

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

**REGULAR MEETING OF THE CITY  
COUNCIL VIA ZOOM CONFERENCE  
Wednesday, October 7, 2020  
6:30 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-CONFERCING 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.*

City of Rye residents may participate in the public meeting via the zoom link below. A resident wishing to speak on a topic should raise his or her hand and, when admitted to speak, should provide name and home address, and limit comment to no more than three minutes.

Please click the link below to join the webinar:

<https://zoom.us/j/94955878082?pwd=RGo3Y0lBZFo5cnl3Wi9ORWZWMWwNXUT09>

Or phone: (646) 558-8656 or (301) 715-8592 or (312) 626-6799

Webinar ID: 949 5587 8082

Password: 815298

*[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 pending litigation.]*

1. Roll Call
2. Draft unapproved minutes of the Regular Meeting of the City Council held September 16, 2020.
3. Purchase Plaza update, action on proposal to continue the Plaza through November 30 (subject to City staff discretion for exigent circumstances) and action on cold weather plan.
4. Update on the City financial position.
5. Discussion of Leaf Blower Law status.
6. Announcement of Police Review Committee.

7. Residents may be heard on matters for Council consideration that do not appear on the agenda.
8. Council consideration of 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. Public comment will be taken at a future date. Council will discuss latest submission, which is also available to the public, regarding petitioner’s response to previous comments. The public hearing and SEQRA discussion will be adjourned for a future date.
9. Authorization for the City Manager to engage the law firm Best Best and Krieger to represent the City as a part of a coalition of communities that filed petitions challenging two FCC orders regarding small wireless cells. This is at a cost not to exceed \$2,500.
10. Consideration of a request from Monty Gerrish at Milton Point Provisions to use the City parking lot on Milton Rd. (next to Hewlett Ave.), “The Lane”, Saturday, October 24, 2020 from 5:00 pm to 10:00 pm to host an outdoor movie to ticket holders. A maximum of 50 people will be allowed to attend and COVID restrictions will be followed.
11. Consideration of a request by the Rye YMCA for the use of City streets for the 33rd Annual Rye Derby on Sunday, April 25, 2021 from 9:00 a.m. to 2:00 p.m.
12. Old Business/New Business.
13. Adjournment

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The next regular meeting of the City Council will be held on Wednesday, October 21, 2020 at 6:30 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](http://www.ryeny.gov) under “RyeTV Live”.

***UNAPPROVED MINUTES*** of the Regular Meeting of the City Council of the City of Rye held in City Hall on September 16, 2020, at 6:30 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 6:30 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](http://www.ryeny.gov) for public viewing.

1. Roll Call.

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

2. Draft unapproved minutes of the Regular Meeting of the City Council held August 17, 2020.

With a minor addition to item 5, Councilman Mecca made a motion, seconded by Councilman Stacks and unanimously carried, to approve the minutes of the Regular Meeting of the City Council held August 17, 2020.

3. Presentation by Westchester Power.

Mayor Cohn invited Dan Welsh, Sustainable Westchester, Inc., to speak regarding the City's involvement in the Community Choice Aggregation (CCA) program to provide an update on how this year's agreement varies from last year.

Mr. Welsh addressed the Council and summarized the program in which the City is enrolled. In a CCA system, municipalities collectively purchase energy directly from electricity providers on the open market on behalf of local residents and businesses. Working either as singular localities or a unified combination of municipalities, municipalities operating under CCA replace Investor Owned Utilities (IOU) as the provider of energy by purchasing the electricity to be used in their communities directly from the market. The IOUs, such as Con-Edison, remain responsible for the generation of power from the CCA-purchased

energy as well as the transmission and distribution of power to customers. With this division of labor, communities utilizing CCA are able to utilize local control of purchasing energy in order to reduce electricity costs, increase use of renewable energy sources, and create economic opportunity by ensuring the use of locally-sourced power. By leaving the tasks of generating, transmitting, and distributing power to IOU, who are also responsible for maintaining their own infrastructure and customer service operations, the benefits to local governments are not off-set by the costs and burden associated with Municipally Owned Utilities. He reminded residents that when the City joined the program, all residents were enrolled but are able to opt out at any time.

Mr. Welsh provided information on the CCA Green energy rate in comparison to other ESCOs and clarified that CCA is a fixed price while others are constantly varying so although the variable rate is much lower at this current time, it will fluctuate on an ongoing basis. He reminded residents that other ESCO's may have cancellation fees which should be considered when evaluating options.

Councilwoman Goddard clarified that a 4 year historical pricing supports the fixed rate but due to the current historic low for power supply purchasing, the economic value of this CCA may not appear to be economically effective.

There was general discussion, and a consensus among the Council, that information on historical rates needed to be forthcoming to all residents, perhaps as a part of their opt-out letter. With the 2020 climate, Con Ed rates were much less than CCA, but in previous years, CCA had been less than Con Ed's rates. The Council felt it important for residents to be informed on these issues.

4. Authorize the Interim City Manager to sign a Memorandum of Understanding between Sustainable Westchester and the City of Rye to provide a Community Choice Aggregation Program.

Mayor Cohn asked Corporation Council Wilson if she reviewed last year's MOU in comparison to this year. Corporation Council Wilson confirmed and reported there was nothing of substantive change from last year.

Mayor Cohn asked the Council members if they has any feedback and everyone was in favor.

Councilwoman Souza asked that there be full transparency as it relates to pricing as many residents were concerned about the higher rate in relation to Con-Edison's current variable rate.

Councilwoman Goddard added she is on the Board of Sustainable Westchester, along with two other Rye residents, and agreed that while she supports the program, it should be very clear on how to opt out if the residents feel this program is not fitting for them during this economically challenging time.

Corporation Counsel Wilson clarified the agreement states that the municipality has the authority of final control of content related to all communication to make sure this program communication is abundantly clear.

Councilwoman Goddard made a motion, seconded by Councilwoman Tarlow, and unanimously carried, to authorize the Interim City Manager to sign a Memorandum of Understanding between Sustainable Westchester and the City of Rye to provide a Community Choice Aggregation Program.

**ROLL CALL**

AYES: Mayor Cohn, Councilmembers Goddard, Johnson, Mecca, Souza, Stacks,  
Tarlow

NAYS: None

ABSENT: None

5. Purchase Plaza status update.

Mayor Cohn re-capped that mid-October would be the next date in which the Council would circle back on the decision on whether to extend Purchase Street Plaza, or end the program. Factors to be considered would include feedback on the program and weather. City Manager Usry explained that two weeks ago, the block on Purchase Street between Locust and Smith was reopened, which added additional parking, including handicapped parking. The same number of handicapped parking spaces are now available as were prior to the closure. He clarified that when Purchase Street Plaza was initiated, this was meant to be a temporary project. The merchants and building department have worked together to continuously look into various options on what would be allowable as we approach the fall season. The City has advised merchants to be mindful that street closures have only been approved until Mid-October when they purchase supplies to support the change of weather.

The following residents spoke in support of Purchase Street Plaza: Judy Graham, Rye resident/owner of Pink Home & Gifts, and Abbie Durkin, Rye Resident/owner of Palmer & Purchase.

John Leonard, 1 Apawamis Ave, expressed his concern as it relates to traffic safety.

Councilmembers Souza and Johnson said they have seen restaurants thriving where without closing the Plaza, would not have the means for any outdoor seating.

Councilwoman Tarlow expressed resident concern about traffic safety, specifically on Theodore Fremd Ave, and would like firm data before re-evaluating the continuance of Purchase Street Plaza at the mid-October meeting.

To watch the video for full commentary please visit:

<https://ryeny.swagit.com/play/09162020-978/6/>

6. Presentation by County Legislator, Catherine Parker: “Things You Didn't Know the County Did.”

Mayor Cohn invited County Legislator, Catherine Parker to speak. County Legislator Parker wanted to update the residents on the following:

County Roads: County road paving is going out to bid in about 8 weeks with paving to start in spring 2021. Theodore Fremd Ave will be re-paved and with the help of Traffic and Pedestrian Safety and City Engineer, they have talked about widening the road as it approaches Purchase Street and the traffic pattern to the left for added safety. Park Ave will be paved in October while Midland Ave is currently in design stage and is expected to be a late summer 2021 construction.

Election: Reminder of the various voting options available to all registered voters. She and County Executive Latimer will be hosting a WebEx videoconference on Monday, September 21, to explain the various ways to vote.

Restaurant Support: The Westchester County Pandemic Task Force is working on legislation on putting a cap on 3<sup>rd</sup> party delivery fees which currently can cost restaurant owners up to 35% of their profits. A vote will be taken on October 5<sup>th</sup>.

Department of Environmental Facilities: This County department is currently working on an IMA to support municipalities in a food waste transportation shared service. The IMA will provide municipalities 2 options as to how they can utilize this service and save money.

Parks Department: 3 of the 53 Westchester County parks are located in Rye-Marshlands Conservancy, Rye Nature Center, and Playland Park.

7. Presentation by City Deputy Comptroller of the City’s current financial position.

Mayor Cohn invited City Deputy Comptroller, Joseph Fazzino to speak.

Deputy Comptroller Fazzino addressed the Council. He gave an update as to the City’s current financial position with at-risk revenues and expenditures. He highlighted the following, which deviate slightly and put the City in a better position than originally anticipated:

- **Sales & Use Taxes** - 2020 Budget \$3,000,000 / 2020 Projection \$2,700,000  
Sales tax results for the month of August will be provided at the next council meeting, along with the actual amount the City can expect to receive for the quarter ending August 31, 2020.
- **Parking Fines** – 2020 Budget \$375,200 / 2020 Projection \$340,000  
Parking fines for August were down 8%, compared to 46% for July. For the year revenues are down 18%. Based on the positive results from August, the projected loss of budgeted revenue has been decreased from 25% to 9%.  
Estimated revenues down 25% for the fourth quarter compared to last year

- **Moving Violation Fines**– 2020 Budget \$225,000 / 2020 Projection \$120,000  
Even as businesses across the State re-open, overall traffic volume remains down, with many businesses allowing for telecommuting if possible, resulting in less fines. Through July overall revenue was down 50%. Staff projects this level for the rest of the year.
- **Building Permit Revenues** – 2020 Budget \$1,400,000 / 2020 Projection \$1,100,000  
There has been an uptick in revenues over the last couple of months, which has allowed for an increase in our assumptions.
- **Mortgage Taxes** – 2020 Budget \$1,600,000 / 2020 Projection \$1,600,000  
Mortgage tax results through the month of August support our assumption of mortgage tax revenues meeting budgeted expectations.
- **Police Overtime Expense** – 2020 Budget \$405,000 / 2020 Projection \$250,000  
Due to a continued high volume of utility projects, a large of portion of police overtime has been reimbursed by utility companies. Keeping in line with prior years’ results, a conservative net cost of \$250,000 has been projected.

City Manager Usry added that Westchester was one of the only counties in which the sales tax number has increased from the previous year, putting the City in a better position than many others throughout the state.

Councilwoman Tarlow asked about FEMA reimbursements for COVID. Mr. Fazzino stated that all of the information was being compiled and getting ready to submit. Mr. Fazzino reported that almost \$150,000 in COVID expenses had been tracked by the City, and staff is hopeful for a FEMA reimbursement.

City Manager Usry reported that staff would be providing a recommendation at the next Council meeting on Phase 2 of the 2020 paving. As staff was conservative with expenses due to the pandemic, the City now has a more accurate revenue pictures and perhaps begin to move on needed items. He discussed the expenses and losses due to the August storm.

8. **Presentation regarding the Capital Improvement Program (CIP) for 2021.**

Mayor Cohn invited City Planner, Christian Miller to speak. City Planner Miller presented the CIP, a five-year planning document presented to the City Council each year. It is required by the City Charter. It identifies major projects and acquisitions, with basic prioritization and criteria. The estimates of cost are preliminary and may change as a project develops. The City identifies potential funding sources for these priority projects as well.

City Planner Miller presented a slideshow on the CIP. He indicated that sewer projects remain an important priority with the highest cost. He also discussed building projects, transportation projects, recreation projects, flooding and drainage projects, and vehicles and equipment. He discussed reasons for project deferrals.

Mr. Miller went into detail about high priority building projects, such as the courthouse improvements, Building 5 at DPW, and recreation improvements. He also discussed potential transportation priorities, such as the traffic and pedestrian safety concerns at Purchase Street, Purdy and Theodore Fremd. Mr. Miller also highlighted items that are outside the general fund, such as the Boat Basin, Golf Club, and Rye Town Park needs. He discussed funding options, which include general revenue, debt, and grants and aid. He discussed the Charter and Council's ability to vote for funding versus the requirements to go out for referendum.

Councilwoman Souza thanked City Planner Miller for his thorough presentation. She was eager to begin working on these priority projects. Mayor Cohn agreed, and commented that the City had taken a blow when Rye Recreation needed to rethink its summer recreation programs due to the school's capital improvements.

Councilwoman Souza asked for specifics on the costs and funding for the priority projects. There was general discussion on that issue. She asked further about what can be completed with the funding that already exists.

There was general discussion among the Council and staff regarding precise funding and projects that could be approved and paid for.

City Manager Usry recommended that the Council consider the projects first, and then the funding. Staff would be able to make recommendations on funding once the Council approves the projects.

Councilwoman Johnson inquired about the court facilities and asked if it was possible to lease a building rather than getting the trailers for Car Park 5. City Planner Miller responded that while it could be possible, the City had not been successful in identifying what the building would be, the costs to outfit pursuant to the OCA's regulations, etc. She further asked if the court could be separate from the police facility. City Planner Miller responded that many municipalities separated the two. There was discussion over whether the facility needed by law to be in Rye.

Councilman Mecca encouraged that the Council consider going out to bond and acting now, as many projects are in dire need of attention. He asked about the Council's process of approval for staff to move forward on the logistics.

The Council consented to staff's recommendations on projects in need. The understanding as this point of the meeting was that staff was to move on identifying and proceeding on funding sources for their projects.

9. Update on Boat Basin dredging plans.

City Engineer Coyne addressed the Council. He said that there was a SEQRA determination on the table this evening. He updated the Council on the dredging progress. He explained that the City had applied to the Army Corp of Engineers to dredge the basin and the

channel. They reported that the sediment in the basin itself required further analysis. The City decided to do biological testing within the basin, with the hopes that further testing would help with an open water disposal. There are six different agencies that need to approve this work. Currently, the project is being reviewed by the NYS DEC. The DEC now needs a SEQRA determination. There is a potential winter 2021-2022 dredge.

10. Resolution of the Rye City Council to adopt a SEQRA Negative Declaration and an affirmative finding of LWRP Coastal Consistency in connection with the Milton Harbor Navigation Channel Dredging project.

Corporation Counsel Wilson stated that before the Council was a negative declaration under the SEQRA matter, and further that there is a finding that this project is consistent with the LWRP.

City Planner Miller added that the New York Department of State, following the Council's determinations, will then need to issue its opinion on consistency with the LWRP.

Councilwoman Johnson made a motion, seconded by Councilman Mecca and unanimously carried, to adopt a SEQRA Negative Declaration and an affirmative finding of LWRP Coastal Consistency in connection with the Milton Harbor Navigation Channel Dredging project.

**WHEREAS**, The City of Rye has applied to the New York State Department of Environmental Conservation (NYSDEC) for tidal wetland permit(s) in connection with the proposed dredging of the Milton Harbor Navigation Channel (specifically NYSDEC application No. 3-5514-00004100021-23); and

**WHEREAS**, the NYSDEC submitted a 30-day Notice of Intent to Establish Lead Agency to the City of Rye dated October 29, 2019 in which it states that the NYSDEC has no objection to the City assuming Lead Agency status for the environmental review of this project; and

**WHEREAS**, pursuant to the State Environmental Quality Review Act (SEQRA) the Rye City Council declared itself Lead Agency on November 20, 2019; and

**WHEREAS**, the proposed Action is considered a Type I under SEQRA; and

**WHEREAS**, the Rye City Council has reviewed the Full EAF and related permit application information; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Rye City Council finds that the proposed action will not have a significant adverse impact and that an environmental impact statement (EIS) will not be prepared for this project; and be it further

**RESOLVED**, that the Rye City Council finds that the proposed action seeks to preserve recreational boating activities in Milton Harbor consistent with the policies of the City-adopted Local Waterfront Revitalization Plan (LWRP).

11. Residents may be heard on matters for Council consideration that do not appear on the agenda.

There was nothing discussed under this agenda item.

12. Resolution to amend the 2020 Adopted Fees and Charges for the Boat Basin to increase fees for winter storage.

Boat Basin Supervisor, Rodrigo Paulino and Joe Pecora, Boat Basin Commission, explained that the Boat Basin Commission met on August 31, 2020 and discussed changes to the fees and charges schedule. They explained that a change in storage fees was recommended.

Councilwoman Johnson made a motion, seconded by Councilman Mecca, and unanimously carried, to amend the 2020 Adopted Fees and Charges for the Boat Basin to increase fees for winter storage.

ROLL CALL

AYES: Mayor Cohn, Councilmembers Goddard, Johnson, Mecca, Souza, Stacks, Tarlow

NAYS: None

ABSENT: None

13. Approve the application of Joshua E. Burnstein for the position of Volunteer Firefighter for the City of Rye Fire Department.

The Council approved the application of Joshua E. Burnstein for the position of Volunteer Firefighter for the City of Rye Fire Department.

14. Adjourn the SEQRA discussion to October 7, 2020 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.

The Council adjourned the matter to the October 7, 2020 Council meeting.

15. Adjourn the public hearing to October 7, 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. There will be no public comment taken and no Council discussion regarding this agenda item.

The Council adjourned the matter to the October 7, 2020 Council meeting.

16. Resolution to declare certain City equipment as surplus.

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

**WHEREAS**, the City has been provided with a list of City equipment identified as being obsolete or will become obsolete during 2020, and

**WHEREAS**, the Recreation Department and the Department of Public Works has recommended that said equipment be declared surplus, now, therefore, be it

**RESOLVED**, that said equipment is declared surplus, and, be it further

**RESOLVED**, that authorization is given to the City Comptroller to sell or dispose of said equipment in a manner that will serve in the best interests of the City.

