egg Hunt. The Osborn partners with other Rye organizations for ongoing community programs, such as The Rye Nature Center for an Arbor Day program and the Rye YMCA for walking programs.

In its historic Auditorium, The Osborn hosts numerous WellSpring events open to the community, including musical and dance performances, book discussions by well-known authors, and academic lectures on topics as diverse as health, climate change, and culinary arts. These events occur approximately every other month and are well attended by community members (non-Osborn residents).

In addition, The Osborn supports dozens of organizations within Rye and throughout Westchester County, either with financial assistance or collaboration. The Osborn's senior managers participate as leaders in many of these community organizations, for example, the Rye Free Reading Room, the Rye City Lions Club, the Rye Rotary, the Rye Senior Advisory Council, SPRYE, the Alzheimer's Association (Hudson Valley Chapter), the Human Development Services of Westchester, and Hospice of Westchester.

THE OSBORN FOUNDATION

2018

DONOR REPORT



MISSION

TO PROVIDE SUPERIOR LIVING COMMUNITIES AND HEALTH CARE SERVICES WHILE ASSURING THE OSBORN'S LONG-TERM FINANCIAL SECURITY AND MAINTAINING OUR COMMITMENT TO CHARITY.

2018 BOARD OF TRUSTEES

Bill Pearson, *Chair*
Rod Rolett, *Vice Chair*

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Lucien D. Burnett, III *
William D. Holden
C. Ronald MacKenzie, M.D.
Linda B. Miller
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Thomas Saunders
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Jeffrey Sherman
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*Member of The Osborn Foundation
Board Of Trustees

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Jesse (Sam) Carroll
Daniel deMenocal
Terry Fulmer, Ph.D.
Per Hellman
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Mason Rees

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Edmund Grainger
Elizabeth Hubbard
Virginia Hutton
Herbert Jamison
Harvey Kelsey
William W. Mauritz
John R. (Jack) Miller
Betty Neagle
Robert Pratt
George Reader, M.D.

LETTER FROM THE PRESIDENT AND CEO



Dear Residents, Families & Friends,

It has been a successful year at The Osborn as we continue to fulfill our vision of being unsurpassed as a great place to live, a great place for care, and a great place to work.

A GREAT PLACE TO LIVE

With 10,000 baby boomers in the U.S. turning 65 every day, and so many living longer, The Osborn and Osborn Home Care continue to evolve to meet their needs. Our continuum of care model has never been more relevant and our above-average occupancy rates at all levels of care attest to that.

The Osborn is uniquely poised to respond to growing demand in ways that enhance the lives of our residents today and meet the needs of the next generation. Our expanded WellSpring programs create exciting opportunities for engagement across the continuum. We are looking ahead to identify new opportunities to serve residents on and off campus, as well.

A GREAT PLACE FOR CARE

In 2018, our Pavilion skilled nursing center was recognized by U.S. News & World Report as one of New York's top performing nursing homes – both for skilled nursing and short-stay rehabilitation. The Pavilion also received a 5-star rating from the Center for Medicare Services. Although critical data points led to this recognition, it is our immeasurable compassion and genuine care for those we serve that are the foundation of our excellent reputation.

A GREAT PLACE TO WORK

Our strong sense of community is intentional. We invest in training across the organization with results that benefit our residents every day. Programs like The Osborn's Leadership Academy, Novare's Leadership Development Program, and five-star training inspire employees to be the best they can be. Rewarding careers are born here and support solid levels of employee retention over many years.

Now in its fourth year, The Osborn Foundation recognizes a growing number of donors whose contributions help us to better serve our residents, our staff, and those in the community. The following pages show the spirit of philanthropy in action and lead the way for opportunities in the future. Highlights from 2018:

- **A significant grant** enabled us to repurpose the Adams Library porch into a four-seasons reading room named in memory of our friend and former trustee, William W. Mauritz.
- **A generous 'seed' donation**, appropriately given on Arbor Day, started the Tree Fund to renew our landscape and plant for future generations.
- **A memorial gift** has created a rooftop garden of native plants for residents and staff in Assisted Living.
- **A record number of resident contributions** to the Academic Achievement Awards and Employee Enrichment Fund illustrate the deep relationships between residents and staff.

We are so fortunate to live and work in this remarkable community. I am deeply grateful to the Board of Trustees for its leadership, to the management team and the entire staff for their unparalleled commitment, and especially to the residents and families who make our work so rewarding.

Sincerely,

A handwritten signature in blue ink, appearing to read "Matthew G. Anderson".

Matthew G. Anderson
President and Chief Executive Officer

The Osborn: 2018 *by the Numbers*

1 of 4
in Westchester County

The Osborn Pavilion named
Top Performing Nursing Home
by U.S. News & World Report*



Given to residents of The Osborn and
clients of Osborn Home Care through
The Charity Care Program

\$3,300,000

2,000+

People from neighboring
communities attended events
on campus



Local charities supported by
The Osborn Foundation

39

664

Clients served by
Osborn Home Care



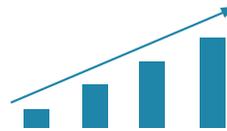
Overall rating by CMS (Medicare.gov) for Pavilion
Skilled Nursing – including quality of care and low
hospital readmission rates



5-STAR

A-

Fitch rating for
financial stability



46

Students received Academic
Achievement grants



* U.S. News & World Report evaluated over 15,000 nursing homes across the country, including 619 licensed facilities in New York State. The Osborn Pavilion was one of nineteen that received the top rating in both categories, 'Overall' and 'Short-Stay Rehabilitation'; among only four facilities in Westchester County to receive this highest-performing rating in both categories.

AROUND CAMPUS

Residents of The Osborn enjoy an active and inspiring lifestyle, as our WellSpring programs expand across the continuum of care. New interests and engaging relationships develop against the backdrop of beautiful spaces – both inside and out.



Rye Garden Club tea in the Betty Neagle Garden.



Marlene DeMartino, Jackie Berlin and Gloria Salomone at Monte Carlo Night.



Dr. Cahill and Mrs. Chateauvert went to Manhattan for the Celtic Medical Society dinner.



Leone and Nancy Risman enjoyed the Dog Days of August with canine contestant, Patrick.



Walkers Larry Klein, Nancy Nightingale and Barbara Manley during The Sterling Challenge.



Intergenerational programs let high school students spend time with residents.



CEO Matt Anderson, COO Chris Ferreri and Sterling Park Director Michele Schreer honored residents celebrating birthdays from 100 to 108!



Regina Slawek and Barbara Francis expanded their artistic skills at Paint Night.



CEO Matt Anderson and Board Chair Bill Pearson joined a Pickleball game with residents and the Model family.

FOUNDRESS LUNCHEON

Over 200 people joined us for the September Foundress Award Luncheon – “Women Who Make a Difference.” A lively blend of friends from Rye and surrounding communities, residents of The Osborn, and business supporters joined us to honor Dr. Donna Coletti, Founding Medical Director of the Corman Palliative Care Service at Greenwich Hospital, and Joan Feinstein, Esq., past Mayor of Rye Brook, Board member of SPRYE and the League of Women Voters. Speaker Julie Scelfo, author of *Women Who Made New York*, shared photos and tales about Manhattan’s movers and shakers. Proceeds went to support The Charity Care Program and the renovation and expansion of the Adams Library.



Honoree Dr. Donna Coletti.



Dr. Kathy Pike with her mother, Mary Johnson.



Honoree Joan Feinstein visits with guests Debbie Faust and M.J. Wolff.



Maria Hale, Debby Hansen and Carolyn Mauritz.



Board Chair Bill Pearson with his wife, Jane.



Trustees Lucien Burnett and Jim Buckley with Janet Burnett.



CEO Matt Anderson and Trustee George Pawlusch with honoree Donna Coletti, past honoree Kathy Carley-Spanier, and guests from Greenwich Hospital.



Elisabeth Mitchell with her parents, Mary and Bob Magnus.



CEO Matt Anderson with Carolyn Mauritz and McGraw Foundation Trustee Scott Elrod.

MAURITZ READING ROOM

The beautiful William W. Mauritz Reading Room was unveiled in June 2019. A generous gift from the McGraw Foundation in memory of our shared friend and trustee, Bill Mauritz, along with donations from so many of our residents and others, enabled The Osborn to convert a screened porch into a glass-walled reading room just off the Adams Library. Cool in the summer and warm in the winter, this extraordinary space brings together intellectual pursuits of our library and four season views of nature in a way that can only be done at The Osborn.

Spring view from the William W. Mauritz Reading Room.





THE LEGACY OF THE OSBORN TREES

In April 2019, residents of The Osborn gathered in the sunshine on the South Lawn to celebrate Arbor Day. Guides from The Rye Nature Center led tours to introduce residents and staff to various species of trees as part of the program. A baby linden tree was also planted to replace the old linden tree near the putting green that had been damaged in a recent storm.

President and CEO Matt Anderson praised our benefactor John Sterling and his legacy of planting and nurturing the trees on our park-like campus. There were 2,258 on our campus when we opened in 1908. Over the years, we have done our best to maintain the splendor of our many trees – over 1,000 now, with 82 different species! Of course, as with any life cycle, trees do die from age, pests, and extreme weather.

Thanks to the expertise of former resident Dr. David Blank, the knowledge and enthusiasm of resident George Berlstein, and a generous ‘seed’ donation from a resident, we are expanding our commitment to campus stewardship by introducing a fund within The Osborn Foundation. In order to ensure that these beautiful trees are here for all to enjoy today and for those who follow us, the Tree Fund will be used to expand the role of our professional arborist, provide funding for new replacement trees, and ensure additional care for our existing trees over time.

We hope you will consider joining us in this important initiative by making a contribution, pledge, or dedicated legacy gift to The Osborn Foundation. Together we can protect our majestic trees today and ensure the beauty of our extraordinary campus for generations to come.



MIRIAM OSBORN'S PROMISE

We have the good fortune of living longer than our parents' generation. However, as the cost of health care rises, the blessings of a long life create concerns for some people about whether their retirement savings will be enough. The vision of our Foundress, Miriam Osborn, was that residents would never have to leave our community due to lack of financial resources. Over 110 years later, The Osborn is still fulfilling that promise. In 2018, we provided \$3.3 million to ensure peace of mind for our valued residents and their families. They enjoy all the programs and amenities that come with living at The Osborn, including the security of additional care in The Pavilion if ever needed.

You can make a profound difference in the life of a friend or neighbor at The Osborn with a gift to The Osborn Charity Care program. The sense of well-being that Miriam Osborn envisioned for those living in our community is more important than ever.

“I have never felt so well cared for!” ~ Charity Care resident in The Pavilion

WAYS OF GIVING

All gifts to The Osborn Foundation help advance our mission to provide the finest residential programs and care for residents and those we serve in our community. Here are some of the ways you can give:

DIRECT GIFTS

By check, payable to **The Osborn Foundation**.

By credit card, on our secure website (www.theosborn.org/giving).

PLANNED GIVING

Planned gifts, including charitable gift annuities and trusts, can offer advantages of lifetime income, as well as tax savings. You can also make The Osborn Foundation the beneficiary of your IRA, life insurance, or retirement plan. The Osborn Foundation (Tax ID #47-4600655) is located at 101 Theall Road, Rye, NY 10580.

GIFTS OF STOCK

A gift of securities that you have owned for at least one year is eligible for a tax deduction based on the market value of the gift on date of transfer.

MATCHING GIFTS

Ask if your employer has a matching gift program. Matched gifts effectively increase the value of your donation.

MEMORIAL OR HONORARY GIFTS

You may wish to make a gift made In Memory of or In Honor of a family member, friend, staff member, or someone in the community.

For more information, contact Jennifer Christensen (914-925-8372) or via email (jchristensen@theosborn.org).

2018 DONATIONS TO THE OSBORN FOUNDATION

The Osborn is deeply grateful to the individuals, families, Trustees, staff, and businesses who contributed to advance the mission of our organization through charitable gifts last year. The following lists include the names of those who made donations to The Osborn Foundation between January 1 and December 31, 2018.

LEADERSHIP GIFTS (\$5,000 AND ABOVE)

Anonymous	Mr. Eugene Galbraith	The McGraw Foundation
Mrs. Edward Hyde Burdick	In Memory of Virginia Galbraith	Mr. Worthington Mayo-Smith
The Barbara Dorsch Foundation	Greenwich Hospital	Mrs. Frances Magee
The Ruldolph & Hilda U. Forchheimer Foundation	Mr. Franklyn Kraus	The Edward Tinker Fund
	Judy & Larry Klein	Mrs. Christine N. Tredway
	The Linton Foundation	

MAJOR GIFTS (GIFTS OF \$2,000-\$4,999)

Anonymous (2)	Mr. Harry Fleisch	Mr. Richard L. Menschel
Mrs. Gloria Avitabile	Mrs. Barbara Francis	Mrs. Katherine Moore
Mrs. Grace Benedikt	Mrs. Marian Galewitz	Mrs. Janet Nast
Hy & Eleanor Brot	William & Abigail Gerdts	Mrs. Martha Nierenberg
Brian McGovern, Esq., Cadwalader, Wickersham & Taft. LLP	Glynn Devins Advertising	Mrs. Aileen Novick
Dr. John D. Cahill	Mr. & Mrs. Harold Goldman	Mr. & Mrs. Mark O'Friel
Cassin & Cassin LLP	Mr. & Mrs. Oscar Harkavy	Mr. & Mrs. Christopher Reich
The Richard F. and James F. Corroon Foundation	Mr. Alan J. Hoffman	Mrs. Harriet Sadow
Mrs. Marlene DeMartino	Mrs. Mary Horowitz	Mrs. Gloria Salomone
Mrs. Sheila Dorsey	Mr. Michael McDonough, Jilco Window Corp.	Larry & Robin Sapanski
Mr. Gerald Eisner	Keating Electric and Technologies	Mr. & Mrs. Walter Shmerler
Joan & Paul Feinstein	Mrs. Barbara Klauber	Mr. & Mrs. Joseph Silberstein
	Mr. Eugene Litwak	Mr. Daniel Silver
	Mr. & Mrs. Robert B. Magnus, Jr.	Mrs. Anne Stevenson

SUPPORTING GIFTS (GIFTS OF \$1,000-1,999)

Mrs. Victoria Amon	Mr. & Mrs. George Hosey	Mrs. Elaine Petach
Mr. & Mrs. Matthew G. Anderson (S)	Mrs. Halina Jamner	Mrs. Lorraine Pollak
Anonymous	Mr. & Mrs. Daniel R. Kaplan	Mrs. George Risman
Mr. & Mrs. George Berlstein	Mr. Michael Nieto, L & M Construction	Mr. & Mrs. Michael Rossi (S)
Mrs. Priscilla Blum	Mrs. Ernestine B. Laskey	John and Lauren Roth
Mr. & Mrs. Jay Brown	Mrs. Marjorie Latz	Mrs. Constance Sacken
Mr. & Mrs. Lucien Burnett (T)	Mrs. Maryanne Lavan	Mrs. Naomi Sacks
Judi & Sam Carroll (TE)	Mr. Thomas Lavan	Mr. & Mrs. John C. Savage
Clean Air Quality Service	Mr. & Mrs. Richard Lee	Mr. William Sims, Herbert J. Sims & Company
Mr. & Mrs. Alex Cohen	Mr. & Mrs. Robert Leopold	Mrs. Mary Snyder
Dr. Donna E. Coletti	Mr. & Mrs. Jack Lipman	Stamford Hospital Foundation
The Concannon Family Foundation	Mr. Douglas Mann	Mr. Leon Starr
Mrs. Dorothy Cucinell	Mr. & Mrs. Frank McCullough, McCullough, Golderger & Staudt, LLP	Lois & Arthur Stevens
Mr. Robert Davis (S)	Ms. Linda Bianco Miller (T)	Ms. Eileen Strauss
Mr. & Mrs. George deMenocal	Ms. Susan S. Miller (T)	Mr. & Mrs. Neil Tergesen
Mrs. Doris Eichwald	Mr. & Mrs. Alan Model	Ms. Michele Thomas (S)
Mr. & Mrs. Chris Ferreri (S)	Mrs. Martha Monserrate	Mrs. Barbara Ucci
Gregg and Dawn Flower	Mrs. Irene Murphy	Ms. Joyce Infante, VNSW Foundation
Jane & Jim Fox (S)	Ms. Lindsay Neagle	Mrs. Gladys Waller
Mr. & Mrs. Robert Gillin	Mr. & Mrs. William Nightingale	Mr. Leon Weisburgh
Mrs. Margie Granik	Mr. Robert November	Mr. & Mrs. Stephen Wright (T)
The Graziano Family	Jane & Bill Pearson (T)	Mrs. Gloria Zimmerman
Mrs. Isabel Harther		

James and Jenny Alban-Davies
 Bernard and Peggy Althoff
 Mr. Rohan Amin
 Anonymous
 Mrs. Rita Del Rey,
 AON Corporation
 Mrs. Rita Aronoff
 Mrs. Lisa Ashley
 Mrs. Joyce Askinasi
 Ms. Leslie Molinoff,
 At Home on the Sound
 Mrs. Antonietta Alicia Avery
 Norman and Alison Axelrod
 Mrs. Ruth Bachrach
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 Mrs. Sylvana Ballantoni
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 Mrs. Eleanor Black
 Mrs. Barbara Bleemer
 Mrs. Sandra Blum
 Mr. Thomas Blum
 Mr. John Blumenthal
 Mr. Andrew Boden
 Dr. & Mrs. Robert Bookchin
 Mr. & Mrs. John Bowen (TE)
 Ms. Jamie O'Connell,
 BNY Mellon
 Mrs. Martha Brinkman
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 T = Trustee TE = Trustee Emeritus S = Staff

GIVING BY DOING



ALZHEIMER'S WALK

The Osborn supports the regional Walk to End Alzheimer's with funding; Team Osborn volunteers who walk to raise awareness, as residents cheer them on.



MY SISTERS' PLACE

Residents in the knitting group donate their talents to make items for local charities like My Sister's Place, for chemotherapy patients at Greenwich Hospital, and residents of The Osborn Pavilion.

2018 DONATIONS TO THE OSBORN FOUNDATION

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Jeffrey and Diane Jennings
Mrs. Mary T. Johnson
Miss Jane Johnston
Mrs. Maril Kaiser
Bert and Dot Kalet
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GIVING BY DOING



MIRIAM'S ATTIC

The Osborn's resale shop provides a useful service for residents, staff and neighbors who are downsizing or looking for a bargain. Proceeds benefit The Charity Care program.



DONATING EYEGLASSES

Residents from Sterling Park and staff collected glasses that are recycled by the Rye City Lions Club for those in need in our community and nationwide.

Alan and Sherry Salzman
 Elliot and Marilyn Satinoff
 Thomas and Emily Saunders (T)
 Mrs. Nancy Saylor
 Senior Salon Services
 Mr. & Mrs. Douglas Shanks (T)
 Mr. & Mrs. Stephen Shapiro
 Mr. Donald Sharp
 Mrs. Penelope Shaw
 Mrs. Margaret Sheehan
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 Mrs. Regina Slawek
 Mrs. Irene Sokol
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 Mrs. Charlotte Sullivan
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 Bradley and Cynthia Sweeny
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 Dr. & Mrs. Charles Toter
 Mr. Lou Tripodi,
 Tripodi's Appliance Warehouse
 Mrs. Ann Unger
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 Ms. Jaime Warner
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 Miss Jane Weidlund

Ms. Betti Weimersheimer
 Mrs. Clarice Weiner
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 Mrs. Elaine Weir
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 Bruce and Lillian Weitz
 Ms. Michele W. Fredman,
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 Mrs. Gladys R. Yourman
 David and Amy Zagin
 Anna & Anton Zauner
 Mrs. Marjorie Zeidman
 Mrs. Susan Zellweger
 Salvatore and Rosemarie Zito

IN MEMORY OF

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Judy and Larry Klein
 Mr. & Mrs. Robert B. Magnus, Jr.

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 Mr. Curtis Cranet
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 Mrs. William G. Flower

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EXTRAORDINARY ELDER

Resident Alice Model (second from left) was nominated for the LeadingAge Extraordinary Elder Award for her countless volunteer activities on campus and in the community. She also entertains us with the Penthouse Quartet and the Westchester Chorale.



PET THERAPY

Resident Don Fowley and certified therapy dog, Thunder, talk to local children on Flag Day about the role of a therapy dog. Mr. Fowley and Thunder make the rounds visiting residents and rehab patients in The Osborn Pavilion every Thursday. 11

2018 DONATIONS TO THE OSBORN FOUNDATION

David & Ann Hall
Mrs. Jane Johnston
Mrs. Marcia Kalkut
Mrs. Eve Kalevas
Mrs. Kak Lau
Mr. Ross Lazio
Nick & Paula Longo
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GIVING BY DOING



VOLUNTEER TEA

Residents and members of the community volunteer in many areas of The Osborn to enrich the experience for those who live here.



SUPPORTING HEART HEALTH

Managers and staff of Osborn Home Care participated in a campus-wide program to raise awareness about the importance of maintaining a healthy heart.

IN HONOR OF

Dr. Donna Coletti

Ms. Robin Kanarek
Ms. Eileen O'Shea
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GIFTS IN KIND

The American Clock and Watch Museum
Arthur Murray Dance Studios
Brae Burn Country Club
Brant Foundation Art Study Center
Brooklyn Botanic Gardens
Bruce Museum
The Burke Family
Lucien Burnett, III (T)
CBS - Entercom/NY
Caramoor Center for Music and
The Arts, Inc.
Paul & Jennifer Christensen (S)
Jill Chwatt

Doral Arrowwood
Emelin Theatre
Fogama Japanese Restaurant
Golf Club of Purchase
Grand Prix NY Racing & Spins Bowl, LLC
Greenwich Symphony Orchestra
Home Limousine Service
House of Fins
Jacob Burns Film Center
Kramer Portraits NYC
Locust Grove Estate
Long Wharf Theater
Susie Mantell/Relax Intuit

Miriam's Attic
New Wave Seafood
Old Westbury Gardens
Redi Cut Carpets
Rye Beach Pharmacy
Storm King Art Center
Westchester Broadway Theatre
Westchester Children's Museum
White + Warren
Wine at Five

Donor Key:

T = Trustee TE = Trustee Emeritus S = Staff

Every effort was made to ensure the accuracy of this list. If your name was inadvertently omitted, please accept our sincere apology and let us know so that we can update our records. You can email updates to philanthropy@theosborn.org or write to Jennifer Christensen, The Osborn Foundation, 101 Theall Road, Rye, NY 10580. Thank you!



ACADEMIC ACHIEVEMENT AWARD

In 2018, the resident-led Academic Achievement Award program generated gifts for 46 children of employees who are pursuing higher education. Many are the first in their families to do so!

Save the Date

Women Who Make a Difference

Luncheon
Wednesday, October 2 at 11:30 am

HONORING:

Dawn French, *Senior Vice President,
Marketing & Community Outreach, White Plains Hospital*

Jana Seitz, *President, Edith G. Read Wildlife Sanctuary*

GUEST SPEAKER:

Carrie Rebora Barratt
CEO and President of The New York Botanical Garden

For sponsorship opportunities: philanthropy@theosborn.org

RSVP@theosborn.org



The Osborn, Osborn Home Care, and The Osborn Foundation are part of The Osborn Network, a 501(c)(3) non-profit charitable organization that offers a continuum of care community for seniors. It includes independent living, assisted living, memory care through the H.O.P.E. Center, long-term skilled nursing care, short-term and out-patient rehabilitation, and home care services in Westchester and Fairfield Counties.

The Osborn is accredited by CARF (www.carf.org) which is widely recognized as the highest standard of excellence for retirement communities. In addition, The Osborn has an A- Fitch rating for its financial strength, a rare accomplishment among retirement communities.



The Osborn
The Osborn Foundation

101 Theall Road
Rye, NY 10580
914-925-8000
888-9-OSBORN
www.theosborn.org

Osborn Home Care

101 Theall Road 125 Mason Street
Rye, NY 10580 Greenwich, CT 06830
914-925-8221 203-641-7683
www.osbornhomecare.org

C. Economic Benefits

Fiscal History & Context

In the period from 1950 to 1970 The Osborn Board sold off landholdings surrounding the existing campus to generate funds for its operations. Property that was sold was developed with corporate office space and a portion of the land was sold for residential development. A parcel at the corner of Boston Post Road and Osborn Road was sold to the Rye School District, which constructed the Osborn Elementary School. Property that was sold by The Osborn, other than the property purchased by the School District, was added to the city tax rolls as it had previously been tax exempt.

In May of 1996, amid all The Osborn's new construction, the City of Rye revoked The Osborn's century old real estate tax exemption. Following a court ruling, The Osborn and the City agreed on a settlement of the real estate tax issue by The Osborn paying a reduced amount of real estate taxes on an annual basis in the area of 50% of the original assessment imposed by the City in 1996. The agreement between The Osborn and the City remains in place and is not proposed to be changed by this current application.

In 1996, upon the opening of the first facilities, Sterling Home Care, The Osborn's licensed home care services agency, was established. Today the agency, renamed Osborn Home Care, provides over \$13 million annually in exceptional home care both on the campus and in the community. The Osborn currently holds an investment grade rating from Fitch and has achieved the financial sustainability that was the key motivation for Pathway 2000.

The Osborn also contributes directly to the Rye Economy. Organizational expenditures at local service providers and merchants exceeded \$500,000 in 2018, which did not include local spending by Osborn residents and staff. Approximately 5% of The Osborn's 400+ staff members are Rye residents.

Taxes

Tax revenue generated by The Osborn are based on the existing assessed value by the City of Rye, multiplied by the tax rate for each of the applicable taxing districts (Town, County, School and Special Districts). The project site has a current total assessed value of \$2,133,120. (see Table IV.2-2).

Table IV.2-2: Current (2019) Assessed Value of Project Site (SBL 146-13-1-8)¹

Full Market Value	Uniform Percent of Value (Equalization Rate)	Assessed Value		
		Land	Improvements	Total
\$136,738,461	1.56	\$969,000	\$1,164,120	\$2,133,120

¹ City of Rye, 2019 City Final Roll. <https://www.ryeny.gov/Home/ShowDocument?id=10566>

Zoning Text Amendment Petition
R-2 Senior Living Use

Real estate taxes are levied on the Project Site by the Town/County (general fund and special districts) and the School District. In sum, the tax rates applicable to The Osborn total \$1,079.43 per \$1,000 assessed value. Based on the 2019 tax rates multiplied by the current assessed value, The Osborn currently generates approximately \$2,302,558 in property taxes, as shown on Table IV.2-3. The Rye City School District receives the largest tax levy of approximately \$1,365,881. The County and City receive approximately \$559,626 and \$377,050, respectively.

Table IV.2-3 – Existing Property Taxes (2019)

Existing Taxes (Annual)	Tax Rate per 1,000 A.V. ²	Total
City of Rye	\$176.76	\$377,050.29
Westchester County		
County	\$207.882242	\$443,437.77
Mamaroneck Valley Sewer District	\$36.898957	\$78,709.90
Refuse Disposal District #1	\$17.569873	\$37,478.65
<i>Sub-total County</i>	<i>\$262.351072</i>	<i>\$559,626.32</i>
Sub-Total Town/County	\$439.11	\$936,676.61
Rye City School District	\$640.320700	\$1,365,880.89
Total	\$1,079.43	\$2,302,557.50

The Osborn contributes significantly to the Rye economy as the second largest taxpayer in the City. The proposed zoning text amendment is anticipated to facilitate the future expansion of housing choices and amenities offered to residents of The Osborn. Future improvements on the campus are expected to increase the full market value of the project site. An increase in full market value of The Osborn will likely result in a reassessment of the value of the improvements on the land, subsequently increasing the amount of taxes levied on the property from the City of Rye, Rye City School District and Westchester County.

² 2019 Tax Rates based on City of Rye Comptroller’s office (2019 County Detail Report, 2019 City Detail Report) and Rye City School District.

3. THE OSBORN FUTURE

A. Need for Osborn To Respond to Changing Senior Living Needs

The three oldest “SOS” buildings in the center of the campus – Osborn (1908), Strathcona (1929) and Sterling (1938) are stately and historic but were certainly not planned with the needs of today’s seniors and caregivers in mind. Their long hallways result in extended walking distances for residents and staff. Their relatively small rooms have limited appeal as independent living apartments and lack features present in units specifically designed to facilitate assisted living.

Renovations made and new buildings constructed at The Osborn during the mid-1990’s are now nearly 25 years old. The converted assisted living units in SOS have proven to be too small to invite couples or singles to readily make the transition from independent living to assisted living on campus. As residents in the new Sterling Park independent living apartments start to age-in-place, the distances to the converted activity and gathering spaces in the SOS buildings become more challenging to walk. While the single-level cottages were initially seen as attractive to people transitioning from single-family homes, they remain so but are also not conducive to walking to dining and community spaces in other buildings, particularly during inclement or winter weather.

People considering senior living opportunities in Westchester or lower Fairfield County today have many options to consider. New independent living or “55+” communities have been built or are planned along the Sound Shore, in southern and central Westchester, as well as in the northern sections of the County. Assisted living residences, either standalone or as part of a larger senior facility, are operating or proposed in the same areas.

Through the proposed zoning text amendment, The Osborn is seeking greater adaptability to ensure it can provide residents with modern amenities and high-level services, critical to compete in the rapidly evolving senior living landscape.

B. Future Scope of Improvements

The proposed zoning text amendment is anticipated to provide The Osborn with the necessary flexibility to achieve its goals while maintaining the character of its campus and the surrounding neighborhood. Specific objectives for these changes include:

- Independent Living – increasing the range of offerings to provide:
 - Opportunities for more connectivity with other residents to encourage socialization
- Larger apartment sizes than currently available (500 to 1,000 square feet larger than existing Sterling Park units)
 - Hospitality-level amenities and support areas
 - Communal activity and gathering spaces in close proximity to the residences

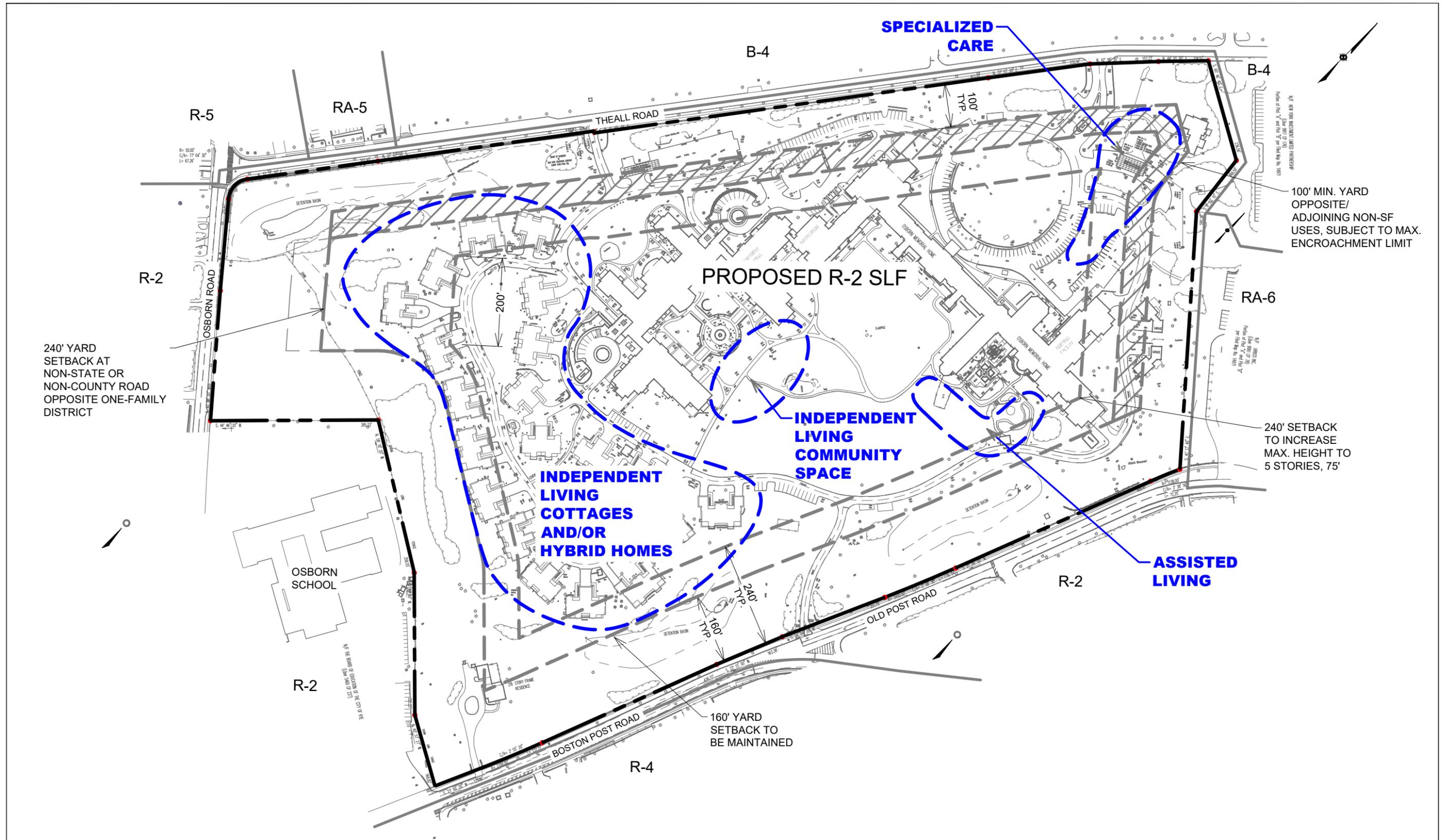
Zoning Text Amendment Petition
R-2 Senior Living Use

- Assisted Living – adding to the types of options available to reflect current models of care and to provide:
 - Larger and more inviting units, to encourage couples and singles to transition from Independent Living apartments when one or both require additional levels of care
 - More specially designed units to serve residents with memory care or behavioral care needs
- Specialized Care – provision of dedicated space to house support facilities related to existing Osborn specialized care offerings, such as Osborn Home Care.

A concept diagram illustrating possible locations of future use areas within which these changes would be implemented on the campus is provided as Exhibit IV.3-1, Proposed Future Use Areas. The diagram shows:

- **Independent Living (IL) Hybrid Homes** – within the southern portion of the site currently occupied by 20 duplex cottages, a series of multi-unit Independent Living buildings (“hybrid homes”) would replace some or all the existing IL cottages over time. Within these four-five story IL buildings, up to five independent living apartments per floor would share a common gathering space to encourage sociability and interaction between neighbors, and structured parking would be provided on the first level. Up to 80 additional IL units could be located within this area.
- **Independent Living (IL) Community Space** – on the east side of the Sterling Park courtyard, a connected IL support building would add new gathering and dining options in close proximity to those existing IL apartments and the cottages and/or hybrid homes.
- **Assisted Living (AL)** – a new assisted living facility with larger and more specialized units and support services would flank the Betsy Neagle courtyard adjoining the existing AL and Pavilion nursing home facilities. Up to 50 additional AL units could be located within this area.
- **Specialized Care** – a specialized care support building would be located adjoining The Osborn main entry circle.

The Osborn anticipates that these future improvements would be proposed over a ten to fifteen-year period, with separate or combined special permit and site plan approval applications submitted to the City of Rye for each set of building and site improvements.



THE OSBORN

V. ENVIRONMENTAL ASSESSMENT

THE OSBORN

V.1. ZONING AND LAND USE

Zoning Text Amendment Petition
R-2 Senior Living Use

1. ZONING AND LAND USE

A. Rye Zoning Code

The Osborn campus lies within the City of Rye R-2 zoning district. Similar to other R districts in Rye, the only Permitted Main Use in the R-2 District is a “single detached residence on its own lot for not more than one family.” The minimum lot size in the R-2 District is ½ acre. See City of Rye Code § 197-86 Table A, Columns 1 and 6 in Exhibit V.1-1.

Certain other land uses listed in §197-86 Table A Column 2 are permitted within the R-2 district subject to additional requirements, including educational uses, public recreational uses, private recreational uses, and “extension of welfare uses”:

(4) Extension of welfare uses. Extension of homes for the aged, religious institutions and public health research institutions operated by nonprofit corporations organized under the laws of the state, in existence on or for which a permit was authorized before January 1, 1958. Any building or structure in connection with such use shall not be located less than twice the specified distance from any lot line, subject to the same regulations as for educational uses. The Planning Commission shall determine on-site parking requirements based on good standard practice for the size and type of activity.

As The Osborn is a home for the aged operated by a New York nonprofit corporation that was in existence before January 1, 1958, additional development of its facility would qualify under “extension of welfare uses.” The dimensional regulations applicable to such extensions are limited, however, to:

- Building or structure setbacks – “not less than twice the specified distance from any lot lines”
- “Same regulations as for educational uses,” which per §197-86 Table A Column 2 Use 1 include:
 - “sites not less than 10 acres in area”
 - “no building, parking area or grounds for organized games or sports shall be located within the specified distance from any side or rear lot line adjoining property zoned for residence”
 - “such buffer space shall be so densely landscaped as to provide effective visual and sound screening of such activities or left in its natural state if this will fulfill the screening objectives”

The “specified distance” within the R-2 district is 80 feet (§197-86 Table A Column 12). The dimensional regulations for the “extension of welfare uses” within the R-2 district therefore include:

- Minimum lot size - 10 acres
- Minimum setback, building or structure - 160 feet
- Minimum side/rear lot adjoining property zoned for residence setback, parking area or grounds for organized games or sports – 80 feet

Zoning Text Amendment Petition
R-2 Senior Living Use

- Minimum buffer landscaping requirements - as described above

Chapter 197. Zoning

Article VIII. Tables of Regulations

§ 197-86. Tables of regulations.

Use, area, height, yard, coverage and flood area ratio requirements in the various districts shall be as follows, subject to such exceptions and limitations as are specified in other sections of this chapter:

TABLE OF REGULATIONS: TABLE A
RESIDENCE DISTRICTS — USE REGULATIONS

Column 1

Permitted Main Uses

R-1, R-2, R-3, R-4, R-5, R-6 and RS Districts

- (1) Houses. A single detached residence on its own lot for not more than one family.

RT Districts

- (1) Uses permitted in R-6 Districts. Not subject to additional standards and requirements.
- (2) Houses for two families. A detached house on its own lot for not more than two families or housekeeping units, or a house for not more than one family on each side of a party wall; such house shall be deemed a single main building.