**ROLL CALL**

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

17. Consideration of a request from Sleep in Heavenly Peace NY-Rye to use the employee parking lot at City Hall on Saturday, September 26, 2020 from 8am to 2pm to assemble beds for children in need. COVID restrictions will be followed.

Councilman Mecca made a motion, seconded by Councilman Stacks, and unanimously carried, to approve a request from Sleep in Heavenly Peace NY-Rye to use the employee parking lot at City Hall on Saturday, September 26, 2020 from 8am to 2pm to assemble beds for children in need. COVID restrictions will be followed.

18. Consideration of a request from the Children’s Philanthropy (CP) to have a 1-hour yoga class on the Village Green on September 27, 2020 (rain date Wednesday September 30<sup>th</sup>) beginning at 5 pm to raise money to benefit the children of Rye. 100% of the profits will go to CP and social distancing restrictions will be followed.

Councilwoman Souza made a motion, seconded by Councilwoman Johnson, and unanimously carried, to approve a request from the Children’s Philanthropy (CP) to have a 1-hour yoga class on the Village Green on September 27, 2020 (rain date Wednesday September 30<sup>th</sup>) beginning at 5 pm to raise money to benefit the children of Rye. 100% of the profits will go to CP and social distancing restrictions will be followed.

19. Consideration of a request from the Rye Free Reading Room (RFRR) to use the Village Green for various events such as outdoor storytimes, author visits, and video game tournaments from September 1, 2020 through November 13, 2020 between 9:30 am and 5:30 pm (clean-up completed by 7:00 pm). Social distancing guidelines will be followed and the RFRR will coordinate with City Staff to ensure there is not interference with maintenance of the Village Green.

Councilwoman Johnson made a motion, seconded by Councilwoman Tarlow, and unanimously carried, to approve a request from the Rye Free Reading Room (RFRR) to use the Village Green for various events such as outdoor story times, author visits, and video game tournaments from September 1, 2020 through November 13, 2020 between 9:30 am and 5:30 pm (clean-up completed by 7:00 pm). Social distancing guidelines will be followed and the RFRR will coordinate with City Staff to ensure there is not interference with maintenance of the Village Green.

20. Consider a request by the Sole Ryeders & Friends and the Rye High School Breast Cancer Awareness Club to have a TieTheTownPink breast cancer awareness campaign in the City of Rye during the month of October, 2020.

Councilman Mecca spoke about the Sole Ryeders, their mission, and their work within the community. This is the 7<sup>th</sup> annual year of this program.

Councilman Mecca made a motion, seconded by Mayor Cohn, and unanimously carried, to approve a request by the Sole Ryeders & Friends and the Rye High School Breast Cancer Awareness Club to have a TieTheTownPink breast cancer awareness campaign in the City of Rye during the month of October, 2020.

21. Consider a request by the Rye Sustainability Committee to hold their 2020 Leadership Awards presentation on the Village Green near the City Hall steps on Friday, September 25th at 5:30 pm.

Councilwoman Goddard made a motion, seconded by councilwoman Souza, and unanimously carried, to approve a request by the Rye Sustainability Committee to hold their 2020 Leadership Awards presentation on the Village Green near the City Hall steps on Friday, September 25th at 5:30 pm.

22. Old Business/New Business.

Councilman Stacks announced that the pool at Rye Golf Club closed for the season recently. He reported that they had a very successful season, hosting close to 27,000 visits by members in 2020. Despite the pandemic, they did a phenomenal job.

23. Adjournment.

There being no further business to discuss, councilman Mecca made a motion, seconded by Councilwoman Johnson and unanimously carried, to adjourn the meeting at 9:34 P.M.

Respectfully submitted,

Carolyn D'Andrea  
City Clerk



# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: September 30, 2020

CONTACT: Greg Usry, Interim City Manager

**AGENDA ITEM:** Purchase Plaza update, action on proposal to continue the Plaza through November 30 (subject to City staff discretion for exigent circumstances) and action on cold weather plan.

**FOR THE MEETING OF:**  
October 7, 2020

**RECOMMENDATION:** That the Council consider the future of Purchase Plaza and outdoor dining.

**IMPACT:** Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** Due to COVID-19, the restaurants and other businesses in Rye cannot open their doors to allow for full capacity of patrons. This allows for greater foot traffic for our restaurants and merchants as dining can remain outdoors during the colder weather.



# CITY OF RYE

To: Mayor Cohn and City Council

From: Greg Usry, Interim City Manager

Re: Modifications to Purchase Street Plaza

Date: October 2, 2020

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## Overview

On June 10, 2020 the City Council passed a resolution authorizing City staff to design and execute a series of street closures, parking modifications and safety measures to enable restaurants to expand their outdoor dining capacity. This was done in response to the COVID-19 pandemic, and the Governor's Phase 2 and Phase 3 orders, significantly limiting indoor dining. As part of this action, the Council further enabled staff to waive certain City permit requirements in order to expedite the process, thereby accelerating the various restaurant openings.

Over the following months the Council extended the closures two additional times (July 15 and August 17). During this period City staff worked with the Chamber of Commerce to make modifications in response to various requests or issues raised by downtown business owners and City residents. These modifications included the addition of diagonal parking spaces, the replication of the handicap parking spaces that were lost with the street closure, the extension of the street opening to Locust (and Smith), signage improvements, etc.

As we approach colder months, City staff has undertaken a further review of the downtown layout. This review was done in recognition of:

1. Restaurants remain subject to the State orders limiting indoor dining
2. Restaurants wishing to continue outdoor dining through the colder weather will need to make significant investments in tenting, heating systems, etc.
3. Seasonal winter tenting will need Building Department and Fire Safety review prior to use
4. The outdoor plaza "feel" of Purchase Street will diminish in the colder months
5. Certain merchants and downtown businesses have reported being negatively impacted by the temporary closure
6. The City will need to make provisions for snow removal and general winter maintenance.

**Tent Investment.** Installing a tent that meets relevant codes and fire safety requirements is expensive and time-consuming. If restaurants are going to make an investment in buying or renting a tent they will require a level of certainty from the City that they will be allowed to maintain that structure for a reasonable period of time. If the City intends to continue providing an outdoor space for restaurants, the City Council should provide more permanency and choose a start and end date for tent installation. A decision here should favor a much longer period of time, including through the winter and into spring 2021.

**Street Atmosphere.** One of the compelling arguments for the City Council's decision to close Purchase Street was that it not only allowed restaurants to remain economically viable consistent with Covid safety protocols, but that it also created an atmosphere within the City that many found desirable. Closing streets to traffic emphasized a pedestrian orientation. The restaurants capitalized on this opportunity, creating attractive outdoor dining spaces with colorful umbrellas and other visually pleasing amenities, even in spite of some less appealing traffic safety measures that were required to be installed such as concrete blocks and signage. The closure also availed merchants with the same opportunity to move out onto the sidewalk, or into designated parking spots.

If heated tents are used in these same outdoor spaces during the colder months, it is difficult to envision that they will contribute to a similar pedestrian-oriented, festival-like experience that was achieved during the warmer months. They will largely be inward facing serving the needs of their customer rather than outward facing enhancing the aesthetic.

**Sustaining Business.** The City wants a healthy business environment and is doing all it can to support the business community during Covid. The colder months present new challenges. Retail and personal service businesses in the colder months are challenged in a pedestrian-oriented environment like Purchase Street. The customer isn't strolling Purchase Street in frigid temperatures and enjoying it the same way. Customers would prefer less walking, more parking closer to their destination and generally less aggravation. Re-opening Purchase Street will help mitigate some of these concerns and appease those businesses that have expressed the adverse impact they believe the closure has had on their revenue.

**City Interests.** Colder weather also brings with it inclement conditions. Snow and ice removal from streets and sidewalks will be challenged in a closed and tented environment. The existing condition likely cannot remain as is without some modification, including a reduction in the outdoor dining footprint and the installation of Jersey barriers to protect dining areas from snow removal activities. It is also in the City's interest that there be a decision that does not require continuous and time-consuming re-examination of the closure. The amount of time devoted to the Purchase Street closure over the past few months has been a significant diversion of limited City staff time and resources from other priorities.

## **Recommendation**

In recent weeks, City staff has undertaken a comprehensive review of the downtown. The results of this review and extensive discussions with the restaurants have led to the recommendations below. Clearly it is impossible to meet 100% of each individual business' goals, but these recommendations are supported by all of the restaurants. This includes those whose outdoor space is being relocated and/or reduced. It is important to note that all the restaurants have requested a further extension of the current closure into late fall.

- The City Council should allow tents for restaurants and other businesses on private, and designated public property, through the winter months and into the spring of 2021 (i.e. April 1). The timing of the winter tenting should correspond with the opening of Purchase Street to regular traffic. Restaurants that wish to undertake the winter conversion may do so ahead of the opening of Purchase Street.
- Those businesses with tents on private property would generally not be permitted to have tents on public property in front of their business (tables would be permitted, subject to normal summer set up). In these cases, the City may offer the use of City property for refuse containers or merchant parking that required to be relocated by the installation of tents at the rear of their existing restaurants.

- Restaurants that do not have available property for tented use should be allowed to use public property, however the extent of that use would be significantly less than what is currently allowed. The extent of public use should be limited to the sidewalk area in front of their establishment or some alternative location on public property. The adjacent on-street parking spaces would be converted to a pedestrian by-pass (the details and cost of this require further input from DPW and would be installed using a City contractor). Traffic flow and on-street parking would return to pre-Covid conditions with the exception of parking spaces converted to walkways. *Candidates for this approach include Bare burger, Village Social, Ana Maria and Aurora (see attached figures).*
- Where neither of these options are practical nor available, tents will no longer be permitted on public property in their current location and configuration. *These include Sunrise (First St.) and Rafele (Carpark 3).* Rafele's existing tent (rear parking lot) can remain but will require City inspection for winter use.
- Under all scenarios, the location of tents must adhere to all necessary requirements and approvals from the NYS Liquor Authority.
- The current configuration/closure of Purchase Street is scheduled to end on October 12 (subject to further extension by City Council action). The new configuration, detailed above, would begin on the date of the Street reopening.
- Similar to previous Council action, the Council should delegate to staff the planning and execution of pedestrian and vehicle safety measures, permit approval for tents and related apparatus. In all cases (public or private property), tent permits must be secured from the City Building Department and Fire Inspector in accordance with all applicable City codes.
- The following table provides a summary of the anticipated plan for the installation of tents for those restaurants choosing to do so and the potential use of City property. City staff has been working with most of the restaurants and they've been receptive to the City's plan. This plan is subject to change as restaurants continue to secure tents and negotiate their plans with their landlords.

## Summary of Restaurant Planning

Establishment	Permitted Tent Location
Ruby's	Rear property only.
Rye Bar	Private parking lot only, but continue closure of Second Street.
Water Moon	Rear property only.
Frankie and Johnny's	Rear property only.
Oko/Poppy's	Rear property only.
Bareburger	Purchase St. sidewalk with pedestrian by-pass
Village Social	Purchase St. sidewalk with pedestrian by-pass
Aurora	Purchase St. sidewalk with pedestrian by-pass
Ana Maria	Purchase St. or Elm sidewalk with pedestrian by-pass
Rafele	Existing footprint in Carpark 3.
Sunrise Pizza	Existing Footprint on First Street
LPQ	No tent use
Town Dock	No tent use, but continue closure of Second Street
Al Dente	No tent use
Longford's	No tent use
Fogama	No tent use
Little Thai Kitchen	No tent use

### Next Steps

- Subject to Council action, City staff will fully authorize the use of City property consistent with the recommendations included in this memo.
- Each restaurant will provide the City Building Department and Fire Inspector with tenting plans, including lighting and heating details for approval.
- The City Engineer will begin plans for structural measures required to meet pedestrian and vehicle needs.

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### Attachments:

1. June 10 , 2020 Council resolution authorizing closure and Staff action
2. Summary of restaurants, including indoor/outdoor capacity
3. Map of downtown subject to recommended cold weather set up
4. Copies of restaurant survey responses

**June 10, 2020**

**RESOLUTION AUTHORIZING CITY MANAGER AND CITY STAFF TO CLOSE CITY STREETS, SIDEWALKS, PARKING AREAS AND OTHER PUBLIC RIGHT-OF-WAYS TO PROVIDE FOR OUTDOOR DINING AND OUTDOOR SPACE FOR OTHER BUSINESSES AS A RESULT OF NEW YORK STATE GUIDELINES DUE TO 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, new guidelines have been published by the State to allow for the re-opening of eating establishments and other businesses that require more space between tables, people, among other protocols; and

WHEREAS, the City would like to accommodate eating establishments and other businesses with more space to provide tables and chairs and other necessary amenities for customers; and

**NOW, THEREFORE, BE IT RESOLVED THAT:**

The City Council authorizes the City Manager to take any necessary steps to close City streets, sidewalks, on-street and off-street parking areas and other public right-of-ways to allow for outdoor dining facilities and outdoor area for other businesses while maintaining sufficient emergency access and providing for pedestrian/cyclist safety; and

BE IT FURTHER RESOLVED, that the City Council authorizes the City Manager to work with City staff to provide for an appropriate administrative review of any eating establishment requesting to use private property for outdoor dining or use of any outdoor area for businesses; and

BE IT FURTHER RESOLVED, that the City Council hereby waives any outdoor dining permit fees, sidewalk obstruction permit fees or other similar fees for 2020; and

BE IT FURTHER RESOLVED, that as part of the City’s closures of City owned streets, sidewalks, on-street and off-street parking areas and other public right-of-ways, the City Manager is authorized to temporarily create new parking spaces and change the direction and flow of traffic to provide sufficient access and safety; and

BE IT FURTHER RESOLVED, that the City Manager shall work with the Rye City Chamber of Commerce and any other merchant or eating establishment to determine what is a safe and appropriate use of public space and to allocate any costs incurred appropriately.

Where there is conflict between this Resolution and any other law, this Resolution shall control. This Resolution shall take effect immediately and shall expire on July 19, 2020 unless further extended by the City Council.

**ROLL CALL**

**AYES:** Mayor Cohn, Councilmembers Goddard, Johnson, Mecca Souza, Stacks, Tarlow

**NAYS:** None

**ABSENT:** None

## Purchase Street Restaurant Planning Summary

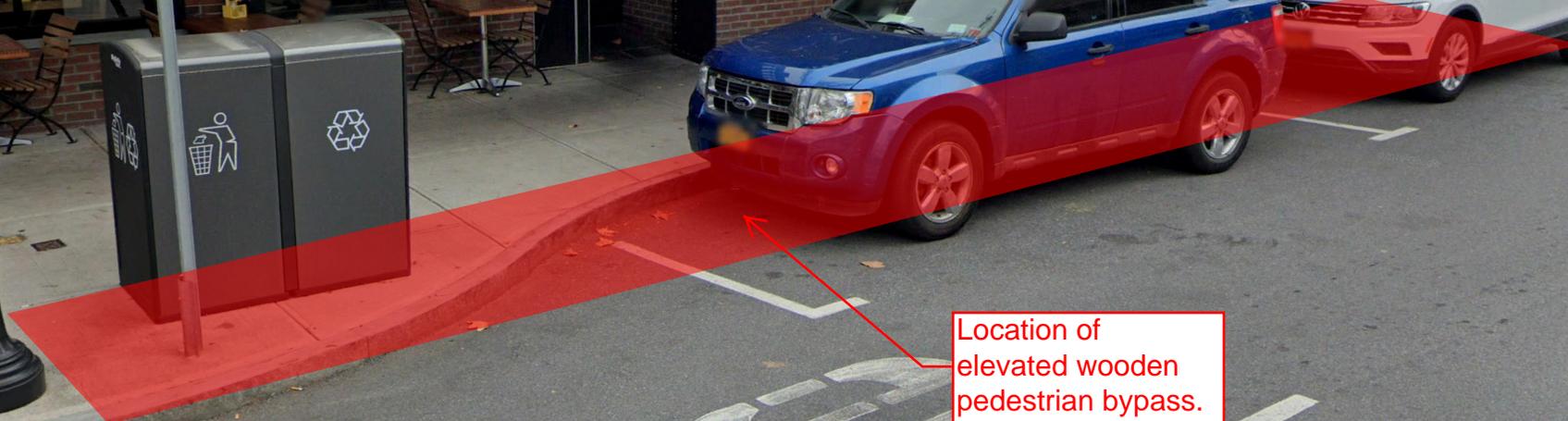
Restaurant	Indoor Seating Capacity		Estimated Outdoor Capacity		Cold Weather Plan/Comments
	Pre-COVID	Current	Current	Revised	
Aurora	70	35	80	TBD	Heaters will be used through late October. Without outdoor seating, will have to layoff staff. Will invest in tent/heaters/umbrellas if clear direction presented. Rear parking lot space not feasible because distance to kitchen, dumpster, distance to point of sale computers, sloping of lot.
Frankie and Johnnies	120	60	50	25	Currently avg 15 diners per evening indoors. Would continue outdoors through Nov if allowed. Will use small, rear employee parking for seating. Soley indoor dining will be unsustainable. 8 outdoor heaters currently set up already and have fleece blankets for guests upon request. Will likely need to cut back on server shirts because of reduced outdoor capacity. Would like to stay on Purchase St through November.
Pureganic	18	9	6	NA	No heaters. Having no outdoor seating in the winter would not affect staffing.
Ruby's	110	52	80	60-65	Maximize heaters, blankets and possibly tents. If no outdoor seating, will reduce staff by 40-50%. Those left will have reduced shifts.
Bareburger	84	42	40	18	Will stay outside as long as possible. Indoor only would decrease sales. Planning on 5 heaters. There is no rear space available. Would like garbage cleaned up on side streets and better barriers.
Poppy's	36	18	40	30	Will stay outside as long as possible. If not, hours and staff cut and may go out of business. Would share tent with OKO. Will have heat and lights. Better signage could help. Very happy so far.
Rafele	126	60	60	40-50	Would seek to create a structure (tent/awning) that would allow outdoor dining 12 months of the year. Without outdoor seating, will have to lay-off workers, reduce hours and potentially close. Will provide heaters. For fall and winter would only use rear space. Would resume Purchase St use during warm weather.