RA-1 Districts

- (1) Uses permitted in RT Districts not subject to additional standards and requirements.
- (2) Apartments. A detached residence for three or more families or housekeeping units, or a group of buildings housing three or more families on one lot, subject to the requirements of § 197-7.

RA-2 Districts

- (1) Uses permitted in RA-1 Districts not subject to additional standards and requirements.

RA-3 Districts

- (1) Uses permitted in RA-1 Districts not subject to additional standards and requirements.
- (2) Nontransient hotels and lodging houses. A hotel or lodging house for any number of guests but not primarily for transients, provided that a structure with six or more guest sleeping rooms shall be subject to the requirements of § 197-7.

RA-4 Districts

- (1) Uses permitted in RA-1 Districts not subject to additional standards and requirements.

RA-5 Districts

[Added 4-21-1982 by Ord. No. 2-1982, readopted 11-21-1984 by Ord. No. 1-1984]

- (1) Apartments for senior citizens and handicapped. A detached residence for three or more families or housekeeping units or a group of buildings housing three or more families on one lot, undertaken by private nonprofit sponsors with public financial assistance, subject to the requirements of § 197-7.

RA-6 Districts

[Added 12-2-2015 by L.L. No. 1-2016]

- (1) Apartments for active seniors. A detached residence for three or more families or housekeeping

units, or a group of buildings housing three or more families on one lot, subject to the requirements of §§ 197-7 and 197-8.1.

RFPW Districts

[Added 11-18-1981 by L.L. No. 9-1981]

- (1) Any combination of the following residential uses on the same lot, subject to the requirements of § 197-13.1:
 - (a) Houses. Single detached residences for not more than one family.
 - (b) Houses. Houses for two families. A detached house for not more than two families or housekeeping units, or a house for not more than one family on each side of a party wall, such house to be deemed a single building.
 - (c) Apartments. Single detached residence for three or more families or housekeeping units.

LPD-A District

[Added 6-15-1983 by L.L. No. 5-1983]

- (1) Single-family detached residences for not more than one family, subject to the requirements of § 197-13.2.
- (2) Jay Mansion: A detached single-family residence for not more than one family or a multifamily residence for not more than three dwelling units and not more than one family per dwelling unit, as required by and subject to the requirements of § 197-13.2.
- (3) Carriage House: A detached single-family residence for not more than one family or a multifamily residence for not more than six dwelling units and not more than one family per dwelling unit, as required by and subject to the requirements of § 197-13.2.

**TABLE OF REGULATIONS: TABLE A
RESIDENCE DISTRICTS USE REGULATIONS**

Column 2

**Uses Permitted Subject to Additional
Standards and Requirements**

(Subject to the requirements and provisions of § 197-10)

R-1, R-2, R-3, R-4, R-5, R-6, RS and RT Districts

- (1) Educational uses. Public schools and private and parochial schools with curricula similar to those of public elementary and secondary schools and operated under the Education Law of this state on sites not less than 10 acres in area (except that in RS Districts any school shall be on a site not less than 1/3 acre), provided that no building, parking area or grounds for organized games or sports shall be located within the specified distance from any side or rear lot line adjoining property zoned for residence and that such buffer space shall be so densely landscaped as to provide effective visual and sound screening of such activities or left in its natural state if this will fulfill the screening objectives; and nonprofit libraries and museums open to the public.
- (2) Public recreational uses. Municipal recreation buildings, playgrounds, parks and reservations, provided that no buildings, parking area or grounds for picnicking or organized games or sports shall be located within the specified distance of any lot line, subject to the same regulations as for educational uses.
- (3) Private recreational uses. Outdoor and indoor recreational uses, including but not limited to golf, badminton, tennis, paddle tennis, bathing, swimming and boating, with appurtenant clubhouses, except those where a chief activity is carried on primarily for gain, provided:
 - (a) A minimum site of 7.5 acres shall be provided.
 - (b) The floor-area-to-lot-area ratio shall not exceed that permitted for a single-family residence in the district in which it is located, except that in an R1 Residential Zoning District 0.10 shall be the maximum permitted.
 - (c) Fifty percent of any such site shall be natural ground cover, to include but not be limited to grass, trees, shrubs and plants.
 - (d) No green or fairway shall be located within 1/2 the specified distance from any lot line.

- (e) Any building, parking lot or other recreational use shall be subject to the same regulations as specified for educational uses.

[Amended 10-4-1961 by Ord. No. 13-1961; 10-18-1972 by Ord. No. 4-1972]

- (4) **Extension of welfare uses.** Extension of home for the aged, religious institutions and public health research institutions operated by nonprofit corporations organized under the laws of this state, in existence on or for which a permit was authorized before January 1, 1958. Any building or structure in connection with such use shall not be located less than twice the specified distance from any lot line, subject to the same regulations as for educational uses. The Planning Commission shall determine on-site parking requirements based on good standard practice for the size and type of activity.

[Amended 6-16-1993 by L.L. No. 4-1993]

- (5) Public uses. Federal, state, county or municipal buildings or uses, except any such use as is customarily conducted as a gainful business.
- (6) Nursery schools. Duly licensed nursery schools for not to exceed 30 children, provided that at least 1,000 square feet of outdoor play area for each five children or fraction thereof is provided, located on the premises at such a distance and so screened from any lot line and from any residential structure on an adjoining lot as to avoid a noise nuisance.
- (7) Agricultural uses. Nurseries, truck gardens, greenhouses and similar agricultural uses, provided that no greenhouse or other accessory building shall be located within the specified distance of any side or rear lot line and that there shall be no sale of products not growing or grown on the premises and not more than one unilluminated sign not over six square feet in area located behind the required front yard line.
- (8) Railroad passenger stations and electric substations for local service only.
- (9) Temporary real estate sales office in connection with a subdivision containing 10 or more lots, located only on part of the property being or to be subdivided. Any such structure shall be removed six months after either the last lot in the subdivision shall have been sold or all required improvements shall have been completed whichever is earlier.
- (10) Religious headquarters offices. In R-1 and R-2 Districts only, headquarters offices of religious organizations on sites of 20 acres or more, provided there shall not be more than five employees per acre nor more than an equal number of visitors, provided that not more than 10% of the lot shall be covered by buildings or otherwise used as headquarters offices of religious organizations, and provided that no building or parking area shall be located within the specified distance of any lot line, except that the Planning Commission may permit the limited use of existing buildings within the specified distance of any lot line if such limited use will have no material adverse effect on adjoining property.
- (11) Parking lot or parking garage. In RT Districts as the sole or secondary use, the storage or parking of private passenger vehicles of residents of other lots, only when found by the Planning Commission to be essential to the public interest, as evidenced by pressing need for off-street parking facilities. Such parking lot or parking garage use may be permitted to provide satellite parking for nonconforming public commercial restaurants, subject to the same finding of essential need.
- [Amended 7-17-1985 by L.L. No. 5-1985]
- (12) Religious uses. Churches and other places of religious worship.
- (13) Residential care facility uses. A residential care facility licensed or supervised by an appropriate state or federal agency to provide resident services and twenty-four-hour supervision to 10 or fewer mentally, emotionally, physically or socially disabled persons or for persons in need of supervision or juvenile delinquents, provided that:
- [Added 10-4-1978 by Ord. No. 3-1978]
- (a) A minimum site of 0.5 acres shall be provided, with the following minimum yards: front yard, 35 feet; rear yard, 60 feet; side yard, 30 feet; and a total of two side yards, 80 feet. All other area, height and miscellaneous regulations shall be the same as required for a single-family residence in the district in which it is located.
- (b) Any building to be erected, converted or occupied shall maintain the appearance of a single-family residence when located in a residence district and in any district shall be compatible with the existing architectural character of the area.
- (c) The applicant has presented a set of regulations, which shall apply to all employees,

Chapter 197. Zoning

Article IV. Use Regulations

§ 197-10. Uses permitted subject to additional standards and requirements.

[Amended 7-17-1957; 7-20-1960]

- A. The uses indicated in Column 2 of the Table of Regulations made a part hereof, entitled "Uses Permitted Subject to Additional Standards and Requirements," are permitted as follows: Upon receipt of an application for any such use by the Building Inspector, he shall refer such application to the Planning Commission of the City at its next regular meeting. The Planning Commission, after public notice and hearing, shall within 90 days thereafter file with the Building Inspector a report on such application so referred to it. The Planning Commission shall, in each such case, give consideration and effect to the objectives set forth in Subdivisions 24 and 25 of § 20 of the General City Law, and it shall give consideration to and make findings as to whether the following conditions prevail:
- (1) In a residence district the proposed use will serve a community need or convenience.
 - (2) The proposed use will be appropriate in the proposed location and will have no material adverse effect on existing or prospective conforming development, and the proposed site is adequate in size for the use.
 - (3) In cases where conversion is proposed of a structure designed and built originally for other uses, the structure will be adaptable.
 - (4) The proposed use will be provided with adequate off-street parking to meet its needs, properly screened from adjoining residential uses, and entrance and exit drives are to be laid out to minimize traffic hazards and nuisance.
 - (5) The potential generation of traffic will be within the reasonable capacity of the existing or planned streets and highways providing access to the site.
 - (6) There are available adequate and proper public or private facilities for the treatment, removal or discharge of sewage, refuse or other effluent that may be caused or created by or as a result of the use.
 - (7) In a Coastal Zone District, a conventional subdivision or a subdivision lot grouped pursuant to § **197-39** will accomplish the following:
[Added 6-19-1991 by L.L. No. 13-1991]
 - (a) All wetlands and floodplains shall be preserved.
 - (b) All buildings and facilities shall be so arranged as to preserve to the maximum extent practical, the view of the shoreline from public streets.
 - (c) Where any development borders the waterfront there shall be a one-hundred-foot-wide strip of land along the waterfront which shall not include any area of the site below mean sea level or beyond the upland property line, whichever is most protective of proper drainage, flood protection and edge effect along the waterfront.

- B. The Commission, in its report, shall also recommend in appropriate instances whether the maximum size of the establishment in the number of employees, square feet of floor space, number and size of dwelling units or other appropriate measure should be limited, and also the extent of any such limitation required in order to limit the potential generation of traffic, to limit the impact upon the community of other consequences of the establishment of such a use and to minimize potentially adverse effects.
[Amended 5-7-1969 by Ord. No. 1-1969]
- C. Upon receipt by the Building Inspector of such report of the Planning Commission showing that said conditions in Subsection **A(1) to (6)** inclusive prevail, as well as its recommendations as to appropriate conditions and safeguards, and upon compliance by the applicant with the applicable standards and requirements set forth in said Table of Regulations and in §§ **197-11, 197-12 and 197-84** hereof and the provisions of the Building Code of the City^[1] and the provisions of any other applicable laws and ordinances, the applicant shall, upon the payment of any fee prescribed therefor, be entitled to a building permit or certificate of compliance, as the case may be, from the Building Inspector, subject to the recommended conditions and safeguards. In the event that the Planning Commission shall not make a finding that any of the above-enumerated conditions in Subsection **A(1) to (6)** inclusive prevail, the Building Inspector shall refuse to issue a building permit or certificate of compliance, as the case requires.
- [1] *Editor's Note: See Ch. 68, Building Construction.*
- D. If the Building Inspector, after considering the report and recommendations of the Planning Commission, issues the permit applied for or if he refuses to issue such permit, then in either of such cases any person aggrieved by such determination and action of the Building Inspector in issuing or refusing to issue such permit may take an appeal from the Building Inspector's decision and action to the Board of Appeals as provided in § **197-81** within such period of time as is prescribed by such Board by general rule and as provided in § 81 of the General City Law. Said Board is hereby authorized and empowered in such cases to hear and fully decide and dispose of such matter with the same force and effect as if this chapter required it in the first instance to pass upon and approve or disapprove any such application under this section. Said Board of Appeals, in making its decision, may adopt, modify or reject any of the findings of the Planning Commission and may make new and/or additional findings. Such Board may reverse or affirm, wholly or partly, or may modify the decision and action of the Building Inspector appealed from.

ZONING

197 Attachment 1

City of Rye
Table A: Residence Districts

Area, Yard, Height and Miscellaneous Regulations

[Amended 4-17-1957; 7-17-1957; 7-20-1960; 3-21-1962 by Ord. No. 2-1962; 10-24-1963 by Ord. No. 7-1963; 11-15-1967 by Ord. No. 4-1967; 6-18-1968 by Ord. No. 3-1968; 10-18-1972 by Ord. No. 4-1972; 11-18-1981 by L.L. No. 9-1981; 4-12-1982 by Ord. No. 2-1982; 6-15-1983 by L.L. No. 4-1983; 6-15-1983 by L.L. No. 5-1983; 11-21-1984 by Ord. No. 1-1984; 2-3-1988 by L.L. No. 2-19-1988; 7-16-2003 by L.L. No. 6-2003¹; 12-2-2015 by L.L. No. 1-2016]

4	5	6	7	8	9	10	11	12	13	14	15	16	
District	Use	Maximum Ratio of Floor Area to Lot Area (j)	Minimum Size of Lot (acres or sq. ft.) per: a. Family or Equiv. (a) or b. Nonresidential Use	Minimum Width (feet) [See § 197-36]	Minimum Yard Dimensions (feet)				Specified Distance (feet) as Required in Column 2	Maximum Height		One-Story Accessory Structures	
					Front [See (b)]	One Side [See (b) and (c)]	Total of Two Side Yards	Rear [See (b)]		(stories)	(feet)	Maximum Coverage of Required Rear Yard	Minimum Distance to Side Line (feet)
R-1		0.15	1 acre	150	35	20	50	60	100	2½	32	20%	20
R-2		0.20	½ acre	115	35	15	40	50	80	2½	32	20%	15
R-3	Area of special flood hazard	0.25	½ acre	100	30	12	30	40	70	2½	28	35%	10
	All other areas	0.25	1/3 acre	100	30	12	30	40	70	2½	28	35%	10
R-4	Area of special flood hazard	0.30	½ acre	85	30	10	25	30	60	2½	28	25%	10
	All other areas	0.30	10,000	85	30	10	25	30	60	2½	28	25%	10
R-5	Area of special flood hazard	0.35	½ acre	75	30	8	20	30	50	2½	28	30%	5
	All other areas	0.35	7,000	75	30	8	20	30	50	2½	28	30%	5
R-6	Area of special flood hazard	0.40	½ acre	60	25	8	20	25	40	2½	28	30%	5
	All other areas	0.40	6,000	60	25	8	20	25	40	2½	28	30%	5
RS	Single-family house	0.40	½ acre	100	30	12	30	40	—	2½	28	25%	10
	Other permitted use	0.40	1/3 acre	100	50	½ height, minimum 12	40	40	—	2½	35	10%	12
RT	Single-family house	0.45	5,000	50	25	8	20	30	40	2½	28	30%	5
	Two-family house	0.45	3,000	60	25	8	20	30	—	2½	28	30%	5
RA-1	Single-family house	0.40	5,000	50	25	8	20	30	40	2½	35	30%	5
	Two-family house	0.40	5,000	60	25	8	20	30	—	2½	35	30%	5
	Apartment house	0.40	5,000 (e)	100	70	50	100	50	—	2½	35	30%	10
RA-2	Single-family house	0.45	5,000	50	25	8	20	30	30	2½	35	30%	5
	Two-family house	0.45	3,500	60	25	8	20	30	—	2½	35	30%	5
	Apartment house	0.45	3,500 (e)	100	25	20	50	40	—	2½	35	30%	10
RA-3	Single-family house	0.50	5,000	50	25	8	20	30	20	2½	35	35%	5
	Two-family house	0.50	3,000	60	25	8	20	30	—	2½	35	35%	5
	Apartment house	0.50	2,500(e)	80	25	20	40	40	—	2½	40	35%	10
RA-4	Single-family house	0.50	5,000	50	25	8	20	30	—	2½	35	35%	5
	Two-family house	0.50	3,000	60	25	8	20	30	—	2½	35	35%	5
	Apartment house	0.50	2,500(e)	80	25	20 (d)	40 (d)	40 (d)	—	2½ (f)	35 (f)	35%	10
RA-5	Apartments for senior citizens and handicapped persons	1.00	1 acre	80	25		40		—	4	50	35%	10

¹ Editor's Note: This local law also stated that it would not apply if a building permit application or Zoning Board of appeals application had been received by the City prior to 7-3-2003.

RYE CODE

4	5	6	7	8				11	12	13	14	15		16					
				Maximum Ratio of Floor Area to Lot Area (j)	Minimum Size of Lot (acres or sq. ft.) per: a. Family or Equiv. (a) or b. Nonresidential Use	Minimum Width (feet) [See § 197-36]	Minimum Yard Dimensions (feet)					Specified Distance (feet) as Required in Column 2	Maximum Height		One-Story Accessory Structures				
							Front [See (b)]						One Side [See (b) and (c)]	Total of Two Side Yards	Rear [See (b)]	(stories)	(feet)	Maximum Coverage of Required Rear Yard	Minimum Distance to Side Line (feet)
District	Use																		
RA-6	Apartments for active senior citizens	0.75	2,500	400	150 ^(k)	50	100	50	—	4	45	35%	10						
RFP	Single-family house Two-family house Apartment house (g)	(g)	10 acres (g)	250	85	(g)	(g)	(g)	—	2½	35	—	—						
LPD-A	(h)	0.15	22 acres	(h)	(h)	(h)	(h)	(h)	—	(h)	(h)	(h)	(h)						

Notes:

- (a) Equivalent to one family in computing minimum lot sizes.
 - [1] Hotels and lodging houses, each two guest sleeping rooms.
 - [2] Hospitals and similar institutions, each two hospital beds.
 - [3] Medical offices, each two doctors plus three other employees.
 - [4] Other nonresidential main uses not specifically provided for in this Table of Regulations or elsewhere in this chapter, each 1,500 square feet of floor space.
- (b) [1] Wherever a required yard abuts a street less than 50 feet in width, the minimum yard dimension(s) shall be measured from a line of 25 feet from and parallel to the center line of said street.
 [2] No building shall be nearer than 100 feet to center line of Post Road between Mamaroneck Town line and Central Avenue.
- (c) For corner lots, corner side yards at least 1/5 of the lot width at the location of the building, but need not be more than front yard minimum, except as provided in § 197-62. Permitted nonresidential main uses shall have minimum side yard 1½ times width specified for a single-family house. (See § 197-52.)
- (d) Twenty-five feet for any side yard containing a driveway serving more than six parking spaces. For a one-, two- or three-family structure existing on the effective date of the chapter (August 9, 1956) and proposed for conversion for up to four (4) families, the Board of Appeals may reduce side yard requirement to eight feet. For side yard requirements for other apartments, see § 197-54. For spacing between buildings on the same lot, see § 197-70. For the rear and side yards of apartment houses adjoining the right-of-way of a railroad, a parkway or a limited access highway, see § 197-64.
- (e) For usable open space requirement, see § 197-68.
- (f) For buildings in variable-height apartment groups (a use permitted in RA-4 Districts subject to additional standards and requirements), see § 197-13.
- (g) See § 197-13.1 for requirements and additional comments.
- (h) See § 197-13.2 for requirements and additional procedures.
- (i) These requirements shall not apply to existing or future lots, provided that the lot is not substantially located in an area of special flood hazard, or to any lot in a subdivision which received tentative approval of a preliminary layout, pursuant to Chapter 170 of this Code, prior to February 17, 1988, that conforms to the requirements for a lot not located in an area of special flood hazard. For the purpose of this exemption, an existing or proposed lot having 90% or more of its area located outside of an area of special flood hazard shall not be considered to be substantially located in an area of special floor hazard. See § 197-37.1 for additional exemptions.
- (j) See § 197-43.1 for floor area ratio reductions for single-family residences on oversized properties in one-family districts.
- (k) The required front yard setback can be reduced to no less than 100 feet, provided that the maximum permitted area of the encroachment of the structure into this reduced setback shall be less than 15% of the total area between the front yard line and the standard 150-foot setback.

B. 1993 Declaration of Covenants and Restrictions

As a condition of the City of Rye Planning Commission's grant of site plan approval for certain building and site improvements in 1993, The Osborn was required to and did execute a "Declaration of Covenants and Restrictions" on October 15, 1993 (1993 Declaration; see Exhibit V.1-2. The 1993 Declaration set forth certain dimensional requirements applicable to that site plan approval and future use of the property:

- Minimum lot area for the Osborn Home – 50 acres
- Maximum floor area ratio (FAR) - .30
- Minimum new building* setback from property line – 160 feet
- Maximum new building* height – 5 stories, 75 feet
- Maximum building coverage – 15%
- Maximum site coverage – 30%
- None of the above Covenants and Restrictions were to "prohibit the continued existence, location or use of existing buildings at the Osborn Home."

* "constructed after July 1st, 1993"

The limitations set forth in these dimensional requirements generally reflected the development characteristics of the campus that would exist following the construction of the 1993-approved improvements. As there have been no additional buildings and limited sitework¹ constructed at The Osborn since the 1993 approvals, the 1993 Declaration limitations continue to reflect conditions on the Osborn campus today. See Comparative Zoning Table, Exhibit V.1-3, columns for "Existing Conditions" and "1993 Declaration."

¹ Approximately 100 surface parking spaces were added to the campus per a 2013 Site Plan Amendment.

DLR P-6 T-36 SP 2190 F035

DECLARATION OF COVENANTS AND RESTRICTIONS

THIS DECLARATION dated the 15th day of October, 1993 made by THE MIRIAM OSBORN MEMORIAL HOME ASSOCIATION having offices at 101 Theall Road, Rye, New York (hereinafter called the "Declarant") is intended to declare and set forth certain Covenants and Restrictions affecting the future development of the premises now owned by the Declarant and situated in the City of Rye, County of Westchester and State of New York and known and designated on the Tax Map as Sheet 146.13, Block 1, Lot 8 (hereinafter referred to as the "Osborn Home").

WHEREAS, the Planning Commission of the City of Rye (hereinafter called the "Planning Commission") has approved the Declarant's application for site plan approval and preliminary approval of a use permitted subject to additional standards and requirements by Resolution #11-93 which is dated June 22nd, 1993; and

WHEREAS, as a condition of approval, the Planning Commission has required, among other things, a Declaration of Covenants and Restrictions limiting the future development of the Osborn Home; and

WHEREAS, the Osborn Home is currently improved with buildings which violate the Covenants and Restrictions to be imposed upon the Property; and

WHEREAS, nothing herein is intended to prohibit the continued existence, location or use of existing buildings; and

WHEREAS, Declarant desires to impose upon the aforementioned Osborn Home certain Covenants and Restrictions.

NOW, THEREFORE, the Declarant does hereby adopt the following Covenants and Restrictions:

1. The minimum lot area required for the Osborn Home shall be fifty (50) acres.

2. The maximum floor area ratio shall be .30.

3. No buildings constructed after July 1st, 1993, shall be located closer than 160 feet to the Property line in existence on said date. This restriction shall not apply to existing parking areas or existing and future roadways, walkways, stormwater control basins, gatehouses and card activated gates at access drives, light fixtures, signs or similar types of improvements.

4. No building constructed after July 1st, 1993, shall exceed five (5) stories or seventy-five (75) feet in height with height being defined as the vertical distance from the average grade at the perimeter building line to the midpoint of the roof. Building height as used herein shall mean: the vertical distance from the average established grade in front of the lot, or from the average natural grade at the building line, if higher, to the average height of the top of the

cornice of a flat roof, or to the top of a mansard roof, or to the midheight of the highest gable or dormer in a pitched or hipped roof, or if there are no gables or dormers, to the midheight of such pitched, hipped or mansard roof.

5. The maximum percentage of building coverage shall be fifteen (15%) percent.

6. The maximum percentage of site coverage shall be thirty (30%) percent.

7. None of the Covenants and Restrictions contained herein shall prohibit the continued existence, location or use of existing buildings at the Osborn Home.

8. All of the foregoing Covenants and Restrictions shall be deemed to have been imposed in favor of the City of Rye. The City of Rye may prosecute any proceedings at law or in equity against any person or persons violating or attempting to violate said Covenants and Restrictions either to prevent such violation or to recover damages therefore.

9. Invalidation of any of the Covenants or Restrictions by judgment or court order shall in no way affect any of the provisions which shall remain in full force and effect.

10. This Declaration shall run with the land and be enforceable by the City of Rye.

11. This Declaration may not be amended or modified without the prior written approval of the City of Rye.

IN WITNESS WHEREOF, Declarant has duly executed this Declaration by his hand and seal affixed hereto the day and year first above written.

STATE OF NEW YORK, COUNTY OF

ss:

On the 15th day of OCTOBER 1993, before me personally came Robert W. PRATT to me known, who, being by me duly sworn, did depose and say that he resides at No. 16 Packard Ct., Rye, NY; that he is the President of the Board of Trustees of [redacted], the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

THE MIRIAM OSBORN MEMORIAL HOME ASSOCIATION

BY: Robert W. Pratt

ANN MARGRET BERNARDONE
Notary Public, State of New York
No. 5001147
Qualified in Westchester County
Commission Expires August 31, 1994

Ann Margret Bernardone
10/15/93

L & H ABSTRACT CORPORATION
188 East Pratt Road
White Plains, N. York 10601

*R-R McCullough, Goldberger
550 Mamaroneck Ave.
Harrison, NY 10528*

*Sheet 146.13
Block 1
Lot 8
West. Co.*

C. Proposed Local Law Components

The creation of a new Senior Living Facilities use within the R-2 District will serve to better guide future change at The Osborn while protecting the interested of neighboring properties and the City of Rye.

To facilitate these goals The Osborn is proposing per its petition to create a “Senior Living Facilities” use within the R-2 District. Some of the dimensional requirements in the 1993 Declaration have been maintained, while others are proposed to be changed – all have been developed in consideration of the existing zoning of the site and surrounding properties (R-2 and other R- districts, B-4, RA-6), the 1993 Declaration, preliminary meetings and discussions with City boards and staff, and considerations of The Osborn as described in this petition. See V.1-3, Comparative Zoning Table, and V.1-4 Proposed R-2 SLF Zoning Diagram.

The proposed dimensional requirements for the R-2 Senior Living Facilities use include:

- Minimum lot area – 50 acres
- Maximum floor area ratio (FAR) – .45
- Minimum required yards for new buildings
 - Adjoining or across the street from a single-family residence or school – 160 feet, with landscape buffer requirements
 - Across a non-County, State or federally-designated road from a one-family district – 240 feet
 - Adjoining or across the street from other than a single-family residence or school – 160 feet, except that the required setback can be reduced to no less than 100 feet, provided that the maximum permitted area of the encroachment of the structure into this reduced setback shall be less than 30% of the total area between each yard line and the standard 160-foot setback
- Maximum new building height – 4 stories, 60 feet. Where proposed buildings are set back a minimum of 200 feet from a boundary line and can be wholly located within an area of said setback that can contain a horizontal square with 200-foot sides, the permitted maximum height may be increased to 5 stories, 75 feet.
- Maximum building coverage – 15%
- Maximum site coverage – 35%
- As per the 1993 Declaration, none of the R-2 Senior Living Facilities requirements are proposed to “prohibit the continued existence, location or use of existing buildings at the Osborn Home

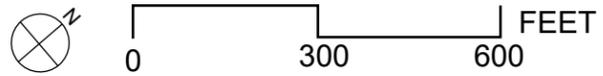
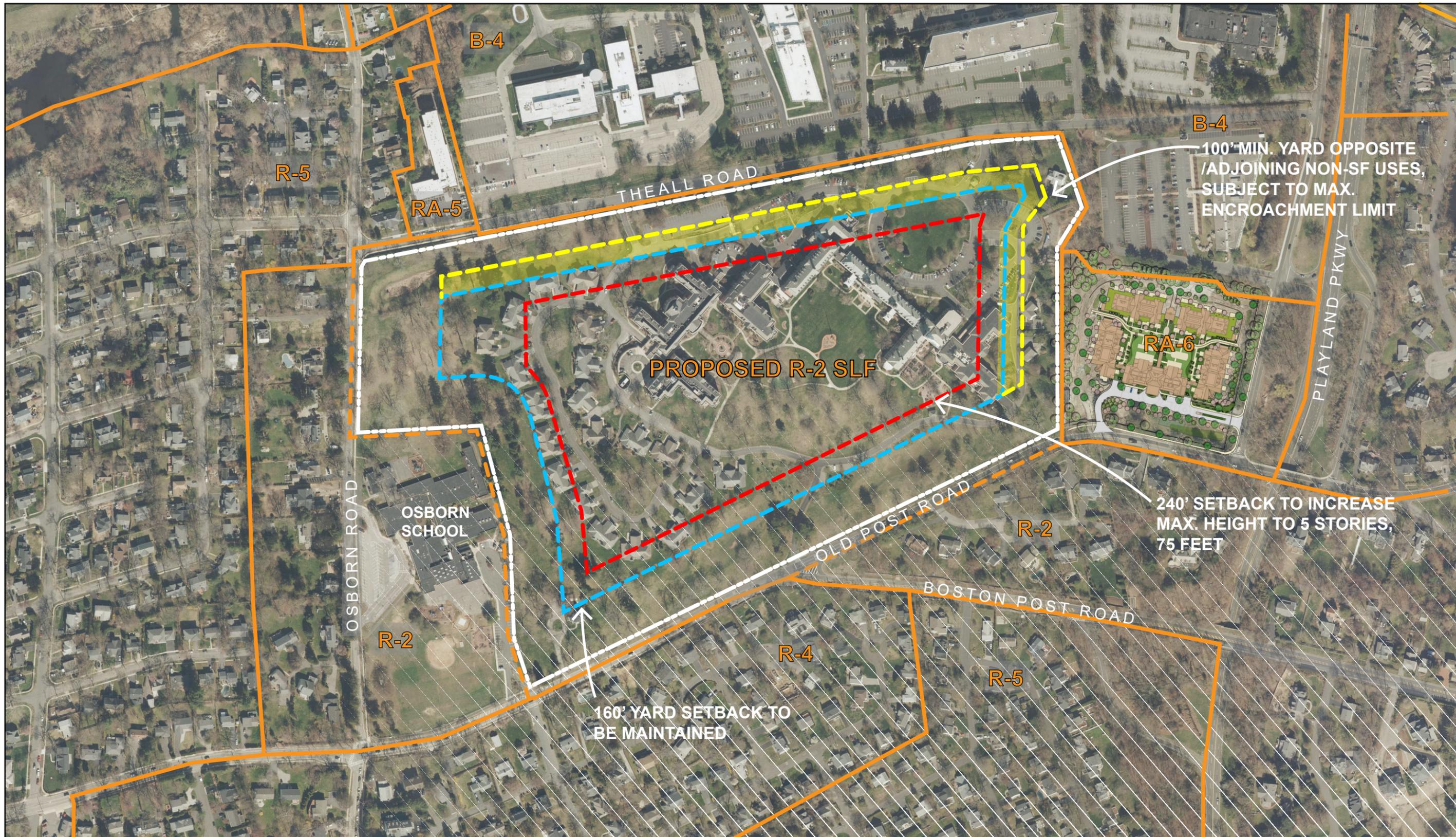
The R-2 Senior Living requirements would alter those of the 1993 Declaration by:

- (1) **Increasing the permitted FAR from .3 to .45 while maintaining the permitted building coverage at 15%**, which would allow for increased Osborn building area without changing the permitted extent of building footprint on the

Zoning Text Amendment Petition
R-2 Senior Living Use

- site, thereby encouraging multi-story rather than one- or two-story buildings.
- (2) **Refining the minimum yard requirements to reflect:**
 - (a) The addition of a landscape buffer provision to reflect and maintain the importance of The Osborn perimeter landscape plantings;
 - (b) An increase in the minimum yard where The Osborn borders a local residential street; and
 - (c) A limited reduction of the minimum yard where The Osborn adjoins or is across the street from a non-single-family use.
 - (3) **Increasing the permitted site impervious coverage from 30% to 35%**, which would allow for the addition of new Osborn site and circulation improvements; and
 - (4) **Reducing the permitted height at the minimum yard setback from five stories to four stories**, which would limit taller buildings to the center of the campus by requiring increased setbacks for the 5-story height permitted under the 1993 Declaration.

The Osborn						
Rye, New York						
Comparative Zoning Table						
Zoning Standard	The Osborn - Existing Conditions	1993 Declaration	R-2 District	RA-6 District	Proposed Local Law (Nov. 2018)	Proposed Local Law (rev. Mar. 2020)
Max FAR	0.26	0.3	0.2	0.75	0.5	0.45
Min. Lot Size	55.79 2,430,182	50 ac	.5 ac / family	2,500 sf / family	50 ac	50 ac
Min. Yards (ft)						(f)
Front	174 (a)	160	35	150 (d)	150 (e)	160 (g, h)
One side	161 (b)	160	15	50	50	160 (g, h)
Two sides		-	40	100		
Rear	161 (c)	160	40	50	50	160 (g, h)
Max. Height						
Stories	5	5	2.5	4	5	4 / 5 (i)
Feet	64	75	32	45	60	60 / 75 (i)
Max. Building Coverage	11.53%	15%	-	35%	20%	15%
Max. Site Impervious Coverage	26.50%	30%	-	-	35%	35%
Notes						
(a) Pre-1993 building - 120 feet						
(b) Pre-1993 building - 53 feet						
(c) Pre-1993 building - 120 feet						
(d) Per §197 Table A, note (k), "The required front yard setback can be reduced to no less than 100 feet, provided that the maximum permitted area of the encroachment of the structure into this reduced setback shall be less than 15% of the total area between the front yard line and the standard 150' setback."						
(e) Proposed - 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.						
(f) Proposed - Where an R-2 Senior Living Facility adjoins or is located across the street from a single-family residence or school, the required yard shall be planted and maintained with appropriate landscaping so as to provide effective visual screening, shall contain no parking, storage or other program use, may contain stormwater management facilities, and shall be crossed only by sidewalks and access drives.						
(g) Proposed - Where an R-2 Senior Living Facility is located across a non-State, non-County, or non-federally-designated road from a one-family district, the minimum required setback from that road shall be 240 feet.						
(h) Proposed - Where an R-2 Senior Living Facility adjoins or is located across the street from other than a single-family residence or school, the required setback can be reduced to no less than 100 feet, provided that the maximum permitted area of the encroachment of the structure into this reduced setback shall be less than 30% of the total area between each yard line and the standard 160' setback.						
(i) Proposed - Where proposed buildings are set back a minimum of 240 feet from a boundary line and can be wholly located within an area of said setback that can contain a horizontal square with 200-foot sides, the permitted maximum height may be increased to 5 stories, 75 feet.						



D. Rye Development Plan

The City of Rye's Development Plan was adopted in 1985 (the "1985 Plan") as the City's goals and policies for land use within the City through to 2000.² The 1985 Plan notes that The Osborn is among the "large estates, historic structures, institutional uses" that together create a "special character" of the Post Road corridor in Rye and feature "stone fences and wooded areas that border much of its length in the City".

The 1985 Plan envisioned the Post Road corridor as a mixed-use area blending in with surrounding residential areas, where "permitted uses would be a variety of residential uses and densities, institutional uses serving the community (schools, churches, etc.), museums, and uses of similar character."

Relevant to the future of The Osborn, recommendations such as "the density of residential development would be in the low-medium density range and regulated by performance standards", aligns with the proposed dimensional requirements that have been developed with sensitivity to existing zoning of the site and surrounding properties. The goals of this proposed zoning text amendment are also consistent with the stated aims of land use policy for this district in fostering the preservation of the unique features of the Post Road corridor, ensuring consideration with historic and aesthetic resources, and compatibility with adjacent uses and infrastructure capacity.

The clustering of development is also promoted as an approach that is particularly effective in maintaining the specific features of large properties including historic buildings, wooded buffers and scenic vistas that give the road its character.³

E. Westchester 2025

A web-based update of the County-wide comprehensive policies, *Westchester 2025* builds upon *Patterns for Westchester's Policies for 2000 and Beyond*⁴ Westchester 2025's "Context for County and Municipal Planning and Policies to Guide County Planning," adopted in 2008 and amended in 2010 (the "2025 Plan"), replaces and updates the "Assumptions and Policies" section of *Patterns for Westchester* and presents a series of subject areas (2025 Plan p. 2) which provide the basis for Westchester 2025's policies and strategies.

The goals of the proposed zoning text amendment are consistent with the strategic aims of the County's long-range plan in the following subject areas:

Strategy 7 – The overall population of Westchester County is expected to grow only modestly through the year 2025 but the composition will continue to diversify. The increasing number of elderly residents will influence the

² *City of Rye 1985 Development Plan*. City of Rye Planning Commission, p14.

³ *Ibid.* p15-16

⁴ *Westchester 2025 Context for County and Municipal Planning in Westchester County and Policies to Guide County Planning*. 2008, amended 2010. Westchester County Planning Board, p1-4

Zoning Text Amendment Petition
R-2 Senior Living Use

nature and direction of public services, require thoughtful site design and force a broadening of business and cultural opportunities.

Strategy 8 – A varied supply of all types of housing, at all reasonable locations, is necessary for a healthy county. Communities must create more “livable” neighborhoods for our aging population that feature transit-oriented development.

Westchester 2025 goes beyond subject considerations by putting forward Policy recommendations for the next decade. Specifically related to locating future development, the County’s long-range plan indicates that the “future of development in Westchester will be found in redevelopment of residential, commercial and industrial space with most new construction located in the county’s downtowns in the largest cities and village centers, especially those with access to a rail station.”⁵ Certain policies in alignment with the proposed zoning amendment and future improvements at The Osborn, include:

Policy 1 – Channel development whenever possible to centers where infrastructure can support growth, where public transportation can be provided efficiently and where redevelopment can enhance economic vitality. Development should be consistent with defined community character and be designed to facilitate or enhance a smart growth urban fabric.”

The Osborn, located 1.5 miles from the central business district of Rye, one mile from downtown Harrison and the Metro North New Haven line station and within a quarter mile of the Bee Line Bus stops along Theodore Fremd Avenue, is strategically positioned to expand in a manner congruous with these goals and recommendations.

Other considerations harmonious with the proposed zoning amendment include codifying contextual zoning and design standards.⁶

Policy 13 – Encourage efforts to define the desired character of each municipality and neighborhoods within the broader, diverse palate of Westchester County. Support initiatives to adapt and establish land use policies and regulations that enhance that character through focus on location, setting, aesthetic design and scale of development as well as the public context of street life, tree canopy and utility placement.

The proposed zoning amendment corresponds to the intent of certain *Westchester 2025* policies, providing The Osborn with the flexibility to meet the needs of current and future residents, and undertake future improvements in a nature that is considerate to the contextual elements of surrounding uses.

⁵ Ibid p7.