Town Dock	60	30	40-45	40-45 (through November)	Would stay outdoors through November, weather permitting. If indoor only, cut staff by 30%. Have and outdoor deck but need to look into heating solutions. Would request Second St remain closed through November.
Rye Bar and Grill	433	219	180	180	Will provide heating to section that seats 126 and will stay outside as long as possible. Will have to reduce staff if no outdoor seating allowed. Would like Second St. closed as long as possible.
Village Social	90	45	80	60-80	Purchased heat lamps already and would purchase more. Without outdoor seating will likely cut staff by 50% and struggle to meet operating costs. Currently a row of heaters down the middle and would provide more at the perimeter if outdoor dining is extended.
Sunrise Pizza	38	12-19	14-20	14-20	Already purchased heaters to utilize with existing outdoor seating. Planning on staying outside as long as humanly possible, depending on the weather conditions. No outdoor seating will severely limit the hours of employees. Would like to keep current outdoor space.
Al Dente	16	8	16	16	Would use a bigger, higher tent to accommodate cold weather outdoor seating. Outdoor seating has allowed for hiring of more staff would need to be let go if outdoor seating is no longer permitted.
Longford's	10 but a long line could form	All served outside - no limit	All served outside - no limit	All served outside - no limit	Plan for fall/winter is to continue serving customers at the door (outdoors) and take out orders only . Have tents and umbrellas for rainy days and purchased heat lamps for colder days. Customers are very satisfied with set up. Will have to reduce staff and likely not survive the winter without outdoor seating capacity. Requesting Elm Place remain closed.
Ana Maria	40	20	40	TBD	Would stay outdoors as long as weather permits. Will operate indoors only if have to but staff would be reduced.

Bare Burger

# POTENTIAL WINTER PLAN FOR PURCHASE PLAZA

Legend



Location of elevated wooden pedestrian bypass. Eliminate 2 Parking Spaces.

*Plan subject to approval*

Google Earth

© 2020 Google

5.08 ft



Anna Maria's

# POTENTIAL WINTER PLAN FOR PURCHASE PLAZA

Legend



THE RED PONY

FDC

Location of elevated wooden pedestrian bypass.  
Eliminate 1-2 parking spaces.

*Plan subject to approval*

Google Earth

© 2020 Google

4.93 ft



Aurora

# POTENTIAL WINTER PLAN FOR PURCHASE PLAZA

Legend



Location of elevated wooden pedestrian bypass. Eliminate 3 Parking Spaces.

*Plan subject to approval*



Village Social

# POTENTIAL WINTER PLAN FOR PURCHASE PLAZA

Legend

Location of  
elevated wooden  
pedestrian bypass.  
Eliminate 4 Parking  
Spaces.

*Plan subject to approval*



Sunrise

# POTENTIAL WINTER PLAN FOR PURCHASE PLAZA

Legend

Continued use of 2  
parking spaces.  
No pedestrian  
bypass.

*Plan subject to approval*

Google Earth

© 2020 Google

6.18 ft



# Rye Grill & Bar and Town Dock

## POTENTIAL WINTER PLAN FOR PURCHASE PLAZA

Legend



Second Street to remain closed to thru traffic.  
Rye Grill to continue to use private property for seating.  
Town Dock to continue to use Second Street for seating as-is until weather cooperates. No tent to be constructed.

*Plan subject to approval*



## Aurora

1. Survey of Restaurants re indoor space:
  - a. What is their indoor seating capacity as configured (pre Covid)? **Approx 70 seats.**
  - b. What is the estimated revised inside capacity, while meeting current State guidelines, including those with respect distancing and percent of capacity (number and as percentage of (a)) **35 seats.**
  - c. What are the current cold weather plans for outdoor dining **heaters and fair weather to continue outside for as long as possible.**
    1. How long would you stay outside assuming the City provided location **As long as permissible. Probably to late October.**
    2. If outdoor seating isn't provided do you have contingency plans/can you operate based upon indoor only? How would this affect your staffing, nights open etc? **It's not economically feasible to operate inside only. Some outdoor seating is required. We would lay off much of the staff we rehired without continued outdoor capacity. Expanded indoor dining will come much later than originally anticipated. So outside must continue as long as possible.**
    3. Planned outdoor capacity
    4. Describe tenting, heaters **heaters/umbrellas are in place but tenting will not come to fruition without a clear path forward from the town as it comes at considerable expense and time to coordinate the tent's setup.**
    5. How does 1-4 change if your outdoor location is moved to a rear parking lot (if applicable). **It is not feasible to operate in the rear parking lot. The distance is too far from the bar and kitchen to run food and drink. The point of sale computers are also a good distance away. Not to mention the dumpsters and condition of the sloping pavement for tables. It would not work for us.**

Respectfully, my general comment is that this is a non-issue in any other town in which we operate. No retailers are complaining elsewhere. Everyone loves the outdoor dining and one or two retailers in Rye should not be dictating what is done by the entire town. It is quite possible that a change in consumer preference is driving the decline in business. It is not a parking issue. Those retailers should look to reinvent how they operate first, as restaurants have already done, before they blame the street closure on their lack of business. Our industry requires people to come to dine in them. Retail (high end evening wear) does not.

Thank you Greg.

## Frankie & Johnnie's Steakhouse

Hi Greg:

My apologies for this late response to your request for information. A mis-communication at our end.

-Frankie & Johnnie's Steakhouse had a seating capacity, pre Covid, of 120

-Our indoor seating, following current Covid safety guidelines, is 60. We are averaging 15 people a night dining inside at this time

-Our current cold weather outdoor dining plan ....

- We would continue outside on the plaza until the end of November if allowed

-Should the plaza close our plan is to use our small back employee parking area for dining

We don't see operating totally indoors as an option at this time. Our guests are not coming indoors in any capacity that would be sustainable for us.

-We currently have the ability to seat 50 guests outdoor on the Plaza.

-We have 8 outdoor heaters set up and purchased fleece blankets for guests upon request.

-If the plaza closes we would transition our employee parking area located at the back of the restaurant into a dining area. We can seat approximately 25 guests in that area following Covid safety measures.

-We would utilize our current propane heaters

-Our hours of operation would not change however it is likely to be necessary to cut back on server shifts

Needless to say we are hoping the Plaza continues in its' present form until the end of November. Yes, we would love to go as long as possible but understand snow removal etc would be an issue.

Again my apologies for this late response. Any questions please contact me. Cell always best. Greg, Thank you for all your hard work on our behalf.

Fran Dolan  
77 Purchase St  
Rye, NY 10580  
914-925-3900  
203-219-6125 cell

## Bareburger

Hi Greg,

1. Survey of Restaurants re indoor space:
  - a. What is their indoor seating capacity as configured (pre Covid)? 84
  - b. What is the estimated revised inside capacity, while meeting current State guidelines, including those with respect distancing and percent of capacity (number and as percentage of (a)) 42
  - c. What are the current cold weather plans for outdoor dining
    1. How long would you stay outside assuming the City provided location. - *As long as possible*
    2. If outdoor seating isn't provided do you have contingency plans/can you operate based upon indoor only? How would this affect your staffing, nights open etc?  
*-If no outdoor seating, indoor only would decrease sales. Allow outdoor seating as long as possible before very cold weather.*
    3. Planned outdoor capacity -18
    4. Describe tenting, heaters - 5 heaters
    5. How does 1-4 change if your outdoor location is moved to a rear parking lot (if applicable). - *Not applicable for Bareburger.*
2. What other physical changes do you recommend the City take re roads, sidewalks, handicap access, public safety etc. (related to the Plaza set up).

*Have the garbage cleaned up on the side streets, better barriers  
on Purchase St.*

## Poppy's

Hi Tony, Gerri from Poppys!!! I am 100% dying to stay and work outside All winter, weather permitting!!!! No blizzards please!!! Pre-covid seating was 36...Now 18 I cannot survive on 50% capacity, I would cut everyones hours and cut staff ....and probably go out of business!! I have spoken to Brian from OKO and he is supposed to be looking into a tent that would go where our tables are now. We would share this tent, me in the mornings until afternoon, and OKO late afternoon until evening! It will have heat, lights, and air circulating...he is doing all the leg work, IE: speaking to the city to see if this is even possible... I think you have done a terrific job with the parking down our end, I think this end could have better signage about the Plaza at our end! Thank you, hopefully this will all work out!!! PS.....Many Many customers have stated they love this outside dining and would like it all Year, all the time!!!!

### Pureganic

1. Survey of Restaurants re indoor space:
  - a. What is their indoor seating capacity as configured (pre Covid)? 18
  - b. What is the estimated revised inside capacity, while meeting current State guidelines, including those with respect distancing and percent of capacity (number and as percentage of (a)) 9 50%
  - c. What are the current cold weather plans for outdoor dining
    1. How long would you stay outside assuming the City provided location (no heaters planned)
    2. If outdoor seating isn't provided do you have contingency plans/can you operate based upon indoor only? How would this affect your staffing, nights open etc? (No effect)
    3. Planned outdoor capacity (Currently 6)
    4. Describe tenting, heaters (None)
    5. How does 1-4 change if your outdoor location is moved to a rear parking lot (if applicable). (NA)
2. What other physical changes do you recommend the City take re roads, sidewalks, handicap access, public safety etc. (Stop bikes & skateboards)

### Rafele

1. Survey of Restaurants re indoor space:
  - a. What is their indoor seating capacity as configured (pre Covid)? **126**
  - b. What is the estimated revised inside capacity, while meeting current State guidelines, including those with respect distancing and percent of capacity (number and as percentage of (a))**60**
  - c. What are the current cold weather plans for outdoor dining
    1. How long would you stay outside assuming the City provided location  
**Assuming the City continues to allow us to use the space contiguous (consisting of 3-4 parking spaces) to the back of Rafele Rye, we would seek to create a structure that would allow us to serve our restaurant patrons (mostly City of Rye residents) 12 months a year.**
    2. If outdoor seating isn't provided do you have contingency plans/can you operate based upon indoor only? How would this affect your staffing, nights open etc?  
**Having no outdoor presence and assuming Covid-19 is still with us, it would have a material negative impact on our business. We would need to reduce staffing**

**(layoffs etc) and it would likely result in us changing our operating hours. If it persists, we would have to confront the reality of closing.**

3. Planned outdoor capacity

**We would create a roughly 40x50 outdoor space (tent or awning-type structure with drop panels. We are in contact with 3-4 different vendors/contractors and are currently evaluating alternatives. We look forward to working closely and expeditiously with the City on this.**

4. Describe tenting, heaters

**Tenting is described above. For heat we are currently evaluating propane, electric and/or natural gas as alternatives.**

5. How does 1-4 change if your outdoor location is moved to a rear parking lot (if applicable).

**It is only the contiguous rear space of the restaurant that we are evaluating for 12-month dining. We would have zero presence on Purchase street during the late fall/winter months.**

2. What other physical changes do you recommend the City take re roads, sidewalks, handicap access, public safety etc. (related to the Plaza set up).

**We think the City has done a good job.**

### **Ruby's Oyster Bar & Bistro**

Hi Greg,

The following is the answer to you questions for Ruby's Oyster Bar

1a. Our seating capacity is 110 seats

1b. Our revised indoor capacity is 52 seats, approximately 48%

1c. Our current plans for cold weather are to maximize capacity with heaters, blankets, and possibly tents (if available)

1. We would like to stay outside as long as possible

2. If outdoor seating isn't provided, and we are left with indoor only, our staff will be diminished by about 40-50% and those that are left will have hours cut. We would continue with our current hours as long as possible, but would most likely have to cut back there as well. The cost of opening and turning everything on, often doesn't make sense if the business is not there.

3. Our planned outdoor capacity is approximately 60-65 seats
4. We currently have stand alone propane heaters. We do not have any tents as of yet, but we are looking into it (waiting for longer term approval)
5. If outdoor seating is moved to the back parking lot, we feel that would make our operation extremely dangerous and much more difficult than it already is. We would have to level seating, provide more tents, and if cars are still allowed to pass through, it would be very dangerous for our staff, not to mention the distance they would have to travel (including stairs),

If parking is the issue, I believe we will lose more spots in the back than we do on Purchase Street.

2. I believe more handicap spots were created in the back parking lots, which should satisfy requirements. The current set up of the Plaza is quite good. I believe we could use better signage, directing people to the back parking lots and we could dress up the entrances.

On a side note, we allow the Farmers market every Sunday to close almost an entire lot and let outside vendors compete with business' in town for the good of the community. Purchase Street Plaza is also benefitting the community, but with only Rye business'.

Thank you for your time and consideration in this matter,

Lisa McKiernan  
Ruby's Oyster Bar & Bistro

#### **Town Dock**

1. Survey of Restaurants re indoor space:
  - a. What is their indoor seating capacity as configured (pre Covid)? 60
  - b. What is the estimated revised inside capacity, while meeting current State guidelines, including those with respect distancing and percent of capacity (number and as percentage of (a)) - 30 or 50%
  - c. What are the current cold weather plans for outdoor dining
    1. How long would you stay outside assuming the City provided location?  
THROUGH NOVEMBER, WEATHER PERMITTING
    2. If outdoor seating isn't provided do you have contingency plans/can you operate based upon indoor only? How would this affect your staffing, nights open etc?  
WE WOULD OPERATE INDOOR ONLY, BUT ANTICIPATE CUTTING ABOUT 30% OF STAFF.
    3. Planned outdoor capacity - WE HAVE OUTDOOR DECK, BUT WE NEED TO FIND AN ALTERNATIVE HEATING SOLUTION THAT WILL BE EXPENSIVE AND INVOLVE NEW INDUSTRIAL SPACE HEATERS
    4. Describe tenting, heaters SEE ABOVE
    5. How does 1-4 change if your outdoor location is moved to a rear parking lot (if applicable). N/A

2. What other physical changes do you recommend the City take re roads, sidewalks, handicap access, public safety etc. (related to the Plaza set up). WE WOULD LIKE TO SEE SECOND STREET REMAIN CLOSED TO TRAFFIC THROUGH NOVEMBER. THE CLOSURE ONLY HELPS THE RESTAURANTS / EATERIES SURROUNDING THE STREET. IT DOES NOT HARM ANY RETAIL STORES OR DISRUPT THE FLOW OF TRAFFIC IN TOWN. ADDITIONALLY, DESPITE NOT BEING ON PURCHASE STREET, WE WOULD SUPPORT THE STREET EXTENDING THE CLOSURE / CONTINUATION OF PLAZA. WE KNOW FROM TALKING TO FRIENDS AND PATRONS THAT IT HAS BEEN VERY WELL RECEIVED FROM THE RESIDENTS AS A NEEDED OUTLET. AS A RESTAURANT OWNER I CAN TELL YOU THAT WE ARE VERY WORRIED ABOUT WHAT THE WINTER MONTHS WILL DO TO OUR BUSINESS. BEST CASE SCENARIO, WE WILL HAVE THE PATRON WILLINGNESS TO FILL 50% CAPACITY - WE WILL STILL INCUR FINANCIAL AND JOB LOSSES. KEEPING THE CITY AS VIBRANT AS POSSIBLE - INCLUDING EXTENDING THE OUTDOOR PLAZA - WILL HELP SOFTEN THE BLOW AND IN SOME CASES BE THE DIFFERENCE BETWEEN A RESTAURANT MAKING IT TO SPRING OR CLOSING. I AM SYMPATHETIC TO OTHER BUSINESSES WHO HAVE FELT THEY HAVE BEEN HURT BY THE CLOSURE - HOWEVER, IT IS IMPOSSIBLE TO MEASURE HOW MUCH IF AT ALL THEY HAVE BEEN IMPACTED, WITH RESTAURANTS - THAT DRAMATIC IMPACT IS EASILY UNDERSTOOD. SO FOR US A BLOCK OR SO AWAY - WE SUPPORT THE PLAZA CONTINUING THROUGH NOVEMBER.

### Village Social

1. Survey of Restaurants re indoor space:
  - a. What is their indoor seating capacity as configured (pre Covid)? **90 people**
  - b. What is the estimated revised inside capacity, while meeting current State guidelines, including those with respect distancing and percent of capacity (number and as percentage of (a)) **50% or 45 people**
  - c. What are the current cold weather plans for outdoor dining? **we have purchased heat lamps and will buy more if the plaza is extended**
    1. How long would you stay outside assuming the City provided location **we will provide outdoor seating through the winter if the demand persists**
    2. If outdoor seating isn't provided do you have contingency plans/can you operate based upon indoor only? How would this affect your staffing, nights open etc?  
**we would cut 50% of our work force and struggle to meet our operating costs**
    3. Planned outdoor capacity **60 to 80**
    4. Describe tenting, heaters **we have a row of heaters in the middle of our outdoor tables and would provide more to the perimeter if the plaza is extended**
    5. How does 1-4 change if your outdoor location is moved to a rear parking lot (if applicable). **n/a**

2. What other physical changes do you recommend the City take re roads, sidewalks, handicap access, public safety etc. (related to the Plaza set up).

My name is Paul Sandolo, I am the general manager of Village Social restaurant in Rye.

I write to you today in regards to the Purchase Street plaza. The closure of the street has helped our business tremendously. Not only are we able to survive, but we have kept our entire staff employed. The street usage has enabled us to fill up to 100% of our dine-in capacity. This is huge for industry that runs on very small profit margins and is now limited to 50% indoor capacity.

Our normal indoor seating capacity is 90 people and with the new 50% capacity rule we would be allowed only 45 people to dine in our restaurant at once. This would be a devastating blow to our business. We would have to cut our entire staff to less than 50% and would struggle to cover our operating expenses. Extending the plaza is the only way restaurants will make it through the fall and winter. I have seen firsthand, over the last few colder weeks, customers request to sit outside instead of inside. There is a real fear of sitting inside in a lot of diners still. To accommodate this we have added heat lamps and are willing to purchase more of them and a tent, if allowed. We have seen that the outdoor seating will be in demand through the cold weather. This extended seating is vital to the survival of the restaurants on Purchase Street. It enables us to run our businesses successfully in order to meet our financial obligations and keep our staffs employed.