⁶ Ibid p9.

THE OSBORN

V.2. SITE FEATURES

A. Trees

As noted in “Supporting the Legacy of The Osborn Trees” (see Exhibit V.2-0), trees have always been integral elements of the Osborn campus plan:

At the beginning of the last century, our Co-Founder, John Sterling, envisioned a landscape plan that reflected the sensibility of famed landscape architect B. S. Olmstead. Modeled on the “pleasure grounds” of England, it features a winding carriage drive, open lawns and shaded walks... Special care was devoted to planting “specimen” trees of exceptional beauty, many remain to the delight of those who visit the campus in every season.

A 1947 aerial photo from the Westchester County Planning Department archives shows the original Sterling-Osborn-Strathcona buildings set within an expansive lawn dotted with trees. See Exhibit V.2-1. The mid-1990’s Osborn improvements included rose and perennial gardens located near the assisted living and Pavilion wings, a fountain and gardens in the Sterling Park courtyard, and supplemental tree plantings across the campus. See Exhibit V.2-2, 2003 Osborn Walking Tour Map.

The Osborn continues to view its trees as a valuable resource for its residents, staff and visitors. In 2019, The Osborn engaged with a tree service and arborist to provide an inventory assessment of all existing trees on the campus.

The inventory and assessment followed ANSI A300 Level 2 visual assessment standards for all trees on the property. Field data collection occurred in early July and August 2019. A total of 1,021 trees were inventoried on the campus comprised of 116 distinct species, which in the arborist’s view represented a diverse, well-managed and established population of urban plantings. The data points collected for each tree captured more than ten attributes and characteristics, including species information, health and size, geo-spatial location data, plant health care recommendations, photos and memorial status. An map of the trees was compiled by the arborist and is reproduced as Exhibit V.2-3¹.

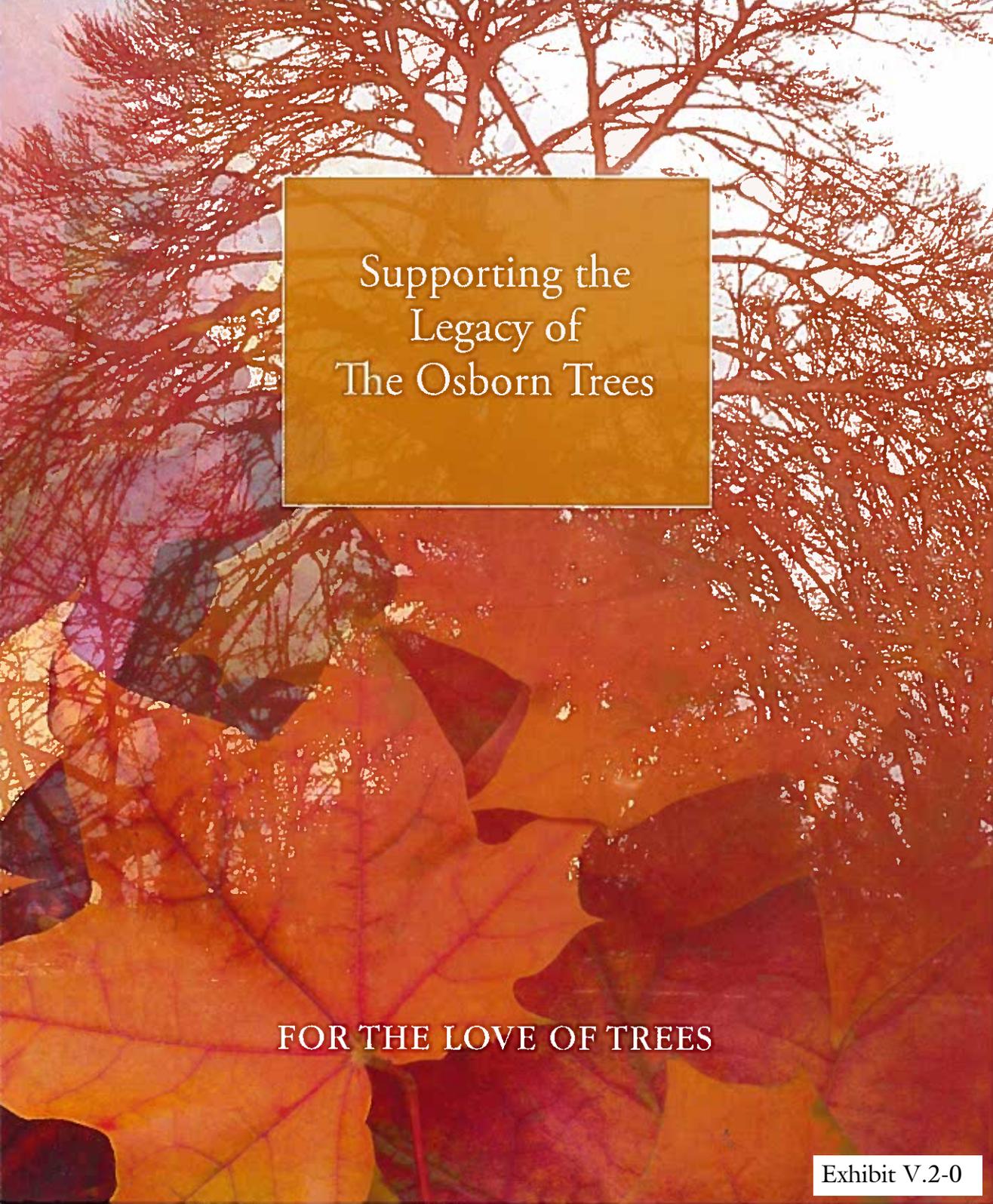
The assessment prioritized trees needing immediate attention, which was undertaken by The Osborn beginning in the fall of 2019. Subsequently the campus was divided into four quadrants for future maintenance activities, which will be carried out on a cycling annual basis by a local tree service under the direction of an arborist.

To further celebrate the importance of the campus’s tree resources, in 2019 The Osborn made application for and was awarded Level 1 Arboretum status by ArbNet, an “online, interactive community of arboreta that supports the common purposes and interests of tree-focused public gardens.” (arbnet.org; see Exhibit V.2-4) Criteria for Level 1 designation include an arboretum plan, organizational group, collection of trees with a minimum of 25 species, support staff or volunteers, and a public dimension that includes public access and at least one annual event focused on trees or arboretum purposes.

¹ The Osborn Tree Assessment, SavATree Consulting Group, August 26, 2019, p1.

Zoning Text Amendment Petition
R-2 Senior Living Use

The Osborn anticipates that all future campus planning will include management and planting of trees as integral to maintaining the character of its campus.



Supporting the
Legacy of
The Osborn Trees

FOR THE LOVE OF TREES



At the beginning of the last century, our Co-Founder, John Sterling, envisioned a landscape plan that reflected the sensibility of famed landscape architect B. S. Olmstead. Modeled on the “pleasure grounds” of England, it features a winding carriage drive, open lawns and shaded walks. Sterling’s intention was to plant at least one tree of each variety suitable for the climate. In all, 2,258 trees were planted under his watch, some from seeds brought by European laborers. Special care was devoted to planting “specimen” trees of exceptional beauty, many remain to the delight of those who visit the campus in every season.

Over a hundred years have passed since then and our trees continue to inspire us. The benefits of spending time in nature are widely known to promote health and a sense of well-being. The beautiful trees of The Osborn are a unique and enduring treasure that enrich the lives of all who live and work here.

PLAN

Thanks to two generous gifts, The Osborn commissioned a professional inventory of existing trees and created a preliminary plan for the future. There are over a thousand trees across our 56-acre campus, representing 116 different species, and varying stages of growth. Over 90% of our trees are in fair or good condition, and now we have a plan for the future.

Our goals are:

Safety

Removal of trees that pose a risk to residents and property.

Health

Care including pruning, support, disease control, and fertilization.

Education

Label trees and share maps, offer campus tours to support learning.

Growth

Planting to achieve the appropriate balance and diversity of species.



SUPPORT

Trees are living organisms subject to age-related decline and damage from weather. The long-term health of our tree population depends on the establishment of an endowed fund that will provide regular income to support the care and growth of The Osborn Trees – today and well into the future.

GROW

You can help us protect this valuable resource and prepare for the future by making a gift or pledge to The Osborn Tree Fund. Individual donations, gifts In Honor of/In Memory of a loved one, multi-year pledges, gifts of equities or other financial tools, IRAs or insurance policies can be used to support the Legacy of The Osborn Trees. For more information, contact Jennifer Christensen (914-925-8372) or jchristensen@theosborn.org.

AT A GLANCE

-  56 acres
-  1021 trees
-  116 species
-  Oldest tree: Copper beech near Pavilion
-  Newest tree: Japanese Stewartia near Memorial Walkway
-  Largest tree: Linden near main entrance. (73" in diameter)
-  Most common tree: Norway Spruce (82)

DID YOU KNOW

- Two large trees can provide a day's supply of oxygen for up to four people.
- One tree can absorb as much carbon in a year as a car produces while driving 26,000 miles.
- Trees provide a valuable habitat for 400+ birds as well as other wildlife in the region.
- Shade offers natural air conditioning; roots absorb water to help reduce flooding.

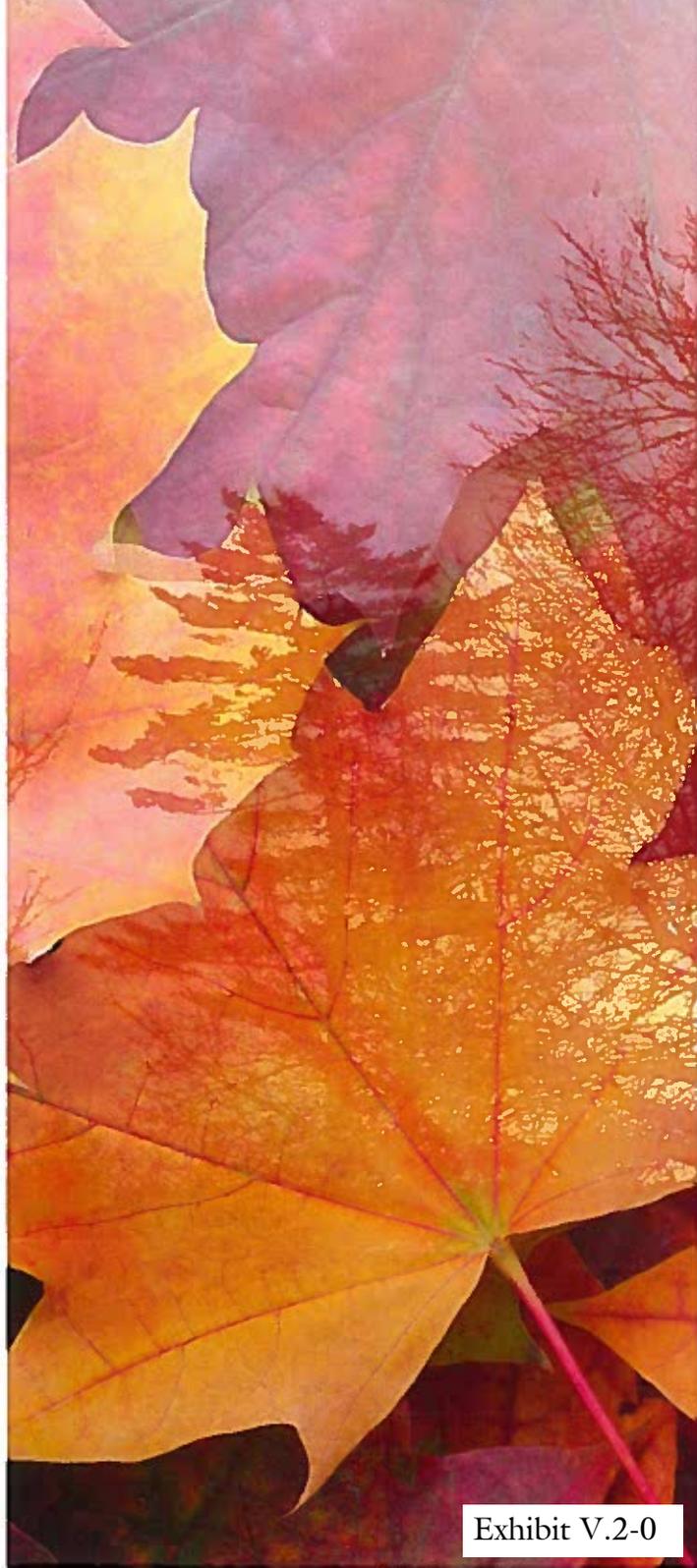
To view an interactive map of
The Osborn Trees,
visit: <http://arcg.is/181Pyb>
For best results, use Google Chrome
as your browser.

The Osborn Foundation
101 Theall Road, Rye, NY 10580
www.theosborn.org/donate/online
Jennifer Christensen (914) 925-8372
jchristensen@theosborn.org

The Osborn Foundation is a 501(c)(3) not-for-profit
charitable organization. Tax ID 47-4600655



THE OSBORN FOUNDATION





0 300 600 FEET

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AERIAL SOURCE: <https://giswww.westchestergov.com/HistoricalAerial/>

1947 AERIAL PHOTOGRAPH

THE OSBORN
RYE, NEW YORK

EXHIBIT
V.2-1

LEGEND

- 1 Main Entry Gate
- 2 North Lawn
- 3 Sterling Park & Sterling Home Care
- 4 Skilled Nursing
- 5 Sales Information Office
- 6 Betty Nagel Perennial Garden (BNPG)
- 7 South Lawn
- 8 Arboretum
- 9 Putting Green
- 10 Post Road Entrance
- 11 Garden Homes
- 12 Sterling Park Apartments
- 13 Fountain Courtyard
- 14 Berm
- 15 Theall Road Entrance
- 16 Administration

TOUR KEY

- South Lawn Loop..... 1/5 mile
- Arboretum Tour..... 1/3 mile
- Garden Tour 1/2 mile
- Osborn Loop 3/4 mile
- Campus Tour 1 mile
- * Distance Marker



The Osborn

WALKING TOUR MAP

of the

THE OSBORN RETIREMENT COMMUNITY

101 THEALL ROAD, RYE, NEW YORK 10580

Exhibit V.2-2

© Divney Tung Schwaibe, LLP 2003

Sav-A-Tree Inventory 2019

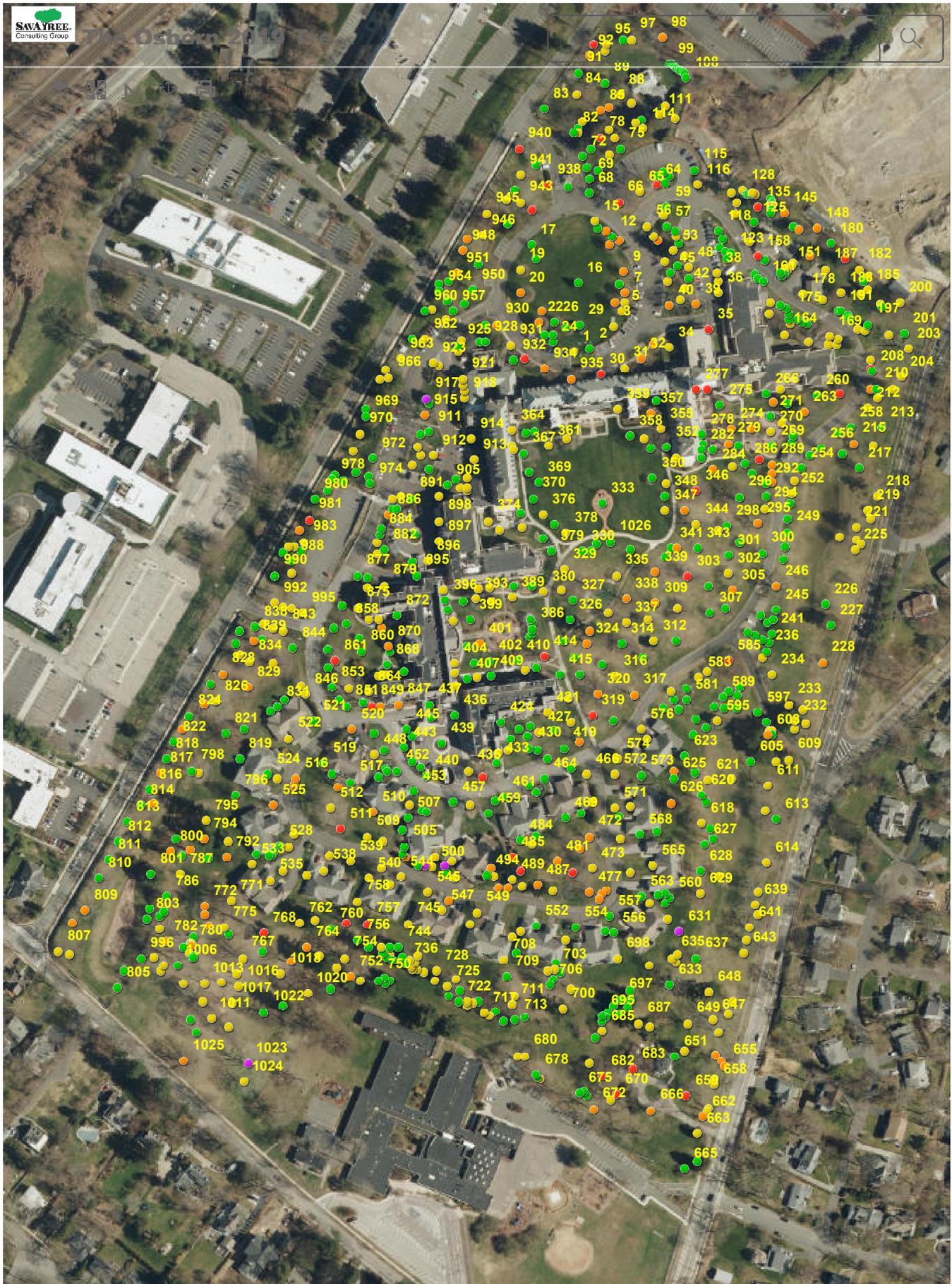


Exhibit V.2-3



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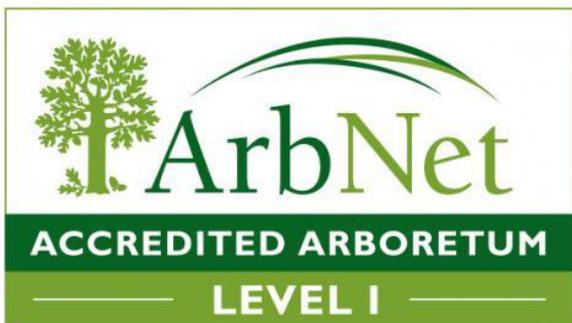
[HOME](#) > [THE MIRIAM OSBORN MEMORIAL ARBORETUM](#)

The Miriam Osborn Memorial Arboretum



THE MIRIAM OSBORN MEMORIAL ARBORETUM

DESCRIPTION



ADDRESS

101 Theall Road, Rye, New York 10580, United States,
0.000000 0.000000

TELEPHONE

914-925-8322

E-MAIL ADDRESS

cferreri@theosborn.org

WEBSITE ADDRESS

<http://www.theosborn.org>

ACCREDITED ARBORETA

LEVEL I ACCREDITED ARBORETA

LEVEL II ACCREDITED ARBORETA

LEVEL III ACCREDITED ARBORETA

LEVEL IV ACCREDITED ARBORETA

VIEW ALL ACCREDITED ARBORETA

ACCREDITATION CRITERIA

APPLY FOR ACCREDITATION

LEVELS OF ACCREDITATION

LEVEL I CRITERIA

LEVEL II CRITERIA

LEVEL III CRITERIA

LEVEL IV CRITERIA

ACCREDITED ARBORETA

BECOME AN ACCREDITED ARBORFETUM

Complete your online application and be recognized for achievement of specified levels of professional practice.

LEARN MORE

Exhibit V.2-4

LEVEL I CRITERIA

The most basic level of accreditation requires achievement of the following standards:

- **An arboretum plan** documentation of some sort, such as an organizational plan, strategic plan, master plan, or other, that defines the purpose of the arboretum, its audience(s), the types of plants that are to be grown to achieve that purpose and serve those audiences, provisions for the maintenance and care of the plants, and provisions for the continuing operation of the organization through time with a clear succession plan.
- **An arboretum organizational group** of people or governing board or authority that is dedicated to the arboretum plan and its continuation beyond the efforts of a single individual. Such an organizational group can affirm fulfillment of standards and authorize participation as an accredited arboretum.
- **An arboretum collection** with a minimum number of 25 species, varieties or cultivars of trees or woody plants that have been planted and are growing in accordance with the arboretum plan. Plants in the arboretum collection must be labeled in some way as to identify them taxonomically, including scientific name and cultivar if applicable, and documented in some way so that information on their acquisition (source or origin, date of acquisition, etc.) is available for access.
- **Arboretum staff or volunteers** who ensure fulfillment of the arboretum plan and provide for the basic needs of the arboretum collection and functions of the arboretum.
- **An arboretum public dimension** that includes some level of public access, and at least one public event or educational program each year focused on trees or arboretum purposes (for example, an Arbor Day observance).



LEVEL I	
Arboretum plan	■
Organizational or governance group	■
Labeled tree and woody plant taxa	
25+	■
100+	
500+	
Staff or volunteer support	
Volunteer or paid	■

[View list of Level I Accredited Arboreta](#)

[Level I sample application download](#)



ACCREDITATION CRITERIA

APPLY FOR ACCREDITATION

LEVELS OF ACCREDITATION

LEVEL I CRITERIA

LEVEL II CRITERIA

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LEVEL IV CRITERIA

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ARBORETUM ACCREDITATION PROGRAM

ArbNet created its Arboretum Accreditation Program to establish and share a widely recognized set of industry standards for the purpose of unifying the arboretum community. No other international program of accreditation exists that is specific to arboreta. Any arboretum or public garden with a substantial focus on woody plants may apply. Accreditation is based on self-assessment and documentation of an arboretum's level of achievement of accreditation standards, including planning, governance, number of species, staff or volunteer support, education and public programming, and tree science research and conservation. The entire program is **free of charge**.

Apply for Accreditation

View listing of all accredited arboreta

The ArbNet Arboretum Accreditation Program

- Recognizes arboreta at various levels of development, capacity, and professionalism
- Fosters professionalism of arboreta worldwide
- Enables collaboration in scientific, collections, and conservation activities
- Advances the planting, study, and conservation of trees.

Benefits of accreditation

- Be recognized for achievement of specified levels of professional practice.
- Work toward higher levels of professional standards once accredited.
- Identify other organizations at similar or higher levels of accreditation to provide comparative benchmarks and models for further achievement.
- Earn distinction in your community, university, college, or government agency.
- Exert leadership and influence by serving as a model to encourage professional development in other organizations.
- Identify opportunities for collaboration with other arboreta for scientific, collections, or conservation activities.



Examples of institutions that may be accredited arboreta

- arboreta and botanic gardens

- historic properties
- college campuses
- cemeteries
- zoos
- city tree collections
- corporate campuses
- school property
- golf course
- nature reserves
- municipal parks

For specific information on which level to pursue, please visit the [levels of accreditation](#) page.

View map of all accredited arboreta

Map of Accredited Arboreta ☆



Map data ©2020 [Terms](#) 2,000 mi



ACCREDITATION CRITERIA

APPLY FOR ACCREDITATION

LEVELS OF ACCREDITATION

LEVEL I CRITERIA

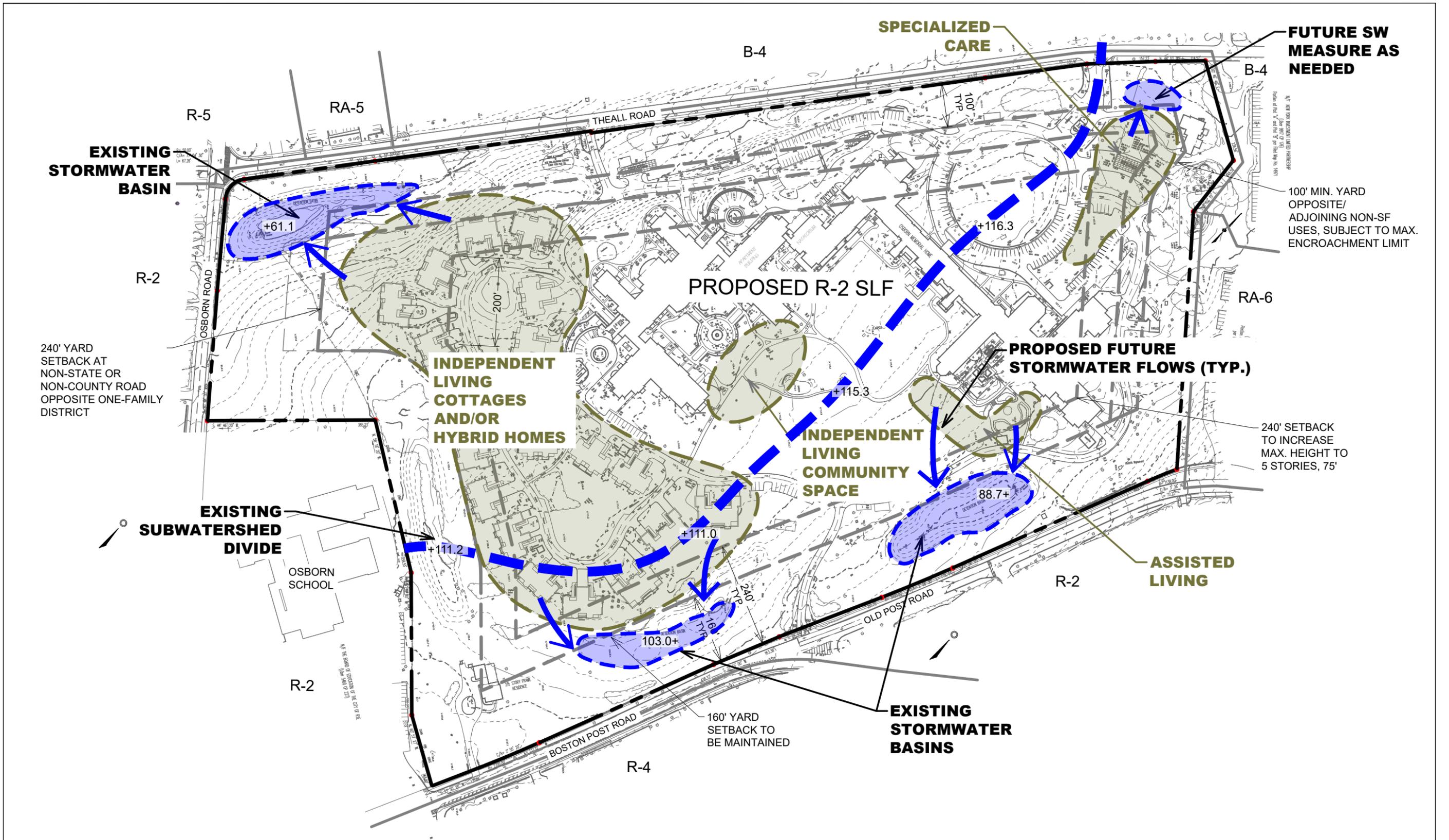
LEVEL II CRITERIA

LEVEL III CRITERIA

B. Stormwater Management

The Osborn campus sits atop a localized ridge line, with a subwatershed divide running north-south through the site and approximately along the center line of the original Osborn building. As part of the 1990's campus improvements, three stormwater basins – two situated along Boston Post Road, the third along Theall Road – were constructed to treat and manage runoff associated with the new Sterling Park, Pavilion and cottage buildings and associated roads, parking and paved areas. Subsequent additions to the parking and use areas on campus have been treated via subsurface stormwater measures that connected to the three basins or other existing on-site outfalls.

As shown in the Proposed Future Stormwater Treatment diagram (Exhibit V.2-5) The Osborn anticipates that the change in impervious surfaces within Future Use Areas will be treated similarly and will primarily connect to the existing three basins. Drainage analyses to be provided with each proposed improvement project will compare existing and proposed impervious areas and provide for measures that meet all current City of Rye and New York State stormwater quantity and quality treatment requirements. A new stormwater measure may be required at the northwest corner of the site north of the existing main entry drive as noted.



C. Views to Site

1. Existing Views

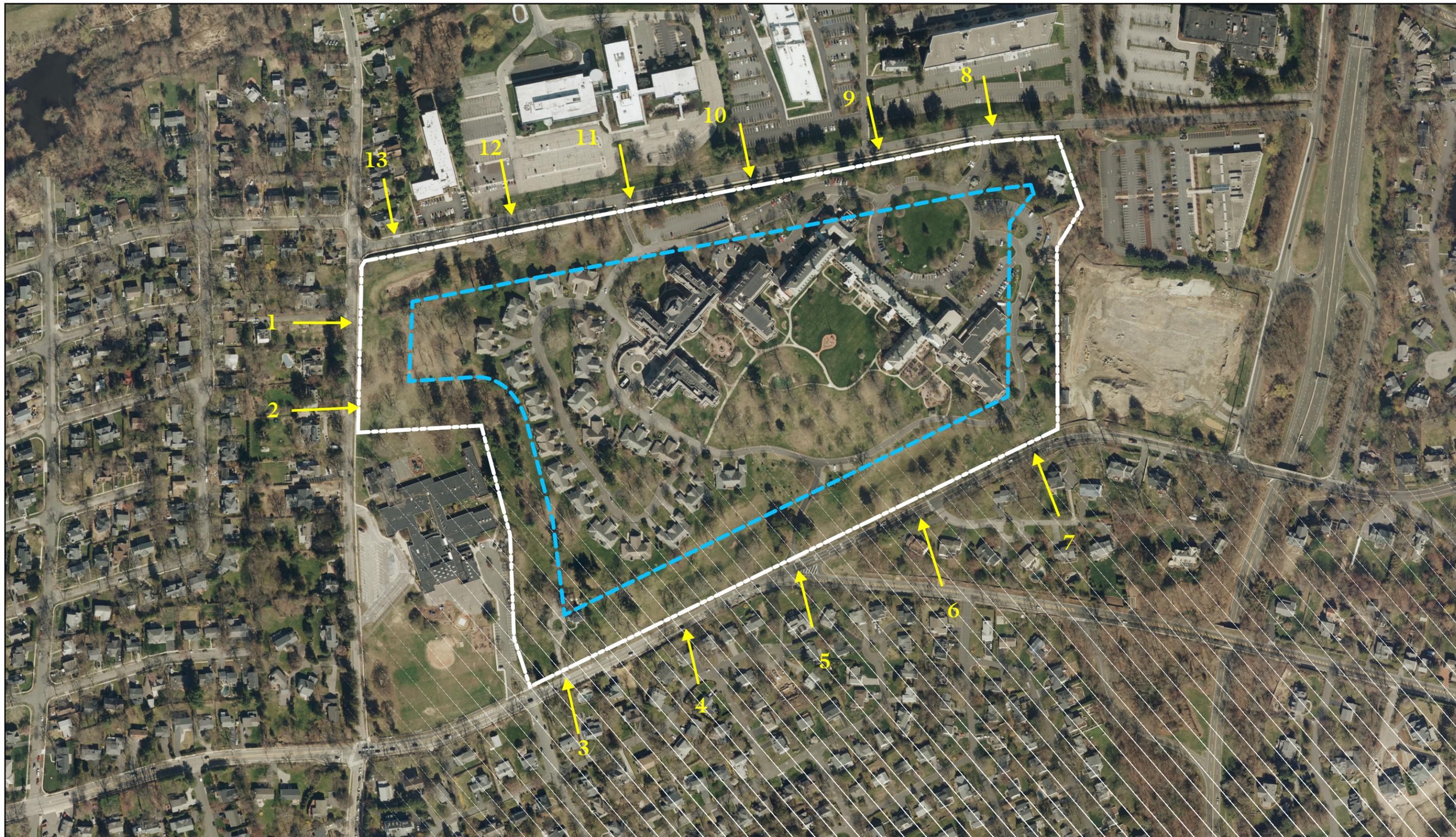
Views to the Osborn campus from public vantage points are available from the three adjoining streets – Osborn Road on the south, Boston Post Road and Old Post Road on the east, and Theall Road on the west. Photos from thirteen evenly spaced locations along those frontages generally show manicured lawns with mature trees both along the perimeter and within the campus interior; partial views to buildings that are set back varied distances from the boundary and generally oriented diagonally to the streets and screened by trees; and occasional views to Osborn entry drives, interior roadways and parking. See Exhibit V.2-6, and Views (1-13) to Site.

2. Future Views

The proposed zoning amendment provisions have been planned to maintain the character of the existing Osborn campus as viewed from adjoining streets while allowing for building and site improvements as described herein. Minimum building setbacks for the R-2 Senior Living Use are proposed that would maintain the 160-foot setback along Boston Post Road and Old Post Road, increase the setback to 240-feet along Osborn Road, and allow for limited setback reductions along Theall Road opposite non-residential uses. See also discussion Tab 5, Section 1. Zoning and Land Use.

The maximum building height for R-2 Senior Living Uses is proposed to vary based on a proposed building's distance from the site's boundary. The standard maximum height is proposed to be 4 stories, 60 feet. Where a building is proposed to be set back more than 240 feet from the boundary, however, the maximum permitted height would be 5 stories, 75 feet. This is the same maximum height currently permitted under the 1993 Declaration (see Tab 5, Section 1).

The visual effects of the proposed increase in permitted building height with increased setback is illustrated in an east-west cross-section through the Osborn campus as shown in Exhibits V.2-7 to V.2.10. From the vantage point of an observer at Boston Post Road on the east and Theall Road on the west, the sight line to the top of a 60' tall building set 160 feet back from the boundary is lower than the sight line to the top of a 75' tall building set 240 feet back from the boundary. This is reflective of the existing views to the Osborn buildings set within the center of the campus, as the combination of their distance from the outside observer and the landscaped buffer limits their effect within the overall viewscape.



0 300 600 FEET

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IEWS TO SITE
THE OSBORN
RYE, NEW YORK