There is another side of the Purchase Street Plaza that maybe over looked by those criticizing it. The street closure allows rye residents and visitors to stroll the street safely and enjoyably. I do not believe that there has been another time when there are hundreds of people literally on Purchase Street. With the holiday season approaching the retailers on our street will have a large, captive audience that will no doubt help their businesses as well. Small changes to their hours of operations should bring them more business.

The extension of the Purchase Street plaza is not only welcome by the restaurants down here but it is necessary for our survival. We at Village Social are willing to invest and work with town to the fullest to make the extension happen.

Thank you for time and consideration in this matter.

### **Sunrise Pizza**

Hi Ms. Ruttenberg,

I just wanted to touch base with you and let you know how successful our outdoor dining area has become.

I also wanted to note what was asked to provide:

Our indoor seating capacity pre COVID is 38 guests. The revised indoor capacity can vary from 12 to 19 seats. Our current outdoor seating at the moment can vary from 14 to 20 guests. We have purchased heaters to utilize with existing outdoor seating. We are planning on staying outside as long as humanly possible, depending on the weather conditions. Unfortunately, our premises, does not allow us a contingency plan. Need less to say, this will severely limit the hours of our employees, if we loose outdoor seating. Our outdoor planned capacity will remain as currently existing. Outdoor propane heaters will be sufficient for the current outdoor seating. Although we are not part of the Plaza set up, we would like to request to continue the use of the area designated for Sunrise Pizza.

The Plaza has received so much positive feedback and it is what the community would like to keep enjoying.

Thank you for your help,  
Laura Policicchio  
Sunrise Pizza

### **Al Dente Pizza**

Good afternoon Mr. Usry ,

Sorry for the delay.

Al Dente pizzeria normally seats 16 with the tables I have indoors.

With the 50% indoor dining now do to COVID-19 we can seat 8 people or 2 tables.

So we could range from 1 person to 8 people but no more than 8 people.

We will love to have outdoor seating as long as we can it helps us tremendously with dining and even takeout because people like to eat outside no matter the weather it seams.

We have a small tent now and it wonderful. The costumers seam to love it.

I would be getting a bigger, higher tent so I can put heathers. We will also put heaters outside as well.

Keeping the outdoors going is tremendous to my business and to my staff. I have hired more waitresses and food runners to maintain the outside and the cleaning of the tables and chairs.

If we lose the outside seating I will not be able to keep those employees. We would have at best 50% capacity with 100% of the bills and overhead. I truly think the heaters and tents would be a Tremendous asset to all the businesses that are relying on them. It allows for a safe social distancing environment for all to enjoy. As for the back parking lot being an option, I think it would do more harm then good. But will make it work if that's the last resort. I want to keep my business alive and will do anything needed to do that.

Thanks again for your time and efforts.

Best Regards,  
Frank Santorelli

Al Dente Pizzeria Restaurant

## Longford's Ice Cream

thank you!

Our storefront is 400 square feet.

pre covid we had counter seating with four barstools and two tables indoors with six chairs.

BUT, we would allow customers to form a line indoors without social distancing. (packed store)

following covid guidelines, we removed the indoor seats. we are serving customers outdoors only. if we follow guidelines, only 1-3 individual customers would be allowed in at one time. The flow of business would be interrupted and customers would be discouraged. The average family out for ice cream is 3-5 people. that would not work for this size storefront. Longfords relies on the outdoor seating to stay in business. :)

Our plan for fall/winter is to continue serving customers at the door ( outdoors) and take out orders only . We have tents and umbrellas for rainy days and purchased heat lamps for colder days. Customers are very satisfied with our set up.

If the seating is taken away, I will cut staff and Longfords will most likely not survive business this year. For 25 years prior, we have survived because of a packed store. If purchase street reopens, i wanted to request for elm place to remain closed. The wine bar and Aldente would agree. I have copies of the petition we started. The community loves the outdoor dining area and we have served a lot of new customers from outside of Rye.

please consider another month or two for outdoor seating. Customers love ice cream year round!! That's why we have served Rye for 25years!!

Thank you, Christine

Good afternoon,

I am writing to you in regards to the Purchase Street Plaza and the possibility of losing it.

I am writing on behalf of Longford's Ice Cream on Elm Place. Overall, this was the most challenging summer i have ever operated in my twenty five years at Longfords. Back in April, I couldn't see us surviving the season, and feared we would be finally forced to close our doors. With the help of the Rye Chamber and the loyal community, we fought daily to remain open. The street closure and outdoor seating truly saved our business. The reason being, I operate a significantly small space in Rye. The indoor space we have reserved for customers totals to 150 square feet. Social distancing in our quarters is nearly impossible. During a normal summer, we are used to having our storefront packed with customers. This summer we understood that was not an option. Thankfully so, the outdoor dining gave us the opportunity to serve the community in accordance with CDC guidelines in an efficient manner. It allowed us to operate as normally as possible, with customers making note that they appreciate the expanded outdoor area.

While most residents usually vacation outside of Rye. Covid had changed all of that. The outdoor seating became the residents' new pastime, as it was a safe and appropriate way to leave the house and socialize. We were able to operate like a regular business because of the outdoor dining. All of the feedback from the customers was positive. They would ask "how long will you have the seating?" My response was always "it gets voted on monthly." I strongly believe the outdoor seating would benefit Rye every season. Yes, maybe things need to be adjusted. But this was the best idea for this challenging year.

I can only speak for Longford's, but we have well acclimated to the situation. We implemented new registers, as well as handheld wireless ordering tablets and upgraded phone order-procedures. We've added tables, umbrellas, tents, sanitizers, heat lamps, new staff, cleaning staff, adjustments to websites, and advancements to social media. All of this was at the business expense to operate efficiently this season.

My questions for the complaining retailers, WHAT DID YOU DO? I am here daily day and night. I walk the streets every day. Only the same few retailers changed their operation. They did not change store hours, they are not on social media, they did not build websites. The restaurants are most affected by the pandemic. The capacity restrictions hurt the businesses in a huge way. They limit tables available during the lunch and dinner rushes. Rye likes to dine between 7 and 9pm. That is a lot less table reservations if indoor dining is only an option. Customers are still scared to dine indoors. If we move indoors, restaurants will cut staff and more people will be without jobs. These are the same loyal staff that helped fight through the challenging times. Laying them off is devastating. All because why? Because the retailers are complaining.

I will fight for the Plaza Seating to stay open until November. I will fight for even just Elm Place to stay open until November. We need the outdoor dining to survive the season and to help save for the long winter ahead. Please reconsider keeping the plaza going as long as possible.

Thank you, Christine Vita Santorelli

Rye Bar and Grill

Restaurant

- A. What is their indoor seating capacity as configured (pre Covid)? 433
- B. What is the estimated revised inside capacity, while meeting current State guidelines, including those with respect distancing and percent of capacity (number and as percentage of (a)) 219
- C. Current outdoor seating capacity? 180
- D. What are the current cold weather plans for outdoor dining  
Heating in 1 section that seats 126
- E. How long would you stay outside assuming the City provided location  
As long as possible
- F. If outdoor seating isn't provided do you have contingency plans/can you operate based upon indoor only? yes, but capacity lower volume
- G. How would this affect your staffing, nights open etc?  
less staff if no outdoors
- H. Planned outdoor capacity  
180
- I. Describe tenting, heaters  
How does 1-4 change if your outdoor location is moved to a rear parking lot (if applicable).  
Doesn't change
- J. What other physical changes do you recommend the City take re roads, sidewalks, handicap access, public safety etc. (related to the Plaza set up).  
Keep 2<sup>nd</sup> street closed down as long as possible

Noga Ruttenberg  
Assistant to the City Manager  
City of Rye, New York  
1051 Boston Post Road | Rye, New York | 10580  
O: 914-967-7404 | [nruttenberg@ryeny.gov](mailto:nruttenberg@ryeny.gov) | [www.ryeny.gov](http://www.ryeny.gov)

Michael Fabry - Owner  
mfabry@pearlmgm.com



# CITY COUNCIL AGENDA

DEPT.: Comptroller

DATE: September 30, 2020

CONTACT: Joe Fazzino, Deputy Comptroller

**AGENDA ITEM:** Update on the City's current financial position.

**FOR THE MEETING OF:**

October 7, 2020

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:**

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

**CITY OF RYE  
MEMORANDUM**

TO: Greg Usry, Interim City Manager & Rye City Council  
FROM: Joseph Fazzino, Deputy City Comptroller  
RE: Effect of Coronavirus on City Revenues and Expenditures  
DATE: October 5, 2020

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On December 21 2019 the Rye City Council adopted the 2020 City of Rye General Fund operating budget. This included a \$25,416,958 property tax levy and \$13,340,311 in revenues other than property taxes or 34% of all General Fund revenues. Given the COVID-19 global pandemic, many of these revenue sources will be significantly less than budgeted for in 2020. City Staff had given initial projections of revenue shortfalls in May. There have also been additional expenditures, due to COVID-19 related and unrelated items and savings due to conservative budgeting and vacant positions across City departments. As more data has been collected and more information received, some of these assumptions have changed, putting the City in a better position than initially projected. I have highlighted a few of these revenues below.

- **Sales & Use Taxes** - 2020 Budget \$3,000,000 / 2020 Projection \$2,800,000

The City has received sales tax results through the month of August. Based on the information received, we are cautiously optimistic that 2020 results will meet budget. Given the continued uncertainty surrounding COVID -19, we remain conservative in our projection with an estimate of \$2.8 million.

- **Fire Overtime Expense** – 2020 Budget \$350,000 / 2020 Projection \$1,038,450

The 2020 projection of Fire department overtime expense has increased, as a result of vacation positions remaining unfilled and an additional retirement. With the hiring of an additional firefighter, expected shortly, overtime expense is expected to decline slightly for the remainder of the year.

- **Police Overtime Expense** – 2020 Budget \$405,000 / 2020 Projection \$130,000

Due to a continued high volume of utility projects, a large of portion of police overtime has been or will be reimbursed by utility companies. As part of the 2021 budget process, 2020 projections show a net cost to the city of \$130,000; a variance of \$275,000.

- **Rye Recreation Net Cost** – 2020 Budget \$1,856,655 / 2020 Projection \$1,960,769

With the cancellation of summer camp, the recreation department lost its largest source of revenue, but also realized savings from the lack of expenses related to not only camp, but other programs that were shut down due to the pandemic. There were other programs run by Recreation Staff and planned for in the 4<sup>th</sup> quarter that have resulted in a projected loss of roughly \$76,000 less than initially estimated in June.

- **Employees' Salaries, Benefits and Taxes (Excluding amounts listed above)** – 2020 Budget \$18,849,256 / 2020 Projection \$16,898,597

Given the uncertainties initially projected due to the pandemic, City Management implemented a hiring freeze, effectively creating savings for vacant or budgeted positions throughout various departments in the City. From May to September, there were additional resignations/retirements, creating further positions that remained unfilled, resulting in additional savings. Positions that were subject to the hiring freeze are expected to be filled by November. These positions were vacated much longer than first projected, resulting in even more savings to the City.

- **Retiree Health Insurance** – 2020 Budget \$2,151,950 / 2020 Projection \$1,902,988

The 2020 Budget included a conservative estimate of 10% for increased retiree healthcare costs. 2020 premium rates actually decreased compared to 2019 rates, resulting in these savings.

- **Contingency Budget** – 2020 Budget \$350,000 / 2020 Projection \$0

In line with prior years, the City's contingency account was budgeted at \$350,000. This amount is usually reserved for legal bills, harsh winters, or natural disasters. After discussion with Corporation Counsel and City Management and given the fact that all union contracts are currently settled, there is no expectation of legal costs exceeding budget. The attached spreadsheet shows unreimbursed Covid-19 expenditures of \$150,000 and an additional supplement to 2020 Rye Town Park operations of \$50,000. There could also be unreimbursed expenditures related to Tropical Storm Isaias. If these assumptions hold true, the Contingency account is anticipated to be available to offset these losses.

Respectfully submitted,

Joe Fazzino  
Deputy City Comptroller

**CITY OF RYE - FY 2020 AT RISK REVENUE & UNANTICIPATED EXPENSES**

<b>GENERAL FUND REVENUES (OTHER THAN PROPERTY TAXES)</b>	<b>2020 ADOPTED</b>	<b>PROJECTION AS OF 10/6</b>		
		<b>ADJUSTED</b>	<b>VARIANCE</b>	<b>% Δ</b>
<b>CONSUMPTION:</b>				
SALES & USE TAX	3,000,000	2,800,000	(200,000)	-7%
PARKING METER REVENUE	436,000	240,000	(196,000)	-45%
PARKING FINES	375,200	340,000	(35,200)	-9%
MOVING VIOLATION FINES	225,000	120,000	(105,000)	-47%
HOTEL OCCUPANCY TAX	160,000	50,000	(110,000)	-69%
<b>SUB TOTAL</b>	<b>4,196,200</b>	<b>3,550,000</b>	<b>(646,200)</b>	<b>-15%</b>
<b>REAL ESTATE:</b>				
MORTGAGE TAX	1,600,000	1,600,000	-	0%
BUILDING PERMITS	1,400,000	1,100,000	(300,000)	-21%
<b>SUB TOTAL</b>	<b>3,000,000</b>	<b>2,700,000</b>	<b>(300,000)</b>	<b>-10%</b>
<b>STATE AID:</b>				
STATE AID REVENUE SHARING	1,208,024	966,419	(241,605)	-20%
<b>TOTAL VARIANCE FROM 2020 ADOPTED</b>	<b>8,404,224</b>	<b>7,216,419</b>	<b>(1,187,805)</b>	<b>-14%</b>
<b>GENERAL FUND EXPENSES (UNANTICIPATED)</b>				
	<b>2020 ADOPTED</b>	<b>PROJECTION AS OF 10/6</b>		
		<b>ADJUSTED</b>	<b>VARIANCE</b>	<b>% Δ</b>
<b>FIRE:</b>				
FIRE FIGHTER - ADDED O/T	350,000	1,038,450	688,450	196.70%
<b>POLICE:</b>				
POLICE OVERTIME - NET REIMBURSE	405,000	130,000	(275,000)	-67.90%
<b>COVID-19 RELATED:</b>				
PPE, SANITIZER, PLEXIGLASS, ETC	-	150,000	150,000	n/a
<b>RYE TOWN PARK:</b>				
CITY RESPONSIBILITY FOR SHORTFALL IN RTP OPERATIONS	50,000	100,000	50,000	100.00%
<b>RYE RECREATION:</b>				
NET OPERATING LOSS DUE TO CAMP/ PROGRAM CANCELLATIONS		104,114	104,114	n/a
<b>EMPLOYEE SALARIES AND BENEFITS (OTHER THAN ABOVE):</b>				
SALARIES	13,975,317	12,704,511	(1,270,806)	-9.09%
PAYROLL TAXES	1,139,636	1,051,556	(88,080)	-7.73%
EMPLOYEE HEALTH INSURANCE	2,625,419	2,130,832	(494,587)	-18.84%
WORKERS' COMPENSATION	1,108,884	1,011,698	(97,186)	-8.76%
RETIREE HEALTH INSURANCE	2,151,950	1,902,988	(248,962)	-11.57%
CONTINGENCY	350,000	-	(350,000)	-100.00%
<b>TOTAL VARIANCE FROM 2020 ADOPTED</b>	<b>19,654,256</b>	<b>18,421,161</b>	<b>(1,832,057)</b>	<b>-9.32%</b>
<b>COMBINED PROJECTED BUDGET SURPLUS</b>		<b>644,252</b>		

**CITY OF RYE - FY 2020 POTENTIAL EXPENSE REDUCTIONS**

<b>GENERAL FUND EXPENSES (Potential Reductions)</b>	<b>2020 ADOPTED</b>	<b>PROJECTION AS OF 10/6</b>		
		<b>ADJUSTED</b>	<b>VARIANCE</b>	<b>% Δ</b>
<b>PROPOSED CAPITAL EXPENDITURES:</b>				
STREET RESURFACING	1,800,000	<b>1,000,000</b>	<b>(800,000)</b>	<b>-44%</b>
DPW VEHICLES & EQUIPMENT	450,000	<b>50,000</b>	<b>(400,000)</b>	<b>-89%</b>
SEWERS & DRAINS	350,000	<b>350,000</b>	-	<b>0%</b>
CITY BUILDING ASSESSMENT	150,000	-	<b>(150,000)</b>	<b>-100%</b>
POLICE VEHICLES & EQUIPMENT	315,300	<b>150,000</b>	<b>(165,300)</b>	<b>-52%</b>
TRAFFIC LIGHTS/PED. SAFETY	100,000	-	<b>(100,000)</b>	<b>-100%</b>
SIDEWALKS	100,000	-	<b>(100,000)</b>	<b>-100%</b>
CITY BUILDING IMPROVEMENTS	50,000	-	<b>(50,000)</b>	<b>-100%</b>
<b>SUB TOTAL</b>	<b>3,315,300</b>	<b>1,550,000</b>	<b>(1,765,300)</b>	<b>-53%</b>
<b>2020 CONSULTANT EXPENDITURES</b>				
PARKING	50,000	-	<b>(50,000)</b>	<b>-100%</b>
RECORD RETENTION	50,000	-	<b>(50,000)</b>	<b>-100%</b>
TECHNOLOGY	50,000	-	<b>(50,000)</b>	<b>-100%</b>
<b>SUB TOTAL</b>	<b>150,000</b>	-	<b>(150,000)</b>	<b>-100%</b>
<b>TOTAL VARIANCE FROM 2020 ADOPTED</b>	<b>3,465,300</b>	<b>1,550,000</b>	<b>(1,915,300)</b>	<b>-55%</b>



# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: September 30, 2020

CONTACT: Greg Usry, Interim City Manager

**AGENDA ITEM:** Discussion of Leaf Blower  
Law status.

**FOR THE MEETING OF:**

October 7, 2020

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:**

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**



# CITY COUNCIL AGENDA

DEPT.: City Manager

September 30, 2020

CONTACT: Greg Usry ,Interim City Manager

**AGENDA ITEM:** Announcement of Police Review Committee.

**FOR THE MEETING OF:**

October 7, 2020

**RYE CITY CODE,  
CHAPTER  
SECTION**

**RECOMMENDATION:**

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

Information can be found on the City website at <https://www.ryeny.gov/government/corporation-counsel/police-review>.

Committee members:

Rick Acevedo  
Jenn Boyle  
Gabriele Caputo  
Tony Castro  
Josh Cohn  
Guy Dempsey Co-Chairman  
Bart DiNardo  
Rob Falk  
Lisa Dominici Co-Chairman  
Daniel Gropper  
Jamie Jensen  
Carolina Johnson

Ted Livingston  
Daniel Love  
Patrick McGovern  
Ben Stacks  
Corey Stark  
Ingraham Taylor  
Greg Usry  
Susan Watson  
Genevieve Weber  
Amanda Yannett



# CITY COUNCIL AGENDA

DEPT.: Planning

DATE: September 30, 2020

CONTACT: Christian K. Miller, City Planner

**AGENDA ITEM:** Council consideration of 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. Public comment will be taken at a future date. Council will discuss latest submission, which is also available to the public, regarding petitioner’s response to previous comments. The public hearing and SEQRA discussion will be adjourned for a future date.

**FOR THE MEETING OF:**

October 7, 2020

**RYE CITY CODE,**

CHAPTER  
SECTION

**RECOMMENDATION:** That the City Council review the latest submission.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** See attached responses as well as new public comments submitted.

**THE OSBORN**  
**CITY OF RYE**  
**WESTCHESTER COUNTY, NEW YORK**

**ZONING TEXT AMENDMENT PETITION**  
**RESPONSE TO COMMENTS**

Prepared for Submission To:

**CITY OF RYE CITY COUNCIL**

September 2020

McGULLOUGH, GOLDBERGER & STAUDT, LLP

ATTORNEYS AT LAW

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

FRANK S. McCULLOUGH, JR.  
JAMES STAUDT  
LINDA B. WHITEHEAD  
SETH M. MANDELBAUM

AMANDA L. BROSY  
EDMUND C. GRAINGER, III  
PATRICIA W. GURAHIAN  
MEREDITH A. LEFF  
MORGAN H. STANLEY  
KEVIN E. STAUDT  
STEVEN M. WRABEL

CHARLES A. GOLDBERGER  
COUNSEL

September 28, 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 the 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 various associated improvements, including community facilities, office space, food preparation areas, and other support facilities needed to properly operate.

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. In order to provide adequate flexibility and to properly adapt The Osborn campus to the rapidly changing senior living market, it has been determined that revisions to the City of Rye Zoning Ordinance (the “Zoning Ordinance”) are necessary to codify zoning standards for the Property, and to provide a much-needed update to standards adopted nearly 30 years ago. The Osborn is therefore seeking a Zoning Text Amendment (the “Amendment”) to establish a new “R-2 Senior Living” special exception use in the R-2 District, together with related bulk and dimensional requirements. This Amendment will provide a critical framework within which The Osborn can plan for its future. This Petition is now back before the Council after undergoing extensive review with the Planning Commission, which has issued a positive recommendation.

We last appeared before the Council at its May 13, 2020 meeting, at which the Council opened the public hearing, and The Osborn was able to hear various comments from the Council and the public. Over the last four months, The Osborn has worked to engage with neighbors and the community on this proposal. The Osborn sent out multiple mailers to neighbors, posted notices at myrye.com, and created a unique page on The Osborn's website to provide information ([www.theosborn.org/zoning](http://www.theosborn.org/zoning)). The Osborn has also hosted several webinars to offer additional information and allow for greater dialogue and has created a dedicated email address ([zoning@theosborn.org](mailto:zoning@theosborn.org)) to field questions relating to the Amendment. The Osborn's website includes access to all materials filed with the City as well as a link to the informational presentation made during the most recent webinar for anyone who was unable to attend. The Osborn has endeavored to continue this dialogue with its neighbors. As of this writing, all emails sent to the dedicated email address have been personally replied to, and The Osborn is planning site walks with interested individuals.

Additionally, we have endeavored to respond to each of the questions raised at the last public hearing, and are pleased to enclose herewith a comprehensive log of all public comments received on the record, including responses to all issues raised, prepared by Divney Tung Schwalbe. For reference purposes, the comments and responses have been grouped under the topic headings outlined in The Osborn's March 2020 Zoning Text Amendment Petition binder.

The Osborn, which first opened its doors in 1908, is one of Rye's bedrock institutions, and like Rye, The Osborn has grown and evolved over the last 112 years. Today, The Osborn is the second largest taxpayer in the City,<sup>1</sup> and plays an active role in the Rye community. Community groups including the Rye Chamber of Commerce, Rye YMCA, Rye Nature Center, Rye Little League, and the Rye Free Reading Room, collectively receive about \$50,000 annually in financial support from The Osborn. On-campus community events include the WellSpring speaker series, plays, dance troupes, concerts, holiday events, and more. The Osborn also provides more than \$3 million annually in free care to seniors who have outlived their resources.

Those familiar with The Osborn's history will recall the dire financial position it found itself in not long ago. It was the Pathway 2000 plan that brought The Osborn back to fiscal stability and allowed The Osborn to become the institution we know it to be today. The Pathway 2000 plan and associated Covenants and Restrictions were approved by the City in 1993, nearly three decades ago. Since then, standards in senior living have changed at a rapid pace, and the current zoning criteria imposed on The Osborn have become outdated. The recent COVID-19 pandemic has only emphasized the importance of high standards of care for residents and the ability to adapt to a changing environment. The Osborn faces an industry that is not only changing, but one that is increasingly competitive, with new senior living facilities being developed throughout Westchester and Fairfield Counties.

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<sup>1</sup> The Osborn pays approximately \$2.3 million in annual property taxes. Of this, approximately \$1.3 million goes to the Rye City School District, while The Osborn, as a senior living facility, generates no school children.

It is in light of these factors that the requested Amendment has been proposed. The Amendment is intended to create a practical zoning framework for The Osborn to develop plans and assure its continued viability. Once formal zoning is in place, The Osborn would then be able to generate specific plans for review and discussion, which would be subject to additional City approvals and public hearings.

The proposed Amendment has been revised multiple times based on the input of the Rye Planning Commission and City staff and is the product of numerous in-depth planning discussions. The resulting proposal before the Council has been drafted with significant consideration given to proper zoning controls, and the Amendment imposes substantive restrictions relating to building height, bulk, location, screening, and preservation of green space, which have been used to carefully balance The Osborn's need for greater flexibility.

For all these reasons, it is respectfully submitted that this Amendment will provide a sensible blueprint, properly codified in the Zoning Ordinance, that The Osborn can use to plan for its future. Kindly place this matter on the October 7<sup>th</sup> City Council agenda, so that we may continue to discuss this Amendment with the Council. Thank you for your continued help and consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Steve Wrabel". The signature is fluid and cursive, with the first name "Steve" written in a more compact, stylized manner and the last name "Wrabel" written in a more open, flowing script.

Steven Wrabel

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

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# THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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COMMENT NUMBER	COMMENT/RESPONSE
	<p style="text-align: center;"><b><u>IV. THE OSBORN IN RYE</u></b></p> <p style="text-align: center;"><b><u>2.C Economic Benefits</u></b></p> <p style="text-align: center;"><b><u>Taxes</u></b></p>
101	What affect will the zoning request have on the amount of taxes, The Osborn would be paying to the City of Rye and the Rye City School District? - Jim Culyer, 40 Palisade Rd
2303	Significant increase in tax revenue paid to Rye aligned with a conventional commercial tax payor - John and Emily Powers, 23 Coolidge Ave
	The Rye City Assessor will review any future building/site improvements on the Osborn property and adjust its assessment values as appropriate, which would correspondingly adjust the associated taxes due.
1605	One thing that really bothers me is the fact that the Osborn community still pays reduced taxes. If this is important enough to them, perhaps they will agree to paying 100% of taxes. I feel like there needs to be a significant give back to the community if this is considered. - Leslie Ebers, 138 Osborn Rd
2702	Does the Osborn Home even pay property taxes to Rye? - Nina Draddy, No address given
3507	If their tax exempt status were to be revoked would they still be contemplating this unneeded, seemingly profit-driven decision to expand? - Jonathan and Jennifer Wismer, 15 Franklin Rd
	As described in its Zoning Text Amendment Petition at Tab IV.2, The Osborn is the second largest taxpayer in the City of Rye. In 2019 The Osborn generated approximately \$2.3 million in taxes, which were payable to the Rye City School District (\$1.36 million), the City of Rye (\$.38 million), and Westchester County (\$.56 million).
	<p style="text-align: center;"><b><u>3.B. Proposed Scope of Improvements</u></b></p>
1201	Are they looking to build a 2nd building and where? Would that be covering the land that is at the corner of Osborn and Theall Road? - No name or address given
PH 103	She said it was impossible for neighbors to try and understand without a site plan. - Sue Drouin, 57 Morehead Dr
PH 902	They expressed concern over not having a plan with the proposed zoning changes. - Emily and John Powers, 23 Coolidge Ave
PH 501	She said that the presentation was much more comforting than she expected it to be. She said she has concerns about proposing a zoning change without a site plan, as the impacts are hard to understand. She said she would hope the Council would wait until

## THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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- the applicant has some sort of a plan.  
-Leslie Ebers, 138 Osborn Rd
- 3801 Growth does happen over time and reasonable change can happen IF the City Council, the Planning Commission and the Architectural Review Board pay extremely careful attention to the open charm and historical character that must be retained here. Can the buildings be kept low and historically styled?  
- Elaine Lerner, 59 Franklin Ave

The Osborn has petitioned the City of Rye to amend the City zoning ordinance to add a new “R-2 Senior Living” special exception use in the R-2 District. No specific buildings are being proposed at this time. One of the R-2 Senior Living zoning parameters proposed at Tab II, Exhibit A of the petition would increase the current minimum required building setback along Osborn Road from 160 feet to 240 feet, so no buildings would be permitted within 240 feet of the Osborn property line at the corner of Osborn and Theall Roads.

- 1603 Additionally, there will be an increase in needed parking. Having cars parked in a former green space is worse yet.  
- Leslie Ebers, 138 Osborn Rd

The Osborn has petitioned the City of Rye to amend the City zoning ordinance to add a new “R-2 Senior Living” special exception use in the R-2 District. No specific parking locations are being proposed at this time. Under the R-2 Senior Living zoning parameters proposed at Tab II, Exhibit A of the petition, parking would not be permitted within required yards adjoining or across the street from a single-family residence or school.

### Construction

- 301 Our public services, roads and infrastructure, families, environment, and the Osborn elementary school community are already stressed by this construction. In addition, the school will be undertaking major renovations soon and even more construction in this area is most unwelcome to the surrounding neighborhoods.  
- Sue Drouin, 57 Morehead Dr
- 1601 Now, it is proposed that the Osborn build closer on our side of the Theall Road/Osborn Road. I have a 6 and an 8 year old that walk to school at Osborn. I do not want them walking through an active construction site. Especially not a construction site that could be active for a decade or more  
- Leslie Ebers , 138 Osborn Rd
- 1901 The parking at 2.30-3.15pm on school days is terrible and adding construction to that area would cause huge congestion as well as danger to the young children on foot.  
- Caroline Houghton, 41 Claremont Ave
- 2001 First the construction over a 10 to 15 year next to an elementary school with young lungs inhaling dust and fumes everyday.  
- Jennifer Leahy, 192 Central Ave
- 2403 Construction over multiple years in such close proximity to an elementary school where children are outside playing throughout the day will not only have health effects, but also will be a consistent source of noise.

## THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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- 2502                   - Hellen Keller, 81 Osborn Rd  
First the construction over a 10 to 15 year next to an elementary school with young lungs inhaling dust and fumes everyday.
- 2701                   - Christine Sasse, 81 Bradford Ave  
It's too much congestion, traffic and dust, pollution surrounding Osborn school. The time period of construction is over way too long a period and piggy backed right into the St Regis project. It will paralyze traffic for years.
- 3201                   - Nina Draddy, No address given  
Osborn Road is a very busy road during the school day, filled with cars as parents drop off and pick up their children; any increased traffic would be untenable. The increased traffic from construction crews, staff and visitors would also put our children at risk. As proposed, the two playgrounds at Osborn School would back up to construction areas and multi-story buildings. This would significantly affect the school experience for these very young children.
- Sean and Catherin Plummer, 111 Osborn Rd

The Osborn has petitioned the City of Rye to amend the City zoning ordinance to add a new “R-2 Senior Living” special exception use in the R-2 District. No specific buildings or building locations are being proposed at this time. There is no change proposed to the 160-foot minimum building setback within the Osborn site adjoining the Osborn School and there are no changes proposed to Osborn campus entry or exit drives. Special permit and site plan approval applications will be submitted to the City of Rye for each building or site improvement project and will include descriptions of proposed construction operations.

- 403                   How should one interpret such an application when even a question such as the projected timeframe of the project is indeterminate? Yet, in another place in the application it is listed as 10-15 years?
- 410                   - Mary Ann and Craig Haines, 2 Coolidge Ave  
Houses bordering the SW corner of The Osborn property are in the closest proximity to the proposed new builds and have the greatest potential for negative visual impact, decreased property value and effect on quality of life for a prolonged period of time. We would be subjected to continuous construction noise, traffic and disruption to our daily lives and routines. Approximately 2 years ago, the City undertook a project to replace sidewalks on the corner of Theall Rd, Osborn Rd, and Coolidge Ave. For an entire summer, we had construction materials stored on our property, noise related to construction, vehicles parked in no parking areas, destruction of our property, workers using our property as a lunch location and a port-a-potty stationed in front of our home. This greatly decreased our ability to enjoy our home and community. It is not an experience we would choose to repeat, in any capacity, particularly with the scale of the proposed construction compared to a much smaller project. The detrimental effect that a decade of construction would have on the neighborhood, the property values of our homes and quality of our lives is not reflected in the current proposal by The Osborn.
- Mary Anne and Craig Haines, 2 Coolidge Ave

## THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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As described in its Zoning Text Amendment Petition at Tab IV.3, The Osborn anticipates that its 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.” Construction would not be continuous during this period and would not result in any construction staging or material storage on adjoining properties.

- 405                   Answers to questions with respect to the noise levels generated by construction – for 10 to 15 years – were apparently indeterminate.
- 2003                   - Mary Ann and Craig Haines, 2 Coolidge Ave  
Noise from construction while our children are trying to concentrate and learn. Traffic is already a mess and dangerous for our community. Where would the construction workers park?? I am shocked Rye has allowed this to continue to happen with no regard for the tax payers. Who will be vetting the workers on the project to ensure no registered offenders are within the proximity to our children.
- Jennifer Leahy, 192 Central Ave

Current and future construction activities on The Osborn campus are and will be required to comply with applicable City of Rye Chapter 133 noise regulations.

- 402B                   There have been many near misses and accidents as a result of the construction workers parking on curbs, on hills, in ditches and anywhere they can find a spot. Local residents (Packard Ct, Old Post Road, etc) have taken to having signs/traffic cones erected on their streets to dissuade construction worker parking. If The Osborn project were allowed to proceed, where would these workers park for the next 10-15 years!?! Couple the current situation with the added parking, traffic and proximity to the Osborn School, it is a tragedy waiting to happen.
- Mary Ann and Craig Haines, 2 Coolidge Ave
- 802                   Has there been a proposed parking plan for construction vehicles?? Osborn Rd. and Theall Rd. are narrow streets and cannot accommodate a large construction crew. Coolidge, Harding and Florence and narrow residential streets and we certainly do not want construction workers on our streets.
- Karen Nolte, 31 Florence Ave
- 901                   Would you let us know where construction vehicles and project employee vehicles would park during the course of the project? We recall driving past the construction at the St. Regis and seeing numerous vehicles parked alongside Playland Access Drive. This is a hazardous situation that should not be replicated.
- Joe and Kim Rotondo, 5 Woods Ln
- 2504                   Noise from construction while our children are trying to concentrate and lean. Traffic is already a mess and dangerous for our community. Where would the construction workers park, the St Regis parking has been a mess they have parked everywhere along the street and have ripped up the grass and it looks absolutely horrible.
- Christine Sasse, 81 Bradford Ave
- 3502B                   There have been many near misses and accidents as a result of the construction workers parking on curbs, on hills, in ditches and anywhere they can find a spot. Local residents (Packard Ct, Old Post Road, etc) have taken to having signs/traffic cones erected on their streets to dissuade construction worker parking. If The Osborn project were allowed to proceed, where would these workers park for the next 10-15 years!?! Couple

## THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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the current situation with the added parking, traffic and proximity to the Osborn School, it is a tragedy waiting to happen.

- Jonathan and Jennifer Wismer, 15 Franklin Rd

The Osborn has petitioned the City of Rye to amend the City zoning ordinance to add a new “R-2 Senior Living” special exception use in the R-2 District. No specific buildings or building locations are being proposed at this time. Special permit and site plan approval applications will be submitted to the City of Rye for each building or site improvement project and will include descriptions of proposed construction operations. Per Osborn policy, no parking associated with any Osborn activities, including construction, is permitted on adjoining Rye streets.

402C

What happens when a construction vehicle overturns on the corner of Theall and Osborn as one did when exiting I95 onto Playland Access? What will be the projected traffic patterns should one or more of the bordering streets, such as Theall Rd or Old Post Rd, need to be shut down to accommodate a new sewer or water line? How will that impact local residents and the Osborn School?

- Mary Ann and Craig Haines, 2 Coolidge Ave

2305

Agreement to restrict the construction impact on Rye roads

- John and Emily Powers, 23 Coolidge Ave

2601

1) The vast increase in construction creating downward pressure on homeowner property values due to the substantial build-up of one story to five story buildings. Both the long-term construction and the finished structures will damage property values. 2) The multi-year surge in construction related traffic, similar to what is seen around the corner at the St. Regis construction site on Playland Access road. This construction alone is already extremely dangerous during school drop-off and pick-up times. Elementary aged kids are forced to walk across streets barreling with massive construction vehicles indifferently racing to get to and from the job site. Anyone whose driven by there is aware of the danger as are the Rye Police, who clearly feel the need to monitor it constantly.

- Hope Vaughn, 2 Florence Ave

2802

We are concerned that the increased traffic of service vehicles, construction vehicles and new Osborn residents would impact the flow and safety of the area. Having witnessed the new construction around the St. Regis complex and the construction vehicles littered along the street there, we feel that this is a valid concern and would like to hear more about how the Miriam Osborn Memorial Home proposes to keep our children and families safe during construction and beyond.

- Aileen and Rob Brown, 57 Osborn Rd

3502C

What happens when a construction vehicle overturns on the corner of Theall and Osborn as one did when exiting I95 onto Playland Access? What will be the projected traffic patterns should one or more of the bordering streets, such as Theall Rd or Old Post Rd, need to be shut down to accommodate a new sewer or water line? How will that impact local residents and the Osborn School?

- Jonathan and Jennifer Wismer, 15 Franklin Rd

3505

Houses bordering the SW corner of The Osborn property are in the closest proximity to the proposed new builds and have the greatest potential for negative visual impact, decreased property value and effect on quality of life for a prolonged period of time. We would be subjected to continuous construction noise, traffic and disruption to our daily lives and routines. The detrimental effect that a decade of construction would have on

## THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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the neighborhood, the property values of our homes and quality of our lives is not reflected in the current proposal by The Osborn. The proposal states that the change in zoning (and resultant building) on The Osborn site “would not have any adverse impact on” ... the “City of Rye”. We beg to differ. For the foreseeable future, the residents of the City of Rye would have to endure the noise of construction, the traffic, potential damage to the environment, a decrease in our quality of living and the resultant decrease in our safety, property values, and aesthetic of the neighborhood.

- Jonathan and Jennifer Wismer, 15 Franklin Rd

The Osborn has petitioned the City of Rye to amend the City zoning ordinance to add a new “R-2 Senior Living” special exception use in the R-2 District. No specific buildings or building locations are being proposed at this time. There are no changes proposed or anticipated to Osborn campus entry or exit drives. Special permit and site plan approval applications will be submitted to the City of Rye for each building or site improvement project and will include descriptions of proposed construction operations, anticipated construction traffic and any proposed or required mitigation measures to minimize impacts on adjoining roads or properties.

### V. ENVIRONMENTAL ASSESSMENT

#### I.B. 1993 Declaration of Covenants and Restrictions

2302

Furthermore, the citizens of Rye are not being adequately compensated for the proposed alteration to previously negotiated agreements, which were designed to allow The Osborn to control its land use within several thoughtful restrictions. If the Osborn needs to change its operations, those changes should be self-funding and within the confines of the 1993 agreement. While I understand that the market for certain senior living services may have changed, and that certain Osborn buildings may be dated, the solution is for The Osborn to face its challenges within the current land use agreements. Solving the key problem put forward by The Osborn, that the marketplace has materially changed, can be addressed without a 50% increase in developed square footage. The Osborn does not need to sell off its campus beauty to solve an operating problem that is potentially overstated.

- John and Emily Powers, 23 Coolidge Ave

In his letter accompanying the Zoning Text Amendment Petition at Tab I, The Osborn’s President and CEO Matt Anderson notes that “*The Osborn was formed upon the death of Miriam A. Osborn in 1892... to establish a home to care for aged gentlewomen in needy circumstances.*” He then describes changes to the campus and its operations over the first 100 years that led to the Pathway 2000 comprehensive plan and The Osborn’s transition from a nursing home to a full continuing care retirement community.

Mr. Anderson also provides The Osborn’s rationale for the zoning text amendment request: “*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*

## THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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*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.”*

PH 1701

Asked if there was some way to get a history for why it was created as a covenant in the first place.

- Councilwoman Sara Goddard

After discussions with the former City Planner Fred Zepf, it was determined that the City’s preferred method of handling necessary zoning changes for the Pathway 2000 plan was a private agreement, which resulted in the Declaration of Covenants and Restrictions. The Declaration was drafted with input from the Planning Department, Corporation Counsel, and Planning Commission.

### I.C. Proposed Local Law Components

2101

We are very concerned about the proposed zoning changes that would allow the footprint and height of Osborn buildings to increase significantly.

- Margaux and Paul Lisiak, 439 Park Ave

At its February 27, 2019 meeting, the Rye City Council referred The Osborn’s zoning text amendment petition to the Rye Planning Commission for review and recommendation. Following several work sessions with and re-submissions by the Applicant during 2019, the Planning Commission issued an advisory opinion memo to the City Council on December 10, 2019 stating in part:

*“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...”*

*“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*

## THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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*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 Planning Commission’s 12/10/19 memo is attached to this comment and response document as Exhibit 1. The currently proposed zoning text included at Tab II, Exhibit A of the petition does not change the building coverage (footprint) limitation set forth in the 1993 Declaration and increases the minimum setbacks from property lines for five-story buildings from those required by the 1993 Declaration.

PH 104

She said that there should be more conversation in the community, and asked why the applicant would be pushing for this zoning change now.

- Sue Drouin, 57 Morehead Dr

In his letter accompanying the Zoning Text Amendment Petition at Tab I, The Osborn’s President and CEO Matt Anderson provides The Osborn’s rationale for the zoning text amendment request: *“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.”*

201

### Yard Setbacks

Allowing Independent Living Cottages and/or Hybrid Homes to be built with only a 100 foot set back along Theall Road nearly directly across from the Rye Manor will serve to destroy the bucolic nature of the current Osborn property landscape along Theall Road and could further serve to decrease residential property values in the surrounding area.

- Anne and James Slattery, 125 Osborn Rd

## THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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401 Similar to the concerns raised by the Planning Commission in their October 15, 2019 meeting, we have great concern about the proposed setback of only 100 feet along Theall Road. Currently, this highly trafficked road is offset only by the park like setting currently established on The Osborn site. With only a 100' setback along this thoroughfare, it would appear overbuilt and detract from the overall neighborhood. Although The Osborn has conceded to the Commission's recommendation of a 160' setback along Osborn Road, replacing the current one story cottages with 4-5 story apartment buildings would greatly affect the current visual – even from the street, as was noted by the Commission on October 29, 2019. It was postulated by The Osborn that because there are 'primarily office buildings' along Theall Rd it would be acceptable to have only a 100' setback in this area. It is not. The open, beautifully maintained, park-like setting of The Osborn is one of the reasons we chose to buy our home and makes this neighborhood unique. The proposal stated that the setback could contain storm water management, sidewalks and access drives, none of which improve the aesthetic of the community.

- Mary Ann and Craig Haines, 2 Coolidge Ave

503 Clearly extending the Osborn buildings any closer to Theall Road would be unwelcome for us. It appears that there will still be a strict minimum distance - 160 yards? - so that would help mitigate this but of course construction would be disruptive.

- Neil Middleton, 330 Theall Rd

1301 Adding 4-5 story buildings in that area, especially with a minimal set back will create many issues for the area.

- Bill Russo, 50 Coolidge Ave

2304 Substantially increased setbacks for anything over 2 stories

- John and Emily Powers, 23 Coolidge Ave

3501 We have great concern about the proposed setback of only 100 feet along Theall Road. Currently, this highly trafficked road is offset only by the park like setting currently established on The Osborn site. With only a 100' setback along this thoroughfare, it would appear overbuilt and detract from the overall neighborhood. Although The Osborn has conceded to the Commission's recommendation of a 160' setback along Osborn Road, replacing the current one story cottages with 4-5 story apartment buildings would greatly affect the current visual – even from the street, as was noted by the Commission on October 29, 2019. It was postulated by The Osborn that because there are 'primarily office buildings' along Theall Rd it would be acceptable to have only a 100' setback in this area. It is not. The open, beautifully maintained, park-like setting of The Osborn is one of the reasons we chose to buy our home and makes this neighborhood unique. The proposal stated that the setback could contain storm water management, sidewalks and access drives, none of which improve the aesthetic of the community.

- Jonathan and Jennifer Wismer, 15 Franklin Rd

The proposed zoning text included at Tab II, Exhibit A of the petition includes two requested changes to the minimum 160-foot yard setback applicable under the 1993 Declaration:

*“(f)(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.”* This proposed change would increase the required building setback from 160 feet to 240 feet along The Osborn's Osborn Road frontage.

*“(f)(3) Where an R-2 Senior Living Facility adjoins or is located across the street*

## THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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*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.”* Along Theall Road, the limited reduction in setback could be applied, subject to Planning Commission review, opposite the Rye Manor property (RA-5 district; minimum 25’ front yard required) and the office properties (B-4 district; minimum 100’ front yard required).

As the existing Osborn buildings along Theall Road are generally oriented on a grid set diagonal to the street, building corners rather than full facades are located closest to the street and have been landscaped so as to reduce their visual effect from the street. The Applicant anticipates that the Planning Commission would review any building extensions and landscaping proposed closer than 160 feet from Theall Road so as to maintain the existing landscape character of The Osborn campus when viewed from Theall Road.

3702

I also want to reiterate my concerns regarding the potential loss of the park like green space along the southwest corner of The Osborn's property at the corner of Osborn and Theall Roads. When we moved to Osborn Road in the spring of 2018 we were told by our real estate broker that the green space was owned by The Osborn and would be protected as green space per the zoning laws. While it is technically true that the current 160 ft setbacks allow buildings to be closer to Osborn Rd, the FAR cap would not allow it unless something was taken down. The Osborn is currently using .26 FAR versus the max FAR of .30 as set in the 1993 Declaration. We took comfort that the zoning laws would protect the green space. Since part of our decision to move to Osborn Road included the use of that green space, I can only assume that the loss of it would negatively affect our real estate value. Our family loves that green space and the thought of losing it truly saddens me. We throw a baseball with our kids over there, picnic under the trees and enjoy the open atmosphere on bike rides and walks. We have especially enjoyed the open space during the long days of quarantine. While it is true that the The Osborn could build closer to Osborn Rd given that there are no buildings close to the current 160 ft setback, the reality is that The Osborn is nearly maxed out on FAR and it seems highly unlikely that they would take down buildings to move them closer to Osborn Road without the increased FAR from this Zoning Amendment. The offer of an increased set back of 240 ft versus the currently 160 ft distorts the reality of the situation. The reality is that most of the garden cottages that are setback from Osborn Rd are closer to 400 or 450 ft back, so even at the increased give of a 240 setback as proposed in the zoning amendment, anything that is built along Osborn Rd would be much closer to the road than it currently is and would mean a loss of some of that beautiful green space. While the Osborn could currently build at 150, they haven't because there isn't FAR to do so, and even a 260 ft set back would feel like a loss versus the reality of the current 400/450 ft setbacks.

- Amanda Timchak, 61 Osborn Rd

As acknowledged by the commenter above, the “park like green space along the southwest corner of The Osborn’s property” is “owned by The Osborn.” In contrast the commenter later states that “part of our decision to move to Osborn Road included the use of that green space” and that “[w]e throw a

## THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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baseball with our kids over there, picnic under the trees and enjoy the open atmosphere on bike rides and walks.” As described in its Zoning Text Amendment Petition at Tab V.2.A, the Osborn’s trees and landscape features are integral components of its campus plan. The Osborn’s commitment to retain its “park-like” character when viewed from adjoining areas is further evidenced by its proposed R-2 Senior Living Facility zoning provisions to increase the required yard setback along its Osborn Road boundary from 160 to 240 feet, and to require “appropriate landscaping so as to provide effective visual screening” across the street from single-family residences. The Osborn campus, however, will remain private property and not a public open space.

### Building Height

- 2002 Five story buildings reduce the natural light into our school. Five story buildings looking right over our children playing.  
- Jennifer Leahy, 192 Central Ave
- 2501 I believe the rezoning is to allow them to get rid of the height restriction for 5 story buildings.  
- Christine Sasse, 81 Bradford Ave
- 2503 Five story building reducing the natural light into our school. Five story buildings looking right over our children playing.  
- Christine Sasse, 81 Bradford Ave
- 3402 Finally, we believe that the 60-foot limit that is proposed is too high, and should be reduced.  
- Emily and Jon Borell, 5 LaSalle Ave
- 3509A Regarding the 4- vs 5- story proposal, The St. Regis which is only 3 stories on a hill and towers over Old Post Road is already being built  
- Jonathan and Jennifer Wismer, 15 Franklin Rd
- 3703 The elevation of the land at a 240 ft setback is much higher than it is at the approximately 400 ft mark where the garden cottages currently are, so we are talking about the potential of twice as high (or more) buildings being built on top of a hill much closer to the Street. That means loss of space, as well of loss of quality of life resulting from the loss of the park like feel.  
-Amanda Timchak, 61 Osborn Rd
- 3803 More 4 or 5 story buildings will leave little green space in the neighborhood.  
-Elaine Lerner, 59 Franklin Ave
- PH 601 Said that there is an elevation where the structures currently sit. It looks much taller from the road and that needs to be addressed further. The two story structures there right now actually look much bigger than two stories.  
- Catherine Plummer, 111 Osborn Rd

Per the 1993 Declaration, the maximum building height currently permitted on The Osborn property is 5 stories, 75 feet, with minimum yard setbacks of 160 feet. As noted in the Rye Planning Commission’s 12/10/19 advisory memo to the City Council, “the revised text amendment increases property line setbacks for five-story buildings.” The proposed zoning text included at Tab II, Exhibit A of the petition provides that

*“Building height shall not exceed four (4) stories or 60 feet. Where proposed*

## THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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*buildings are set back at least 240 feet from 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.”*

As illustrated by the red dashed line on the zoning text amendment petition Exhibit V.1-4, the effect of this provision would be to reduce the permitted building height along the perimeter of the site to four stories. The current 5-story building height limit would only be permitted within the interior of the site, at a minimum distance of 240 feet from all boundaries except Osborn Road, where that minimum distance would be over 500 feet.

### **Floor Area Ratio**

2301

The Osborn can continue to thrive with the 0.30 FAR restriction that was put in place in 1993. There is no need to open-up this beautiful campus to a 50% increase in developed square footage to make way for 10 to 15 years of construction of five story buildings.

- John and Emily Powers, 23 Coolidge Ave

PH 901

Expressed concern about the site and discussed the increase of FAR.

- Emily and John Powers, 23 Coolidge Ave

## THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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At its February 27, 2019 meeting, the Rye City Council referred The Osborn's zoning text amendment petition to the Rye Planning Commission for review and recommendation. Following several work sessions with and re-submissions by the Applicant during 2019, the Planning Commission issued an advisory opinion memo to the City Council on December 10, 2019 stating in part:

*“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...”*

*“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 as viewed from adjacent streets and the aerial image of the site, which superimposes the proposed building setback boundaries. As development advance in the future these concerns will be again considered as part of a formal site plan application.”*

The Planning Commission's 12/10/19 memo is attached to this comment and response document as (Exhibit 1). In the Applicant's opinion, the currently proposed amendments have been formulated to achieve the balance of protections described by the Planning Commission above.

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



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## **CITY OF RYE Planning Commission**

### **Memorandum**

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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

Page 2 of 3

### **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

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### **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 – RESPONSES TO PUBLIC HEARING COMMENTS

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## 2.A. Trees

- 504 Disturbing the fantastic trees in the Osborn Park area would be a real shame if that is what is proposed. These are very mature trees, impossible to replace in short order.
- Neil Middleton, 330 Theall Rd
- 2602 The loss of green space and trees for Osborn school.
- Hope Vaughn, 2 Florence Ave
- 3506 The trees that would be removed are historic specimens and are irreplaceable. The Osborn just announced and touts itself as an 'arboretum.' They had proposed replacing any tree with 2 new trees, and the reality is that even planting 10 for every one removed would destroy the character of the grounds, visible on 3 sides by its neighbors. What example does this set for our children? "It's okay to tear down the environment as long as it makes us money." This is interesting as a great portion of the education in Rye is dedicated to respecting the environment and being a voice for change. Tearing down these trees is hypocritical at best.
- Jonathan and Jennifer Wismer, 15 Franklin Rd

As described in detail in its petition at Tab V.2.A, "trees have always been integral elements of the Osborn campus plan." The interest in establishing and maintaining a landscaped site began with The Osborn's co-founder, John Sterling, in the early twentieth century and continues to be evidenced by the 2019 tree inventory and assessment commissioned by The Osborn and its 2019 designation as a Level 1 Arboretum by ArbNet. By these recent actions, The Osborn acknowledges the importance of its tree resources for its residents, visitors and surrounding community.

While certain existing trees may be proposed for removal as part of future improvement projects (as were trees within the vicinity of the Pathway 2000 buildings), site plans to be submitted for Planning Commission review will include replacement evergreen and deciduous trees to maintain the landscape character of the Osborn campus.

- 1101 I am highly against the building/construction of anything, that that would destroy the natural environment of nature and animals, extending from the corner of Osborn St and Theall Rd to the school and/or westmed buildings.
- No name or address given
- 1202 What about the preservation of nature and wildlife in that area?
- No name or address given

The Osborn has petitioned the City of Rye to amend the City zoning ordinance to add a new "R-2 Senior Living" special exception use in the R-2 District. No specific buildings are being proposed at this time. One of the R-2 Senior Living zoning parameters proposed at Tab II, Exhibit A of the petition would increase the current minimum required building setback along Osborn Road from 160 feet to 240 feet, so no buildings would be located within 240 feet of the Osborn property line at the corner of Osborn and Theall Roads.

# THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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As described in detail in its petition at Tab V.2.A, “trees have always been integral elements of the Osborn campus plan.” The park-like setting of The Osborn has been and will continue to be beneficial to both its people and its suburban wildlife. As evidenced by its 2019 commissioning of an extensive tree inventory and maintenance plan, The Osborn acknowledges the importance of its trees and associated habitat for its residents, visitors and surrounding community.

## 2.B. Stormwater Management

- 404 Living at the southwest corner of The Osborn property, we have witnessed the runoff of rainwater first hand as it rushes down Osborn Road, and onto our street. How will this be managed going forward? How will construction affect current runoff patterns? What assurances can be offered to neighboring home owners that their properties will not be negatively impacted? Where will the proposed ‘on-site stormwater management facility’ be located and how will it be managed? The Westchester County Planning Board Referral Review has made suggestions with respect to parking allowances onsite so as to minimize runoff and flooding in the area.
- 2604 - Mary Ann and Craig Haines, 2 Coolidge Ave  
Environmental challenges and increased storm water issues.
- PH 402 - Hope Vaughn, 2 Florence Ave  
He also expressed concern that the stormwater basin would remain intact.
- Neal Middleton, 330 Theall Rd

As described in the Zoning Text Amendment Petition at Tab IV.2.B, the southwest portion of The Osborn campus drains to an existing on-site stormwater basin that was constructed as part of the Pathway 2000 improvements. All future building proposals will include existing and proposed drainage analyses and provide for stormwater management plans that meet all applicable City of Rye and New York State stormwater quantity and quality treatment requirements.

## 2.C. Views to Site

- 202 Allowing Independent Living Cottages and/or Hybrid Homes to be built to a height of 4 stories on Osborn property nearest to Osborn Road will radically negatively impact the streetscape of Osborn Road and could very possibly negatively impact residential property values along Osborn Road.
- Anne and James Slattery, 125 Osborn Rd
- 409 As mentioned previously, and as was brought forth by both the Planning Commission and the City Council, The Osborn is a beautiful, historic property which the City of Rye hoped to maintain as was evident in the 1993 ‘Declaration of Covenants and Restrictions’. While it is commendable of The Osborn to accept the Planning Commission’s recommendations on setbacks greater than 160’ in some areas of the property, the current structures are almost entirely within those limits now. The greatest proposed change to the current site is allowing 4-5 story structures where one

## THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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- story structures now exist and encroaching on Theall Rd. Despite the plan for ‘appropriate landscaping’ and ‘visual screening’, one cannot replace one story with four or five and expect a similar visual effect.
- 1001 - Mary Ann and Craig Haines, 2 Coolidge Ave  
The open green space and beautiful old trees on this corner are one of the draws to our quiet neighborhood. Our City’s Zoning laws are what they are in order to maintain and preserve the beauty of our City for all of our residents. Building a large facility in this corner will destroy this aesthetic and the peacefulness of our neighborhood. The unending construction at the St. Regis site on the Playland Access Road is a terrifying example of what could come should further large scale development be allowed on this site.
- 1303 - Rosalie Louw, 45 Osborn Rd  
Also, adding large buildings in the area (on top of the already in progress St. Regis project) will detract from the aesthetic and bucolic feel of Rye, which is one of it’s true selling points. Rye would begin to feel more like a city than the beautiful suburban neighborhood that we all love.
- 1602 - Bill Russo, 50 Coolidge Ave  
Green spaces are being lost and it has been lovely to see deer and other wildlife enjoying the space between the Osborn School and Theall Road. I am unable to see exactly where the buildings are suggested to be built. I would be just gutted to have them right up along Osborn Road.
- 2401 - Leslie Ebers, 138 Osborn Rd  
The existing cottages that are to be replaced were built with the intention of blending into the residential look and feel of the neighborhood. Multiple 4-5 story residential buildings certainly would not and would be looming over the elementary school’s playgrounds.
- 2803 - Helen Keller, 81 Osborn Rd  
In addition, we would appreciate the opportunity to learn more detail about the set-back and aesthetic plans as they relate to Osborn Road. It would be helpful if The Miriam Osborn Memorial Home could provide visuals showing the elevations of the buildings and landscaping they are proposing along Osborn Road. A poor design and too tight of an encroachment along Osborn Road could dramatically impact the property values of our homes.
- 3202 - Aileen and Rob Brown, 57 Osborn Rd  
Those of us who live on Osborn Road look out fondly at the green areas, at the many old oak trees and green grassy hills. To put a 4-5 story building at the top of these hills would tower over our quiet neighborhood. Furthermore, these new buildings would lack mature growth to provide 50+ feet of screening. Our views of trees and green would be replaced by increased traffic and multi-story buildings. The Osborn is also bordered by Theall Road and Boston Post Road, two very large, busy and non-residential roads that would accept a taller building without struggle.
- 3504 - Sean and Catherine Plummer, 111 Osborn Rd  
As mentioned previously, and as was brought forth by both the Planning Commission and the City Council, The Osborn is a beautiful, historic property which the City of Rye hoped to maintain as was evident in the 1993 ‘Declaration of Covenants and Restrictions’. While it is commendable of The Osborn to accept the Planning Commission’s recommendations on setbacks greater than 160’ in some areas of the property, the current structures are almost entirely within those limits now. The greatest proposed change to the current site is allowing 4-5 story structures where one story structures now exist and encroaching on Theall Rd. Despite the plan for ‘appropriate landscaping’ and ‘visual screening’, one cannot replace one story with four or five and expect a similar visual effect.
- Jonathan and Jennifer Wismer, 15 Franklin Rd

## THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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3805

Osborn property stated that they chose to purchase homes in Rye because of the open spaces. It is a real possibility that I might find myself facing some tall brick buildings in the future!

- Elaine Lerner, 59 Franklin Ave

As described in detail in its petition at Tab V.2.A, Trees, the landscaped character of the Osborn campus has been and remains an integral visual resource for its residents, visitors and the surrounding community. Per the 1993 Declaration, the maximum building height currently permitted on The Osborn property is 5 stories, 75 feet, within minimum yard setbacks of 160 feet. The proposed zoning text included at Tab II, Exhibit A of the petition includes three provisions that would limit the effect of future changes at The Osborn on existing views to the campus:

- Minimum yard setback for 5-story building height would be increased to 240 feet generally, and to over 500 feet from Osborn Road;
- Minimum yard setback along Osborn Road boundary for all buildings would be increased to 240 feet; and
- Landscaping would be specifically required in yards adjoining or across from single-family residences or schools

Tab V.2.C of the petition describes the effect of the first of these provisions on future views to the Osborn site. Existing photos of the campus taken from thirteen evenly spaced vantage points along its adjoining road frontages (Osborn Road, Post Road, Old Post Road, Theall Road) *“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.”*

The visual effects of increasing the minimum yard setback for future 5-story buildings 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.”*

406

Questions about potential light pollution were “TBD”.

- Mary Ann and Craig Haines, 2 Coolidge Ave

## THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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The Osborn has petitioned the City of Rye to amend the City zoning ordinance to add a new “R-2 Senior Living” special exception use in the R-2 District. No specific building or site improvements are being proposed at this time. All proposed site lighting will be included in future site plan applications to the Rye Planning Commission and will comply with all applicable City regulations.

PH 701

Asked the applicant how the plan to put in mature plantings that get to the proper height for screening.

- Sean Plummer, 111 Osborn Rd

While certain existing trees may be proposed for removal as part of future improvement projects (as were trees within the vicinity of the Pathway 2000 buildings), site plans to be submitted for Planning Commission review will include replacement evergreen and deciduous trees to maintain the landscape character of the Osborn campus and to provide the appropriate height for screening.

### 3.A. Sanitary Sewer

502

Disrupting / overloading the existing sanitary sewerage flows would also be extremely concerning for us i.e. could that effect our situation?

- Neil Middleton, 330 Theall Rd

PH 102

Said she was concerned about impacts of density and impacts on the infrastructure.

- Sue Drouin, 57 Morehead Dr

As described in its petition at Tab V.3.A, Sanitary Sewer, The Osborn’s “sanitary wastewater flows are conveyed into the City of Rye’s sanitary sewer system via four (4) existing service connections.” In coordination with the City Engineer’s office, The Osborn will be undertaking sewage flow monitoring near these existing connections to supplement information available from the City’s recent sanitary sewer evaluation survey so that future Osborn 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” to be available.

### 3.C. Natural Gas

407

Questions about the storage of petroleum and ‘chemical products’ both above and below ground were “TBD”.

- Mary Ann and Craig Haines, 2 Coolidge Ave

As described in its petition at Tab V.3.C, Natural Gas, The Osborn’s older buildings are served by dual fuel boilers, utilizing both piped natural gas and

heating oil stored in above-ground tanks. Heat and hot water systems for the newer buildings – Sterling Park, the Pavilion and the cottages – are fueled by non-interruptible natural gas. Dependent on Con Edison’s ability to provide natural gas when The Osborn’s future improvements are proposed, above-ground heating oil storage tanks may be required and would be shown and described in future site plan applications to the Rye Planning Commission.

**4.A. School District**

301 Our public services, roads and infrastructure, families, environment, and the Osborn elementary school community are already stressed by this construction. In addition, the school will be undertaking major renovations soon and even more construction in this area is most unwelcome to the surrounding neighborhoods.  
- Sue Drouin, 57 Morehead Dr

The Osborn has petitioned the City of Rye to amend the City zoning ordinance to add a new “R-2 Senior Living” special exception use in the R-2 District. No specific buildings or building locations are being proposed at this time. Special permit and site plan approval applications will be submitted to the City of Rye for each building or site improvement project and will include descriptions of proposed construction operations, anticipated construction traffic and any proposed or required mitigation measures to minimize impacts on adjoining roads or properties. The Osborn is unaware of the scope or timing of the referenced Osborn School renovations.

2306 Easement or other solutions to address the Osborn School parking and drop-off problems

- John and Emily Powers, 23 Coolidge Ave

2603 Inadequate setbacks and school land necessary off of Boston Post Road for an adequate parking lot for safe pick-up/drop-off zone.

- Hope Vaughn, 2 Florence Ave

3508 Inadequate setbacks and school land necessary off of Boston Post Road for an adequate parking lot for safe pick-up/drop-off zone.

- Jonathan and Jennifer Wismer, 15 Franklin Rd

The Osborn has petitioned the City of Rye to amend the City zoning ordinance to add a new “R-2 Senior Living” special exception use in the R-2 District. No specific buildings or building locations are being proposed at this time. There are no changes proposed to Osborn campus entry or exit drives, which are situated at significant distances from parking or pick-up/drop-off locations for the Osborn School. It is therefore not anticipated that the proposed zoning text amendment will have any effects on Osborn School parking or pick-up/drop-off conditions.

## THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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### 4.C. Circulation and Traffic

- 402A The current traffic situation in the area is untenable. Despite the Council's willingness previously to recognize the need to change the parking rules in the area, for which we are grateful and safer, traffic remains a huge issue. This is especially true at times of school pick up and drop off at Osborn. Enforcement of the current parking restrictions is less than adequate and leads to many cars stopped/standing/parked in clearly marked areas where none are allowed. At the best of times, traffic can flow in only one direction along the southern end of Theall Rd or along Osborn Rd at 3pm. This situation is made much worse by the current construction on Playland Access Rd (St. Regis Site). For those of us living in the area, coming/going from/to I95 or Playland Parkway is dangerous. Dropping off our children at RMS/RHS routes us past this area every day (in normal times).
- Mary Ann and Craig Haines, 2 Coolidge Ave
- 601A This particular area of Rye is centrally home to the Osborn School and the busy three-way intersection of Theall, Coolidge and Osborn Roads. We are concerned that such a vast project would impact the safety of the students as they make their way to and from school, with many walking/biking. Furthermore, the tight confines of such an intersection are already stressed and heavily traversed by cars and cannot handle further traffic and construction.
- Nez and Sabrije Mustafic, 145 Osborn Rd
- 701 As you know, Theall Road, Osborn Road and Coolidge Avenue are heavily congested during school pick up and drop off times. This construction will be a terrible traffic and safety issue for the children and families who are walking and driving.
- William and Jodi Childs, 14 Coolidge Ave
- 801 The traffic situation in my neighborhood has become unbearable during the school year. Between the hours of 2pm-4pm on school days, I have difficulty getting home due to all the congestion. With the flow of traffic from Osborn School already presenting a problem, The Osborn's proposed expansion project should not be permitted. Although my children are no longer students at Osborn School, I am concerned for the safety of the students. The flow of traffic on Osborn Rd is already horrendous. If this project is permitted, all of those headed for Harrison will divert their trip toward the residential Glen Oaks Drive.
- Karen Nolte, 31 Florence Ave
- 1001 Traffic on Osborn Road is already a safety concern particularly during school hours and dropoff/pick up times when parents park wait along the side of Osborn Road because there is no other place to park. We live directly across the street from the school, and it is nearly impossible to safely pull in and out of our driveway - let alone ensure that our children safely cross the street. There is no sidewalk on our side of the street and so crossing into this line of parked cars is the only option. Quite a harrowing one at that. In the short run, I shudder to think what this will be like if construction crews are also finishing their days in the middle of the afternoon while school is letting out - not to mention the addition of heavy construction vehicles to the mix. In the longer run after construction, additional structures on this corner will undoubtedly mean increased traffic on Osborn Road between Theall and Boston Post Road.
- Rosalie Louw, 45 Osborn Rd
- 1302 First and foremost, the added traffic during and after construction would be untenable. There is already way too much traffic in the area, especially during school drop off and pick up. Adding to this not only impacts the area environmentally, but it affects the safety of the kids in the neighborhood. Osborn Road and Theall Road are already unsafe for kids in the area. Adding to the traffic flow with these changes would make it extremely unsafe.
- Bill Russo, 50 Coolidge Ave

## THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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- 1304 Congestion in the area (traffic, parking, etc) is already at a pressure point and adding to this will only make it worse. There are already tons of cars zipping by my home on Coolidge Ave as people think of this as a passthrough. Adding to this volume makes it unsafe for my family and adversely affect property values. I have already have a neighbor leave the block because he feels it is unsafe for his young children. What will added traffic do to that?
- Bill Russo, 50 Coolidge Ave
- 2402 Congestion in the area (traffic, parking, etc) is already at a pressure point and adding to this will only make it worse. There are already tons of cars zipping by my home on Coolidge Ave as people think of this as a passthrough. Adding to this volume makes it unsafe for my family and adversely affect property values. I have already have a neighbor leave the block because he feels it is unsafe for his young children. What will added traffic do to that?
- Helen Keller, 81 Osborn Rd
- 2901 We already have a huge problem with traffic (and illegal parking) on Osborn Rd during school days for the past 10 years that we've been living at this address -- people parking indiscriminately, making sharp and speedy turns unsafely and parking in our cul-de-sac driveways (cul-de-sac for 1-9 Osborn), blocking residents and so on.
- Meera and Anupam Agarwal, 1 Osborn Rd
- 3001 Adding senior living near the Osborn School area near Theall Road and Osborn Road would be extremely disruptive to the community. This area is already congested with school children walking everyday to school, parents parking to pick kids up, and community members walking to the train or to work at the Osborn Senior Living Center.
- Kendall Truman, No address given
- 3502A The current traffic situation in the area in untenable. Despite the Council's willingness previously to recognize the need to change the parking rules in the area, for which we are grateful and safer, traffic remains a huge issue. This is especially true at times of school pick up and drop off at Osborn. Enforcement of the current parking restrictions is less than adequate and leads to many cars stopped/standing/parked in clearly marked areas where none are allowed. At the best of times, traffic can flow in only one direction along the southern end of Theall Rd or along Osborn Rd at 3pm. This situation is made much worse by the current construction on Playland Access Rd (St. Regis Site). For those of us living in the area, coming/going from/to I95 or Playland Parkway is dangerous. Dropping off our children at RMS/RHS routes us past this area every day (in normal times).
- Jonathan and Jennifer Wismer, 15 Franklin Rd
- 3601 We are very concerned about the traffic and school safety impact of this zoning change and would request that any approval considerations be postponed until public hearings are permitted.
- Katelin Berkowitz, 18 Harding Dr
- 3701 My family lives directly across Osborn Road from the school at 61 Osborn Road. There is no sidewalk on the southern side of Osborn Road, so my children, and the many other Osborn School students who live along Osborn Road, have no choice but to cross Osborn Road without the assistance of a Crossing Guard to get to school. I've raised this issue with our principal who shares our concerns, and with various City agencies. In addition to the many Osborn Road students who cross here there are additionally many children who live in the Glen Oaks neighborhood who may be able to access the crossing guard, but instead choose to take their shortest route to school. That means many more families crossing at the same unsafe place my children cross. I'm not condoning this choice, but the reality of the situation is that there are many students and their caregivers who cross at Osborn Road every day.

## THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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There are four main factors cause the safety concern for students cross at Osborn Road. They are: 1. Parking on the north side of the street, which is always full at school pickup time 2. The school parking lot exit is here, and cars that turn of the school parking lot to get onto Osborn Rd who have limited visibility because of the parked cars 3. Many people ignore the No Parking sign to the west of the school exit on Osborn Rd, creating a situation where kids have to be into the street to be able to look left and right for traffic. 4. There seems to be a generally high level of anxiety about getting to the school parking lot in time for pickup, so cars drive way too quickly through the school zone.

It is an accident waiting to happen. I've heard that a person was hit here a few years ago. I also watched a 4th grader narrowly avoid being hit here after school this fall. He was traumatized to say the least, but luckily not harmed physically.

This pedestrian safety issue is a concern completely aside from The Osborn Zoning amendment and I think it should be addressed as a stand alone issue, but it would be exacerbated by adding additional traffic and a construction zone into this area. I've also heard talk of a potential easement to the school to mitigate disaster that is pickup at Osborn School. While that may certainly help many families who drive to school, that seems to have the potential to double down on this very unsafe crossing situation.

I hope that the safety of the school children and their ability to get to and from school without harm is at the top of the list of concerns that The Osborn has should this or some version of this Zoning Amendment be passed and construction does occur.

-Amanda Timchak, 61 Osborn Rd

The Osborn has petitioned the City of Rye to amend the City zoning ordinance to add a new “R-2 Senior Living” special exception use in the R-2 District. No specific buildings or building locations are being proposed at this time. There are no changes proposed to Osborn campus entry or exit drives, which are situated at significant distances from parking or pick-up/drop-off locations for the Osborn School.

As described in its petition at Tab V.4.C, Circulation and Traffic, the vehicular traffic to and from The Osborn campus occurs primarily outside of area peak hours (weekdays 8 to 9 am and 5 to 6 pm) due to the age of its residents and shift-change times of its staff. It is therefore not anticipated that the proposed zoning text amendment or the future addition of independent living and assisted living units as presented will have any effects on Osborn School parking or pick-up/drop-off conditions or on area traffic circulation patterns.

## THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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- 408 As previously discussed, current enforcement of parking rules and regulations in the communities surrounding this proposed site is less than adequate. What protections will be in place for residents of the surrounding neighborhoods that they will be safe driving in the area? That their children will be safe walking to and from school? That children at school will not be subjected to unacceptable levels of noise pollution? That cars will not be parked in restricted areas, or even on The Osborn property detracting from the visual appeal that it now holds?
- Mary Ann and Craig Haines, 2 Coolidge Ave
- The Osborn has petitioned the City of Rye to amend the City zoning ordinance to add a new “R-2 Senior Living” special exception use in the R-2 District. No specific buildings or building locations are being proposed at this time. There are no changes proposed to Osborn campus entry or exit drives. Per Osborn policies, no parking associated with any Osborn activities is permitted on adjoining Rye streets and no vehicles not associated with Osborn residents, staff or visitors are permitted to park on its campus.
- 501 I could not ascertain whether any access from the Retirement Home onto Theall Road or Osborn Road is planned. If so, I think that would be extremely problematic. The stretches of road close to that intersection are already extremely busy at certain times of the day, largely of course because of the drop off zone for Osborn Elementary School, but also because it is a thoroughfare to Harrison railway station, a cut-through to the Westmed Medical center and to the I-95. I think there is already an accident waiting to happen for the many schoolchildren in then area, and any further traffic here would be extremely concerning. Osborn Road is quite narrow and when kids are being dropped off it becomes quite dangerous.
- Neil Middleton, 330 Theall Rd
- 1604 I certainly cannot stand the thought of there being new entrances either. IF it does pass, I beg of you to require only using the current entrances that exist for the Osborn community. Including during the construction process.
- Leslie Ebers, 138 Osborn Rd
- The Osborn has petitioned the City of Rye to amend the City zoning ordinance to add a new “R-2 Senior Living” special exception use in the R-2 District. No specific buildings or building locations are being proposed at this time. There are no changes proposed to Osborn campus entry or exit drives, which are situated at significant distances from parking or pick-up/drop-off locations for the Osborn School.
- 601B Furthermore, we still don’t know the full impact of the St. Regis project and the effect of an expected increase in vehicular and foot traffic.
- Nez and Sabrije Mustafic, 145 Osborn Rd
- 3509B [W]e have not begun to grapple with traffic problems of a fully-occupied St. Regis!
- Jonathan and Jennifer Wismer, 15 Franklin Rd
- PH 1101 Said that there had been traffic and parking issues, along with other unknowns bought by the St. Regis. With those issues and the Osborn School construction, the development here is of great concern. Mr. Childs expressed concern about the impact on the neighborhood.
- William Childs, 14 Coolidge Ave

## THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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In its January 10, 2017 resolution granting site plan approval to the now-named St. Regis Residences, the Rye Planning Commission noted that *“The Planning Commission (as did the City Council in its review of the zoning petition) considered multiple potential traffic improvements, but none were deemed required since the proposed development generates less peak hour traffic than the full occupancy of the existing office building on the property.”*

2801 Throughout our time here, we have witnessed the busy and congested traffic patterns of Osborn Road and Boston Post Road during school and post-school hours. We recognize that Osborn Road, Theall Road and Boston Post Road serve as access points for many children and families traveling to/from Osborn School and Rye High School and Middle School. With this said, our largest concern as it relates to the proposed project, would be for the safety of our local residents during and following the construction process.

- Aileen and Rob Brown, 57 Osborn Rd

3101 The traffic and safety of the children is already a major concern and changing the zoning to allow for a large development nearby will make the issue worse.

- Heather Rich, No address given

3503 As previously discussed, current enforcement of parking rules and regulations in the communities surrounding this proposed site is less than adequate. What protections will be in place for residents of the surrounding neighborhoods that they will be safe driving in the area? That their children will be safe walking to and from school? That children at school will not be subjected to unacceptable levels of noise pollution? That cars will not be parked in restricted areas, or even on The Osborn property detracting from the visual appeal that it now holds? That we will not be the unfortunate individuals subjected to a chemical spill and subsequent clean up? There are too many unanswered questions to ensure the safety of Rye residents and children attending the Osborn School

- Jonathan and Jennifer Wismer, 15 Franklin Rd

The Osborn has petitioned the City of Rye to amend the City zoning ordinance to add a new “R-2 Senior Living” special exception use in the R-2 District. No specific buildings or building locations are being proposed at this time. There are no changes proposed to Osborn campus entry or exit drives.

As described in its petition at Tab V.4.C, Circulation and Traffic, the vehicular traffic to and from The Osborn campus occurs primarily outside of area peak hours (weekdays 8 to 9 am and 5 to 6 pm) due to the age of its residents and shift-change times of its staff. Per Osborn policies, no parking associated with any Osborn activities is permitted on adjoining Rye streets and no vehicles not associated with Osborn residents, staff or visitors are permitted to park on its campus. It is therefore not anticipated that the proposed zoning text amendment or the future addition of independent living and assisted living units as presented will have any effects on area parking or traffic circulation patterns

## THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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- PH 201 She expressed concern over traffic issues. She also expressed concern over the potential development.  
- Daniela Arrendondo, No address given
- PH 301 She expressed concern over the pedestrian safety.  
- Amanda Timchak, 61 Osborn Rd
- PH 401 Expressed concern over the traffic and pedestrian safety.  
- Neal Middleton, 330 Theall Rd
- PH 1301 Expressed concern about traffic and pedestrian safety.  
-Natalie Auerbach, No address given
- PH 1401 Expressed concern over the impact to the neighborhood and pedestrian and traffic safety.  
- Christine Cote, Coolidge Ave  
Comments noted; please see traffic issue-specific responses above.

### GENERAL

- 1701 There appear to be a litany of issues, including inadequate setbacks, the replacement of one story cottages with 4-5 story apartments, the inevitable impact on local traffic and the safety of our children, environmental challenges with stormwater and ultimately the negative implications for property values throughout our neighborhood.  
- Max and Maggie Guimond, 24 Coolidge Ave
- 1801 We are opposed to the suggested changes for various reasons, and wanted to log this notification.  
- Fraser van Rensburg, 115 Osborn Rd
- 2201 We want to maintain the beauty and integrity of the green space in the community and prevent increased traffic and construction over many years in an area where there is a school and traffic is already a major issue.  
- Gabriela Hricko Angelich, 45 Walker Ave
- 3301 I wanted to express my concern and displeasure with the proposal. I am not only concerned about the safety of the kids at Osborn but also the increased traffic and over population of our town.  
- Chris Burke, No address given
- 3401 We feel that this is a terrible proposal- one that is giving The Osborn a huge increase in the FAR in exchange for a small give to the community. As residents of the adjacent neighborhood, we are focused on maintaining the beauty and green-space in the community, as well as preventing increased traffic and construction over prolonged periods of time. The increased traffic burden is something that will directly affect us- not only increased traffic during construction, but of course, after the new buildings are occupied as well. In addition to those points, we have environmental concerns as well - chemical storage, water run off, noise and light pollution, etc.  
- Emily and Jon Borell, 5 LaSalle Ave
- 3509C Plans to increase development and occupancy in the immediate vicinity should be slowed. Our public services, roads and infrastructure, families, environment, and the Osborn elementary school community are already stressed by this construction. In addition, the school will be undertaking major renovations soon and even more construction in this area is most unwelcome to the surrounding neighborhoods  
- Jonathan and Jennifer Wismer, 15 Franklin Rd
- 3802 I am recalling a case in point of the questionable style of the now closed TD Bank in town which is so far from the appearance of the rest of the buildings in town. The St. Regis property in its original sales pitch was not as dense as it has turned out.  
-Elaine Lerner, 59 Franklin Ave

## THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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- 3804 The Osborn project will change site lines for sure, and create issues with traffic, safety, and probably parking due to the increase in staff and visitor.  
-Elaine Lerner, 59 Franklin Ave
- 3806 The Osborn has been a good neighbor, and I, personally, do support it in many ways, however, I do not want to lose any property value due to its desire to save its bottom line.  
Those of us who have lived in Rye for decades remember the last zoning change-- The Osborn request came with a promise to not build anymore buildings after that project. And we believed it! What can be believed now?  
- Elaine Lerner, 59 Franklin Ave
- PH 101 She asked the council to wait to make a decision during this time. She expressed concern for the neighborhood character.  
-Sue Drouin, 57 Morehead Dr
- PH 202 Stated concern over the zoning change during the pandemic.  
- Daniela Arrendondo, No address given
- PH 801 Expressed concern over development and keeping to prior commitments. He asked the Council to go slow with the process.  
- Don McHugh, Coolidge Ave
- PH 1001 He asked for a delay to allow for public discourse and said that traffic here is an immense problem. He said he was concerned about the FAR and the future of the neighborhood.  
- Craig Haines, 2 Coolidge Ave
- PH 1201 Said she fully supports the Osborn, but is very concerned about giving away something for nothing. She said more information needs to be given with more public engagement before a decision is made.  
- Rosalie Louw, 45 Osborn Rd
- PH 1302 She said she was also concerned about aesthetics and the property values.  
- Natalie Auerbach, No address given
- PH 1501 Echoed the comments of neighbors and emphasized support for due process to voice opinions. He said he was concerned for the neighborhood.  
- Fraser VanRensburg, 115 Osborn Rd
- PH 1601 Expressed concern over traffic impacts and property values.  
- John Lovallo, 27 Hughes Ave
- 1401 There appear to be a litany of issues, including inadequate setbacks, the replacement of one story cottages with 4-5 story apartments, the inevitable impact on local traffic and the safety of our children, environmental challenges with stormwater and ultimately the negative implications for property values throughout our neighborhood.  
- John and Julia Lovallo, 27 Hughes Ave
- 1501 Please allow me more time to provide thorough and valid reasons for opposing this development.  
Please give residents enough time to OPPOSE development!!!! Environmentally and peacefully.  
- Barbara Beals, 300 Theall Rd

Comments noted; please see issue-specific responses in sections above.

## THE OSBORN COMMENT LETTER LIST

LETTER NO.	AUTHOR	ADDRESS	DATE OF LETTER
1	Jim Culyer	40 Palisade Rd	4-24-20
2	Anne and James Slattery	125 Osborn Rd	4-26-20
3	Sue Drouin	57 Morehead Drive	05-11-20
4	Mary Ann and Craig Hanes	2 Coolidge Ave	05-12-20
5	Neil Middleton	330 Theall Rd	05-10-20
6	Nez and Sabrije Mustafic	145 Osborn Rd	05-12-20
7	William and Jodi Childs	14 Coolidge Ave	05-12-20
8	Karen Nolte	31 Florence Ave	05-11-20
9	Joe and Kim Rotondo	5 Woods Lane	05-12-20
10	Rosalie Louw	45 Osborn Rd	05-11-20
11	No name given	No address given	05-12-20
12	No name given	No address given	05-12-20
13	Bill Russo	50 Coolidge Ave	05-12-20
14	John and Julia Lovallo	27 Hughes Ave	05-13-20
15	Barbara Beals	300 Theall Rd	05-13-20
16	Leslie Ebers	138 Osborn Rd	05-13-20
17	Max and Maggie Guimond	24 Coolidge Ave	05-13-20
18	Fraser van Rensburg	115 Osborn Rd	05-13-20
19	Caroline Houghton	41 Claremont Ave	05-13-20
20	Jennifer Leahy	192 Central Ave	05-13-20
21	Margaux and Paul Lisiak	439 Park Ave	05-13-20
22	Gabriela Hricko Angelich	45 Walker Ave	05-13-20
23	John and Emily Powers	23 Coolidge Ave	05-13-20
24	Helen Keller	81 Osborn Rd	05-13-20
25	Christine Sasse	81 Bradford Ave	05-13-20
26	Hope Vaughn	2 Florence Ave	05-13-20
27	Nina Draddy	No address given	05-13-20
28	Aileen and Rob Brown	57 Osborn Rd	05-13-20
29	Meera and Anupam Agarwal	1 Osborn Rd	05-13-20
30	Kendall Truman	No address given	05-13-20
31	Heather Rich	No address given	05-13-20
32	Sean and Catherine Plummer	111 Osborn Rd	05-13-20
33	Chris Burke	No address given	05-13-20
34	Emily and Jon Borell	5 LaSalle Ave	05-13-20
35	Jonathan and Jennifer Wismer	15 Franklin Rd	05-13-20
36	Katelin Berkowitz	18 Harding Drive	05-13-20
37	Amanda Timchak	61 Osborn Rd	06-03-20
38	Elaine Lerner	59 Franklin Ave	06-05-20

## THE OSBORN COMMENT LETTER LIST

PUBLIC HEARING 1 SPEAKER NO.	SPEAKER	ADDRESS	DATE OF HEARING
PH1-1	Sue Drouin	57 Morehead Drive	05-13-20
PH1-2	Daniela Arrendondo	No address given	05-13-20
PH1-3	Amanda Timchak	61 Osborn Rd	05-13-20
PH1-4	Neal Middleton	330 Theall Rd	05-13-20
PH1-5	Leslie Ebers	138 Osborn	05-13-20
PH1-6	Catherine Plummer	111 Osborn Rd	05-13-20
PH1-7	Sean Plummer	111 Osborn Rd	05-13-20
PH1-8	Don McHugh	Coolidge Ave	05-13-20
PH1-9	Emily and John Powers	23 Coolidge Ave	05-13-20
PH1-10	Craig Haines	2 Coolidge Ave	05-13-20
PH1-11	William Childs	No address given	05-13-20
PH1-12	Rosalie Louw	45 Osborn Rd	05-13-20
PH1-13	Natalie Auerbach	No address given	05-13-20
PH1-14	Christine Cote	Coolidge Ave	05-13-20
PH1-15	Fraser VanRensburg	No address given	05-13-20
PH1-16	John Lovallo	27 Hughes Ave	05-13-20
PH1-17	Councilwoman Sara Goddard	No address given	05-13-20

2020 Zoning Amendment Petition - Public Hearing Comments

Letter No.	Date	Author	Comment No.	Topic
1	4/24/2020	Jim Culyer	101	Taxes
2	4/26/20	Anne and James Slattery	201	Yard Setbacks
			202	Views to Site
3	5/11/2020	Sue Drouin	301	Construction
			302	School District
4	5/12/2020	Mary Ann and Craig Haines	401	Yard Setbacks
			402A	Circulation and Traffic
			402B	Construction
			402C	Construction
			403	Construction
			404	Stormwater Management
			405	Construction
			406	Views to Site
			407	Natural Gas
			408	Circulation and Traffic
			409	Views to Site
			410	Construction
5	5/10/2020	Neil Middleton	501	Circulation and Traffic
			502	Sanitary Sewer
			503	Yard Setbacks
			504	Trees
6	5/12/2020	Nez and Sabrije Mustafic	601A	Circulation and Traffic
			601B	Circulation and Traffic
7	5/12/2020	William and Jodi Childs	701	Circulation and Traffic
8	5/11/2020	Karen Nolte	801	Circulation and Traffic
			802	Construction
9	5/12/2020	Joe and Kim Rotondo	901	Construction
10	5/11/2020	Rosalie Louw	1001	Circulation and Traffic
			1002	Views to Site
11	5/12/2020	No Name Given	1101	Trees
12	5/12/2020	No Name Given	1201	Proposed Scope of Improvements
			1202	Trees
13	5/12/2020	Bill Russo	1301	Yard Setbacks
			1302	Circulation and Traffic
			1303	Views to Site
			1304	Circulation and Traffic
14	5/13/2020	John and Julia Lovallo	1401	General
15	5/13/2020	Barbara Beals	1501	General
16	5/13/2020	Leslie Ebers	1601	Construction
			1602	Views to Site
			1603	Proposed Scope of Improvements
			1604	Circulation and Traffic
			1605	Taxes
17	5/13/2020	Max and Maggie Guimond	1701	General
18	5/13/2020	Fraser van Rensburg	1801	General
19	5/13/2020	Caroline Houghton	1901	Construction

2020 Zoning Amendment Petition - Public Hearing Comments

Letter No.	Date	Author	Comment No.	Topic
20	5/13/2020	Jennifer Leahy- Same letter as 25	2001	Construction
			2002	Building Height
			2003	Construction
21	5/13/2020	Margaux and Paul Lisiak	2101	Proposed Local Law Components
22	5/13/2020	Gabriela Hricko Angelich	2201	General
23	5/13/2020	John and Emily Powers	2301	Floor Area Ratio
			2302	1993 Declaration of Covenants
			2303	Taxes
			2304	Yard Setbacks
			2305	Construction
			2306	School District
24	5/13/2020	Helen Keller	2401	Views to Site
			2402	Circulation and Traffic
			2403	Construction
25	5/13/2020	Christine Sasse- Same letter as 20	2501	Building Height
			2502	Construction
			2503	Building Height
			2504	Construction
26	5/13/2020	Hope Vaughn	2601	Construction
			2602	Trees
			2603	School District
			2604	Stormwater Management
27	5/13/2020	Nina Draddy	2701	Construction
			2702	Taxes
28	5/13/2020	Aileen and Rob Brown	2801	Circulation and