Exhibit V.2-6



VIEW 1 FROM OSBORN ROAD



VIEW 2 FROM OSBORN ROAD



KEY PLAN

VIEW TO SITE: 1 & 2
 THE OSBORN
 RYE, NEW YORK

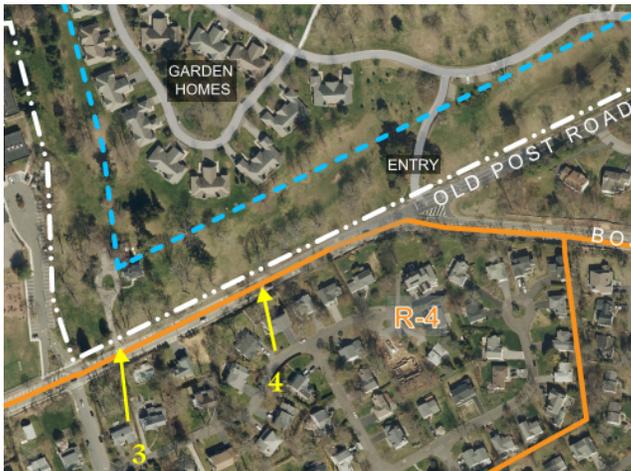
EXHIBIT V.2-6



VIEW 3 FROM BOSTON POST ROAD



VIEW 4 FROM BOSTON POST ROAD



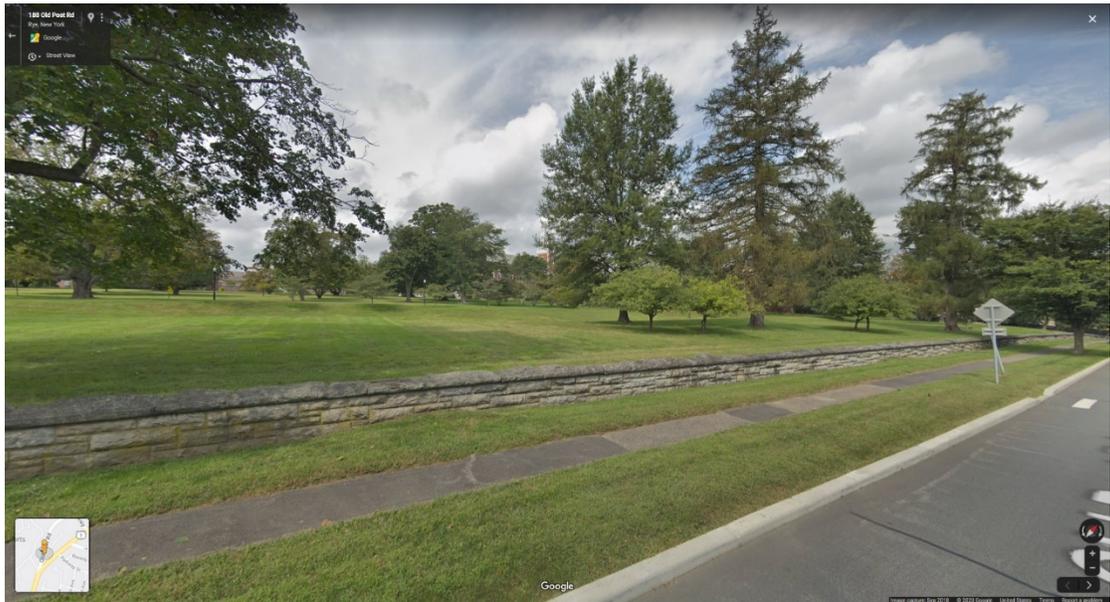
KEY PLAN

VIEWS TO SITE: 3 & 4
THE OSBORN
RYE, NEW YORK

EXHIBIT V.2-6



VIEW 5 FROM OLD POST ROAD



VIEW 6 FROM OLD POST ROAD



KEY PLAN

IEWS TO SITE: 5 & 6
THE OSBORN
RYE, NEW YORK

EXHIBIT V.2-6



VIEW 7 FROM OLD POST ROAD



KEY PLAN

VIEW TO SITE: 7
THE OSBORN
RYE, NEW YORK

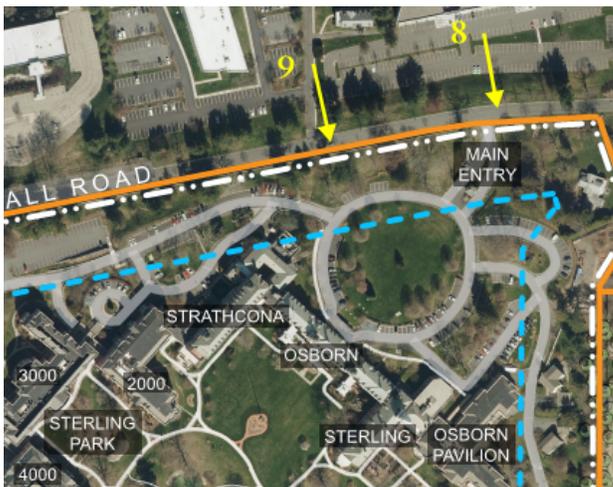
EXHIBIT V.2-6



VIEW 8 FROM THEALL ROAD



VIEW 9 FROM THEALL ROAD



KEY PLAN

VIEW TO SITE: 8 & 9
THE OSBORN
RYE, NEW YORK

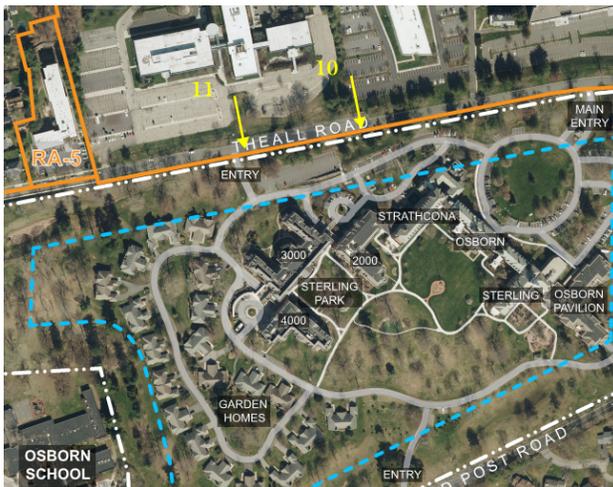
EXHIBIT V.2-6



VIEW 10 FROM THEALL ROAD



VIEW 11 FROM THEALL ROAD



KEY PLAN

VIEW TO SITE: 10 & 11
 THE OSBORN
 RYE, NEW YORK

EXHIBIT V.2-6



VIEW 12 FROM THEALL ROAD



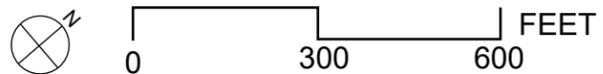
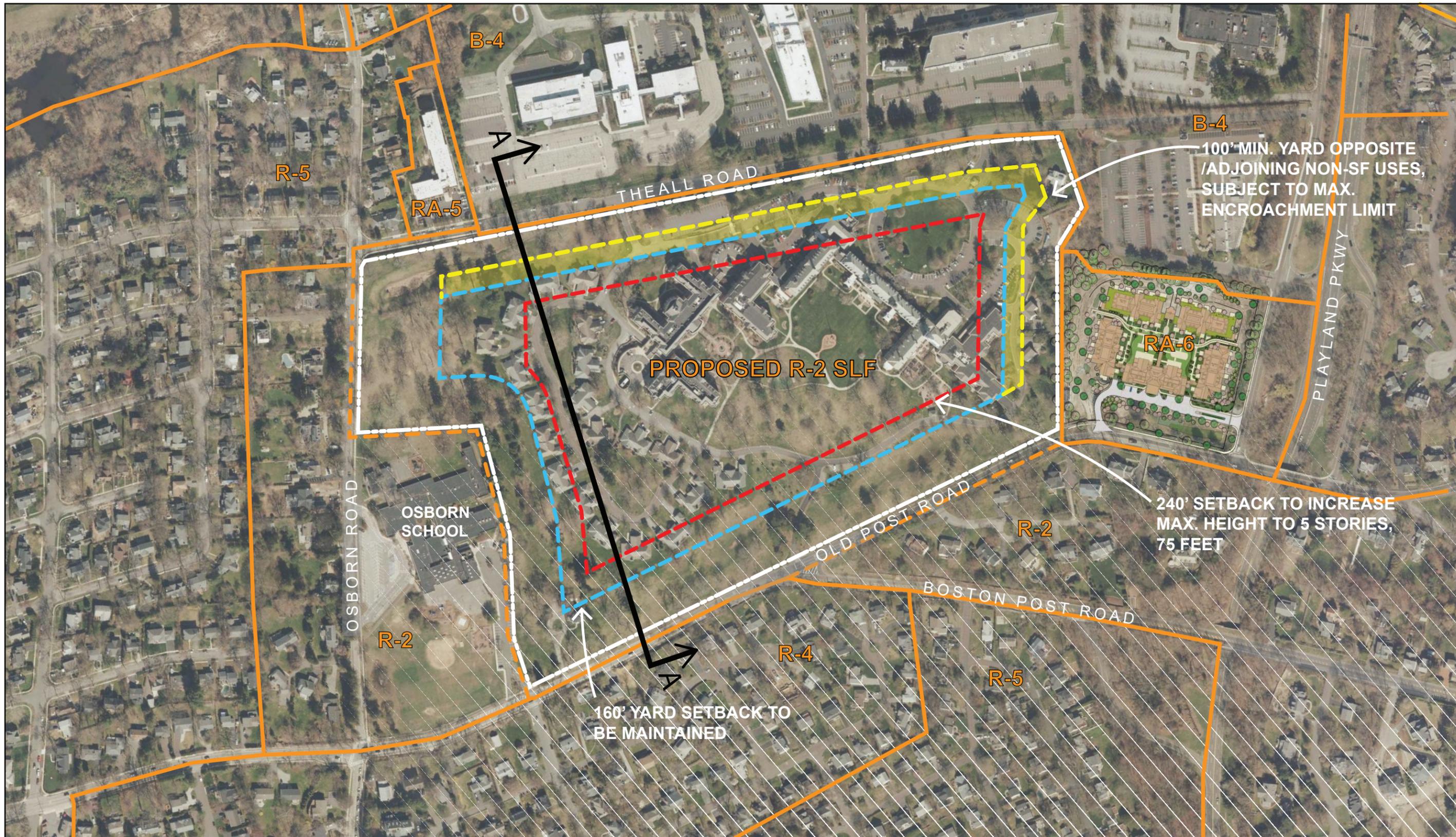
VIEW 13 FROM THEALL ROAD



KEY PLAN

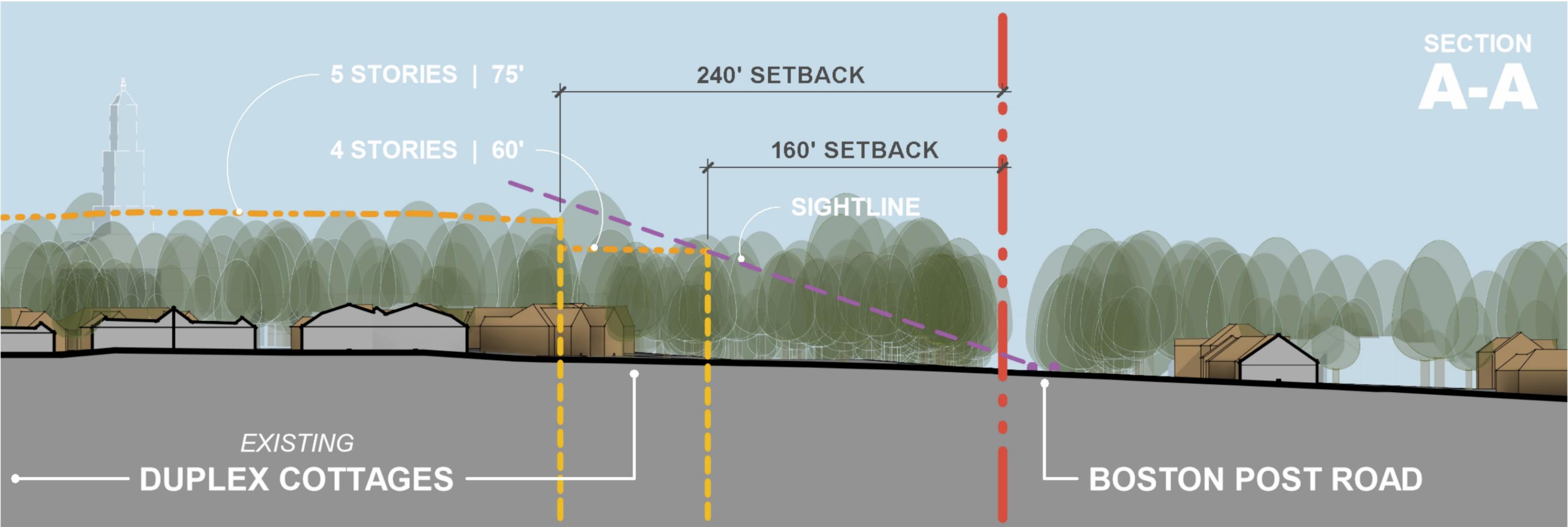
IEWS TO SITE: 12 & 13
THE OSBORN
RYE, NEW YORK

EXHIBIT V.2-6

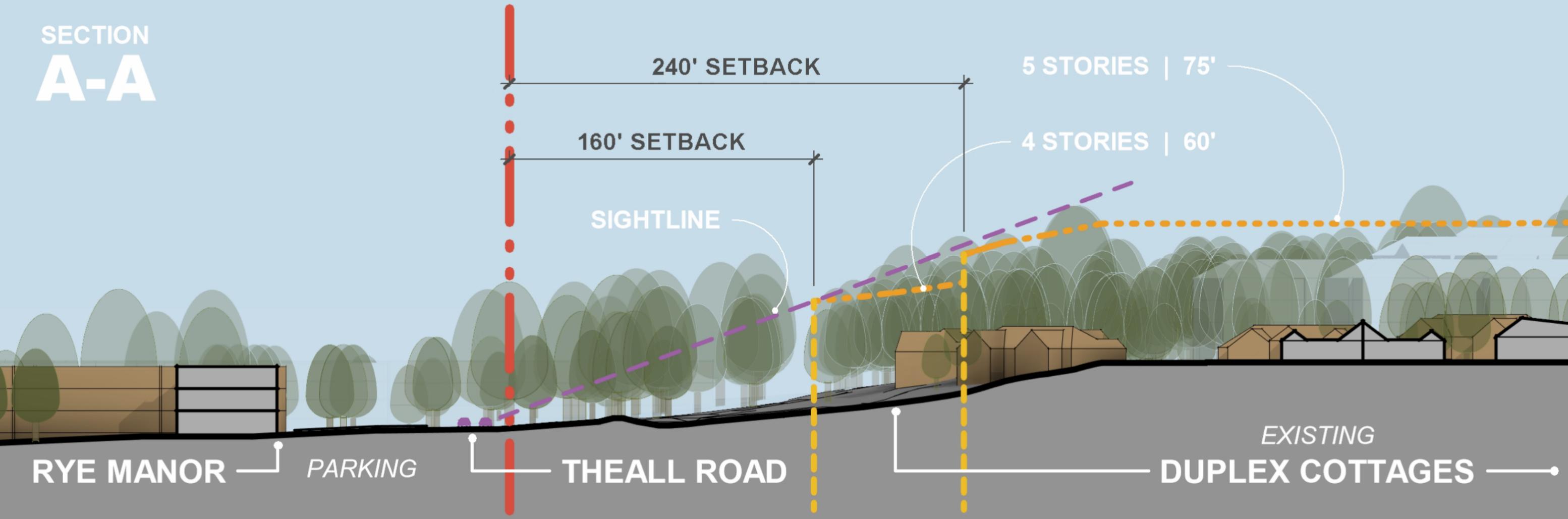




SECTION
A-A



SECTION
A-A



240' SETBACK

160' SETBACK

SIGHTLINE

5 STORIES | 75'

4 STORIES | 60'

RYE MANOR

PARKING

THEALL ROAD

EXISTING
DUPLEX COTTAGES

THE OSBORN

V.3. UTILITIES

3. UTILITIES

A. Sanitary Sewer

Existing Sanitary Sewer Flows

Over a three-month period in 2019, water meter readings at The Osborn's averaged approximately 45,000 gallons per day (gpd). Based on this level of water usage, The Osborn's daily sanitary sewer flows would be approximately 41,000 gpd.¹

For new projects, sanitary sewer flows are estimated based on NYS Department of Environmental Conservation (DEC) design flow rates applied to proposed program components. Based on these NYSDEC standards, the Osborn facility would have a projected daily sewer flow of approximately 65,110 gpd, as shown on Exhibit V.3-1, Existing Sanitary Sewer Demand.² Based on The Osborn's metered water usage data, however, actual sanitary sewer flows represent only 63% of the NYSDEC projection.

Existing City of Rye Sanitary Sewer System

The Osborn's sanitary wastewater flows are conveyed into the City of Rye's sanitary sewer system via four (4) existing service connections located at the northeast, northwest, southeast and southwest corners of the project site, as shown on Exhibit V.3-2, Sanitary Sewer Map.

The northeast connection collects sanitary sewer flows from 195 units of housing, comprised of a Skilled Nursing facility with 84 beds, 110 Assisted Living units and 1 Staff home, which are piped to the City's 8-inch sewer main in Old Post Road. The southeast connection collects sanitary sewer flows from 187 units of housing, comprised of 148 Independent Living units, 19 garden home units and 1 staff residence, that are piped to the City's 8-inch sewer main in Boston Post Road at Sonn Drive. The sanitary wastewater flows from the Boston Post Road and Old Post Road connections are directed from the City's sewer system to Westchester County's Blind Brook Sewer District's trunk sewer and Blind Brook Water Treatment Plant (WWTP).

The northwest connection collects sanitary sewer flows from one staff residence and the gate house and piped to a sewer main located in Theall Road. The southwest connection collects sanitary sewer flows from 21 garden home units that are directed to an 8-inch sewer in Osborn Road. Both service connections at Osborn Road and Theall Road flow into the City's sewer that connects to the County's Mamaroneck Sewer District trunk sewer and Mamaroneck WWTP.

The City recently authorized sewer testing and evaluations of the public sewer systems that are being performed by its consultant Barton & Loguidice. The sanitary sewer evaluation survey (SSES) has identified deficiencies throughout the City's sewer system and possible inflow and infiltration (I&I) concerns. Three of the sanitary subsystems identified on the preliminary list of rehabilitation work collect sanitary flows from The Osborn. The Old Post Road and Boston Post Road subsystems account for 95% of daily flows and the Osborn Road and Theall Road

¹ Sanitary sewer flow is estimated to be approximately 10% lower than water demand to account for water flow that does not enter the sanitary sewer system

² Unit flow values based on NYSDEC Design Standards for Wastewater Treatment Works, March 2014. Table B-3

Zoning Text Amendment Petition
R-2 Senior Living Use

subsystems account for the remaining 5%. Based on preliminary findings in the study, the Post Road subsystem has the greatest structural deficiencies and capacity concerns, followed by the Osborn Road and Old Post Road sewer systems.

Estimated Potential Future Sanitary Sewer Flows

As discussed in Section IV.3.B, the potential future improvements at The Osborn include up to 80 Independent Living units and 50 Assisted Living units. Using the conservative NYSDEC sanitary sewer loading rates, these improvements could generate up to 15,300 gpd of additional sanitary sewer flow.³ However, actual potential future daily sanitary sewer flows are expected to be lower consistent with the metered water usage from current facility.

Impacts to City of Rye Sewer System

As discussed above, potential future improvements could generate up to 15,300 gpd in additional sanitary flows that would be conveyed from The Osborn into the City's sewer system and their respective County trunk sewers and treatment plants. Based on discussion with the Westchester County Department of Environmental Facilities (DEF) the Mamaroneck WWTP, Blind Brook WWTP, and County trunk sewer are anticipated to have capacity to accommodate additional flows. Future improvements could be accompanied by 3 to 1 Infiltration and Inflow (I&I) reduction to offset additional sanitary flows from The Osborn.⁴

In coordination with the City Engineer's office, The Osborn will be undertaking additional flow metering near its campus to supplement the SSES data. With this information, future improvements could be designed to avoid and minimize impact to the City's sanitary subsystems by redirecting some portion of The Osborn's existing flows to the Osborn Road subsystem or others where adequate capacity is determined. Therefore, it is not anticipated that the proposed zoning text amendment will result in a significant adverse impact on the City of Rye's sewer system.

³ Ibid. Based on 110 gpd for the 80 independent living units (apartments) and 130 gpd for the 50 assisted living units

⁴ M. Pompa, Associate Engineer, Westchester County DEF and Gerhard M. Schwalbe, P.E. Divney Tung Schwalbe, LLP. phone conversation. Jan 9, 2020.

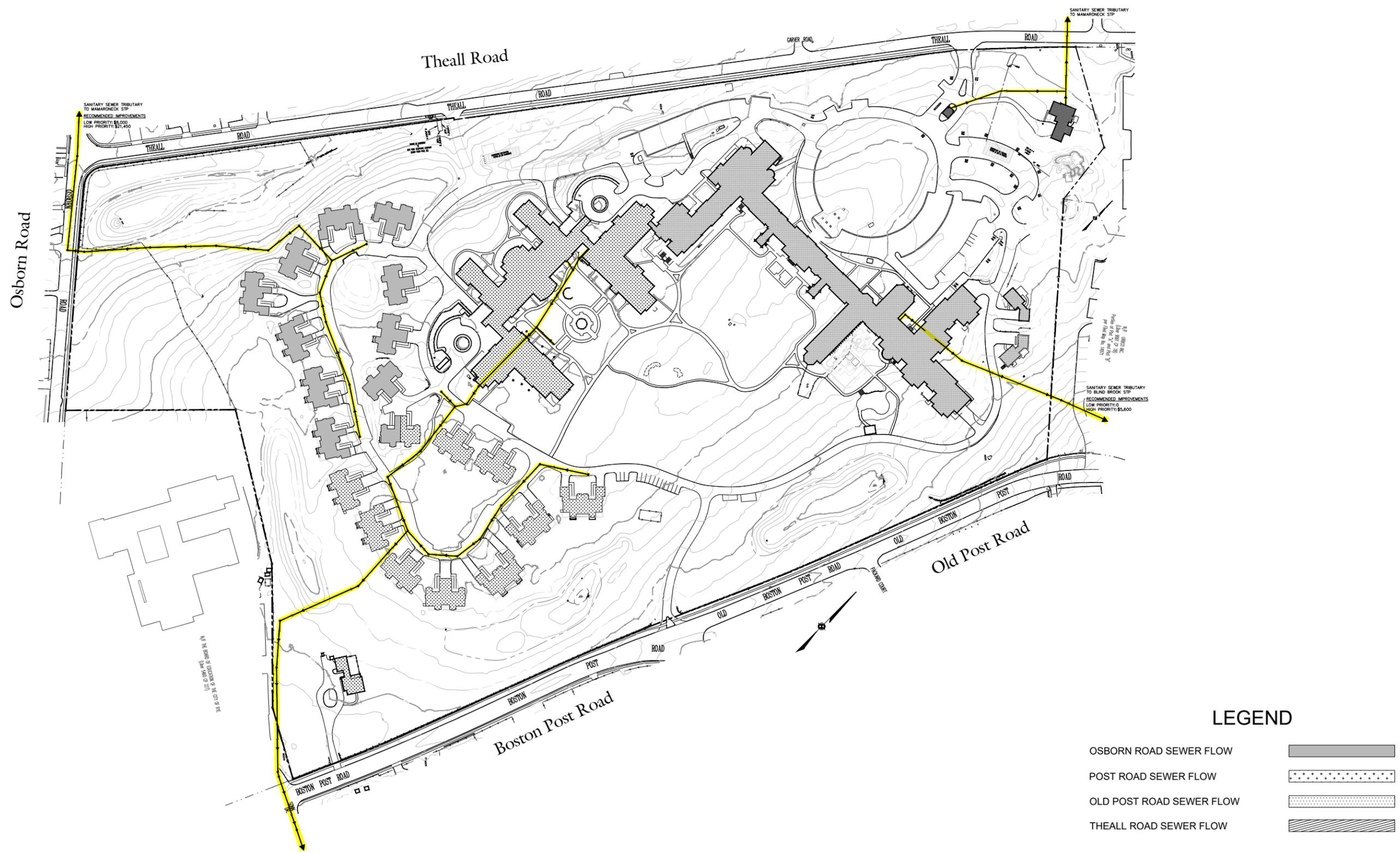
PROJECTED SANITARY SEWER DEMAND - EXISTING OSBORN FACILITIES

USE TYPE	AMOUNT	UNIT	SANITARY LOAD	
			UNIT FLOW ¹	AVERAGE DAILY FLOW (gpd)
Nursing Beds	84	beds	175 gpd/bed	14,700
Memory Care (no kitchens)	13	units	130 gpd/unit	1,690
Assisted Living (no cooking)	97	units	130 gpd/unit	12,610
Independent Living Apartments	148	units	110 gpd/unit	16,280
Garden Homes	40	unit	110 gpd/unit	4,400
Staff Residences (3)	13	bedrooms	110 gpd/bedroom	1,430
All staff	650	persons	20 gpd/person	13,000
Pool Backwash (6 hours/day)	1	--	1000 --	1,000

Average Daily Flow (GPD)

65,110

¹ Unit flow values based on NYSDEC Design Standards for Intermediate Sized Wastewater Treatment Systems, Dated 3/5/2014, Table B-3, pp. B-16.



LEGEND

- OSBORN ROAD SEWER FLOW
- POST ROAD SEWER FLOW
- OLD POST ROAD SEWER FLOW
- THEALL ROAD SEWER FLOW

B. Water Supply

Water for domestic and fire protection is provided to The Osborn campus via three service connections to public water mains owned and operated by Suez Water. Two connections to the water main on Theall Road service the distribution system on the western frontage of the project, and one service connection to the water main in Boston Post Road provides service to the loop on the eastern frontage. See Exhibit V.3-3, Existing Utilities Map.

The Osborn's distribution loop within the campus runs northeast beneath the campus access road to the Strathcona, Sterling and Osborn buildings. The loop runs south and west around the Sterling Park Buildings and the Cottages, beneath the campus access road.

Existing Water Use

Over a three-month period in 2019, total water use for The Osborn was recorded to be 4,145,416 gallons. The Osborn's average daily usage is 45,000 gpd for 382 units of housing including meal preparation and housekeeping services. Independent Living units and Cottages have operating kitchens and Assisted Living units are equipped with kitchenettes, although currently most residents do not prepare their own meals and rely on dining services. The dining service facilities provide meals for both residents and over 400+ staff, preparing up to 925 meals daily.

Water for irrigating the grounds and gardens during the growing season is provided via existing on-site wells and reduces demand on the public water system during peak irrigation periods.

Estimated Potential Future Water Demand

The potential future increase in water usage is conservatively estimated to be 16,830 gpd for an addition of 80 Independent Living units and 50 Assisted Living units.⁵ However, as discussed regarding sanitary sewer flows above, the actual future potential water usage is anticipated to be lower based on the actual water usage data for the current facility.

Water mains and distribution lines may need to be relocated during future improvements at The Osborn to accommodate site planning and design considerations that will be codified under the proposed zoning text amendment.

C. Natural Gas

Existing Natural Gas Usage

The Osborn provides heat and hot water for all existing residential buildings using natural gas and oil-fired boilers and domestic hot water tanks. The existing on-site gas distribution system is shown on Exhibit V.3-3, Existing Utilities Map. The Strathcona, Sterling and Osborn buildings ("SOS"), the oldest on the campus, are heated from steam generation produced by interruptible dual fuel boilers. Upon advance notice from Con Edison, typically on the coldest heating days, The Osborn switches its boilers from natural gas to fuel oil stored in above ground tanks. The

⁵ 10% added to potential sanitary sewer flows, described in Section V.3.A, to obtain water demand flow rate.

Zoning Text Amendment Petition
R-2 Senior Living Use

switch is generally for short periods of up to 24 hours.

The heat and hot water for the Sterling Park Independent Living apartment buildings, Garden Homes (Cottages) and Pavilion (Skilled Nursing Facility) are fueled by natural gas, which is non-interruptible.

Future Natural Gas Usage

Due to an existing natural gas supply constraint, Con Edison has instituted a moratorium for new gas connections within the lower Westchester County area, however new applications for interruptible service are still being accepted. As the potential future improvements come online over time, The Osborn will coordinate with Con Edison regarding the utility's ability to provide natural gas through interruptible and/or non-interruptible service.



DATE: 08/15/18
 DRAWN BY: [unintelligible]
 CHECKED BY: [unintelligible]
 PROJECT: [unintelligible]

LEGEND

- EXISTING 8" PVC SEWER PIPE
- EXISTING WATER LINE
- EXISTING GAS LINE

THE OSBORN

V.4. COMMUNITY ISSUES

4. COMMUNITY ISSUES – EXISTING CONDITIONS AND POTENTIAL IMPACTS

A. Rye City School District

No school-aged children would be generated by the proposed zoning text amendment for the senior living units. The Osborn is an age restricted facility that limits the household composition of its senior residents to members and their companions. The proposed amendment will add 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 states:

(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.

A limited number of school aged children may be generated by three existing residences for staff and caretakers of the Osborn. The proposed zoning text amendment would permit:

[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.

This would result in a net increase of one (1) additional staff residence that could potentially generate school-aged children at the Osborn. As discussed, The Osborn currently contributes over \$1.3 million in tax revenue to the School District. Therefore, it is not anticipated that school children generated by one (1) additional staff residence would result in an adverse significant impact on the Rye City School District.

B. Emergency Services

Emergency Medical Services- Ambulance Corps

Emergency medical services in the City of Rye are provided by the Port Chester-Rye-Rye Brook Emergency Medical Services (“PCRRB EMS” or “EMS”), which is headquartered in Port Chester. The organization is staffed by paid paramedics and emergency medical technicians

Zoning Text Amendment Petition
R-2 Senior Living Use

along with volunteers. A meeting was held with Scott Moore, Administrator and Anthony Sutton, Supervisor (“EMS staff”) to discuss the proposed zoning text amendments.¹

Mr. Moore and Mr. Sutton indicated that the response time to The Osborn is typically between five and seven minutes from PCRRB EMS headquarters, which is within the eight-minute response time required as per the contract with the three municipalities. Services rendered by PCRRB EMS are billed to patients and/or their insurance providers for emergency calls. EMS staff indicated that they did not anticipate significant adverse impacts as a result of a future increase in resident population.

As part of future site plan applications, EMS staff recommended that elevators be sized to accommodate a stretcher and be located convenient to main entrances within buildings. EMS staff also suggested that port cocheres or covered areas near main entrances would provide protection for EMS crews from the weather during service calls.

The Osborn has had an ongoing collaborative relationship with PCRRB EMS and will continue to discuss opportunities that would enable PCRRB EMS to best serve The Osborn and the surrounding area in the future.

Rye City Fire Department

The Rye Fire Department is a combination department consisting of both volunteer and career firefighters and serves the entire City of Rye. The Department’s headquarters is located at 15 Locust Avenue and Station 2 is located at 560 Milton Road, both in Rye approximately 1.5 miles northeast and southeast of The Osborn, respectively. The Applicant has contacted the Rye Fire Department to discuss the proposed zoning text amendments. Similar to discussions with the PCRRB EMS, it is not anticipated that the future scope of improvements for the Osborn, described in Section 3, would result in any significant adverse impacts on fire services. The Osborn will continue to coordinate with the Fire Department related to fire safety and issues and future facility and campus planning.

Rye City Police Department

The Rye City Police Department is headquartered at 21 McCullough Place in Rye, approximately 1.5 miles northeast of The Osborn. The Applicant has contacted the Rye Police Department to discuss the proposed zoning text amendments. Similar to discussions with the PCRRB EMS, it is not anticipated that the future scope of improvements at The Osborn, described in Section 3, would result in any significant adverse impacts on police services. The

¹ Meeting with Scott Moore, Administrator and Anthony Sutton, Supervisor (Port Chester – Rye - Rye Brook EMS), Matt Anderson, CEO and Chris Ferreri, COO (The Osborn), and Matthew Steinberg (Divney Tung Schwalbe, LLP). March 2, 2020. PCRRB EMS headquarters, 417 Ellendale Avenue, Port Chester, NY.

Zoning Text Amendment Petition
R-2 Senior Living Use

Osborn will continue to coordinate with the Police Department related to its public safety procedures and future facility and campus planning.

C. Circulation and Traffic

The main driveway to The Osborn is located on Theall Road approximately 1,000 feet west of Playland Parkway Access Road. The main driveway provides entry and exit for visitors, staff, and residents, and is manned twenty-four hours per day. Secondary gated electronic-access driveways are located approximately 1,000 feet west of the main entrance and on the south side of the campus near the intersection of Old Post Road and Boston Post Road. Entry and exit at the secondary driveways are available only to residents and staff with electronic transponders or “fobs”. It is expected that future access to and from the site will remain the same as it currently exists.

Based on The Osborn observations, most of the residents in the independent living units have personal vehicles; however, many of them are infrequently used. A limited number of residents in the independent living units work off-campus.

The assisted living and nursing staff at The Osborn are employed in three shifts 7:30am-3:30pm (day shift), 3:30pm-11:30pm (evening shift), and 11:30pm-7:30am (night shift). Osborn Home Care has approximately 400 staff members, with approximately 300 working daily at the site. The home care caregivers work varying shifts to meet the needs of the residents that generally begin at 8am and end at 4pm, 6pm or 8pm. Based on traffic count data from the New York State Department of Transportation (NYSDOT), the peak hours of traffic recorded on Playland Access Road and Osborn Road were from 8am-9am in the morning and 5pm-6pm in the evening.² Based on the existing shifts at the Osborn, employees of the assisted living and nursing facility and home care services arrive at the site before the morning peak hour. While departure times vary, most employees depart from the site before or after the afternoon peak hour. Additionally, The Osborn operates a shuttle for staff between the site and the Harrison Metro-North Railroad Station, located approximately one-mile west of the site.³

Estimated vehicle trip volumes based on potential future improvements to The Osborn, described in Section 3, were determined based on information from the Institute of Traffic Engineers’ (ITE) publication *Trip Generation Manual*, 10th Edition. ITE Land Use 252 Senior Adult Housing-Attached was used for the independent living apartments and hybrid homes, and

² New York State Department of Transportation, Traffic Count Hourly Report. Data for Playland Access Road from North Street to Theodore Fremd Avenue, August 16 – 21, 2015 and Osborn Road from Boston Post Road to City Line, May 17-20, 2016.

³ The shuttle runs daily on a continuous loop from 7:15am-9:00am and 3:30pm-5:00pm. 50 to 60 staff members utilize the shuttle daily.

Zoning Text Amendment Petition
R-2 Senior Living Use

Land Use 254 was used for the assisted living units and memory care units. No reductions were applied to account for any existing public transportation service.

Table V.4-1, *Estimated Trip Generation* summarizes the trips that would be generated by the potential future improvements at 37 and 44 vehicle trip ends during the weekday morning and weekday afternoon peak hours, respectively. It is not anticipated that these trips would result in significant adverse impacts on the surrounding roadways.

Table V.4-1 - Estimated Trip Generation

Land Use ⁴	Size	Traffic Direction	Vehicle Trip Ends			
			Weekday Morning AM Peak Hour	Weekday Afternoon PM Peak Hour	Saturday Peak Hour	Sunday Peak Hour
Senior Adult Housing - Attached (ITE 252)	80 (net new) Dwelling Units ⁵	Enter	13	14	17	18
		Exit	<u>14</u>	<u>12</u>	<u>11</u>	<u>11</u>
		Total	27	25	27	29
Assisted Living (ITE 252)	50 Beds ⁶	Enter	7	8	7	7
		Exit	<u>3</u>	<u>10</u>	<u>8</u>	<u>8</u>
		Total	9	17	14	14
Total Trips (net new)		Enter	20	22	24	25
		Exit	<u>17</u>	<u>22</u>	<u>19</u>	<u>19</u>
		Total	37	44	43	44

⁴ *Trip Generation Manual 10th Edition - Volume 2: Data*. Institute of Transportation Engineers (ITE). September 2017.

⁵ Based on replacement of 40 Sterling Park Cottages and addition of 120 new independent living units in hybrid homes and new IL wing

⁶ Based on 50 Assisted Living/Memory Care units in studio/1-bedroom/2-bedroom unit layouts



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: April 29, 2020

CONTACT: Greg Usry, Interim City Manager

AGENDA ITEM: Consideration of a request by the Rye Chamber of Commerce to expand the usable footprint of the southern end of the City's Car Park #2 on Sundays from May 24, 2020 through December 6, 2020 from 6:30 a.m. to 3:30 p.m. for the Rye Farmers Market to accommodate social distancing restriction during the health emergency. The new layout would spread out the proximity of each vendor and limit the number of shoppers allowed to shop simultaneously.

FOR THE MEETING OF:

April 29, 2020

RECOMMENDATION: That the Council consider allowing the Farmer's Market to open in May.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Although the City Council approved the Farmer's Market for 2020 in February, the new COVID-19 restrictions inspired a reconfiguration of the Market layout, requiring use of a larger footprint to provide greater separation between vendors and to limit crowding of customers by providing a place for customers to line-up in a social distancing acceptable manner.

See attached layout.



April 23, 2020

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

RE: Rye Farmers Market

Dear Noga:

On behalf of the Rye Chamber of Commerce, I am writing to support the Rye Farmers' Market in their opening May 24th, pending City approval after the April 29th meeting.

Down to Earth Markets has provided a CoVid 19 plan to keep the vendors and shoppers safe.

- We are asking for this additional space just for the duration of the Covid crisis because it allows us to space the vendors 10 feet apart, leaving room for shoppers to line up at 6 foot intervals in front of vendor tents should they need to. We will shrink back to our regular footprint as soon as it is safe to do so.
- Where you see clusters of tents on the map (e.g., 1, 2, 3 and 4) there are single vendors who require more space for their inventory.
- This map shows the maximum space we would need. We will often have fewer vendors than this, which will allow us to create a larger entry/exit area or to shrink the total footprint of the market.
- We will barricade the open ends of the market (indicated with black lines) with vehicles to make sure that no one tries to drive into the space or enter except through the main entrance. We will also have signs there saying "Not an Entrance."
- Having a single entrance will allow us to stagger entry into the market if need be to ensure that there is space for social distancing.

- Should we have to limit entry into the market area, shoppers would be lined up in the parking spaces along Theodore Fremd Avenue between the market entrance and the driveway into the parking lot. We assume that we cannot block the driveway on the Chase bank side of the lot so would leave that open to traffic.
- It would be helpful to have sawhorse barricades on site to close off the section of the lot between the market entrance. Can we get some from the DPW that we can leave on site for the season?
- All of our vendors (with the possible exception of the produce farms) will be listed in the WhatsGood app so that shoppers can pre-order and pick up at the market, moving them through the space even more quickly.
- We can implement a timed entry system so that shoppers arrive throughout the market day in a steady stream vs. all at once in the morning.
- We can implement a seniors and immune deficient shopping hour in the morning (but it will have limited slots and run on an honor system).



The Rye Chamber of Commerce does not make any money from the Farmers' Market. If the city requires extra DPW and Police presence, Down to Earth must accept responsibility for any fees.

Thank you in advance for your consideration.

Very truly yours,
Tony Coash
Co-President,
Rye Chamber of Commerce

From: [Dacotah Rousseau](#)
To: [Ruttenberg, Noga P.](#)
Cc: [Tony Coash](#); [Falk, Robert J.](#)
Subject: FW: Farmer"s Market Map
Date: Monday, April 20, 2020 2:04:53 PM

Hi Noga,

I'm resending this email from last Thursday because it includes the proposed market layout that you requested and some notes on how we would use the parking lot. **We would absolutely consider covering the cost of any additional services required although none of our currently operating markets have required extra services from our municipal partners.** Normally Down to Earth coordinates with the Rye DPW, but we ourselves install plastic garden-style storage sheds and a port-a-potty in the market area that stay in place through the market season (the DPW puts a fence around the port-a-potty for us and they hang our light pole banners). This year we would like to borrow some saw horses or other barricades from the DPW as well. Ideally we would leave them stacked against a wall adjacent to the parking lot and pull them out on market day.

If there are PD and/or DPW expenses required to operate the market, we would just need to know what they are so that we can decide if it's feasible. As with all other small businesses, we are being squeezed by the drop off in our business at the same time that we need more staff and new tools to operate in the crisis conditions, so we have to weigh any additional costs to run the market very carefully. From our standpoint, there is nothing in particular that we are asking the PD or DPW to provide during the market day that's additional to the support they have provided in the past. Our intention is to staff the market adequately from our own team so that it's pretty self-sufficient.

Dacotah

From: Dacotah Rousseau
Sent: Tuesday, April 14, 2020 3:47 PM
To: Falk, Robert J. <rfalk@ryepd.ryeny.gov>; Ruttenberg, Noga P. <nruttenberg@ryeny.gov>
Cc: Tony Coash <tony@coash.com>
Subject: RE: Farmer's Market Map

Hi All,

Here is a proposed layout for the Rye Farmers Market. There are a few things to note:

- We are asking for this additional space just for the duration of the Covid crisis because it allows us to space the vendors 10 feet apart, leaving room for shoppers to line up at 6 foot intervals in front of vendor tents should they need to. We will shrink back to our regular footprint as soon as it is safe to do so.
- Where you see clusters of tents on the map (e.g., 1, 2, 3 and 4) there are single vendors who require more space for their inventory.
- This map shows the maximum space we would need. We will often have fewer vendors than this, which will allow us to create a larger entry/exit area or to shrink the total footprint of the market.

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- Should we have to limit entry into the market area, shoppers would be lined up in the parking spaces along Theodore Fremd Avenue between the market entrance and the driveway into the parking lot. We assume that we cannot block the driveway on the Chase bank side of the lot so would leave that open to traffic.
- It would be helpful to have sawhorse barricades on site to close off the section of the lot between the market entrance. Can we get some from the DPW that we can leave on site for the season?
- All of our vendors (with the possible exception of the produce farms) will be listed in the WhatsGood app so that shoppers can pre-order and pick up at the market, moving them through the space even more quickly.
- We can implement a timed entry system so that shoppers arrive throughout the market day in a steady stream vs. all at once in the morning.
- We can implement a seniors and immune deficient shopping hour in the morning (but it will have limited slots and run on an honor system).

Please let me know if I can answer any questions.

Dacotah

From: Falk, Robert J. <rfalk@ryepd.ryeny.gov>

Sent: Tuesday, April 14, 2020 11:49 AM

To: Dacotah Rousseau <dacotah@downtoearthmarkets.com>; Ruttenberg, Noga P. <nruttenberg@ryeny.gov>

Cc: Tony Coash <tony@coash.com>

Subject: RE: Farmer's Market Map

ok

Lt. Robert J. Falk
Commissioner of Public Safety
City of Rye New York
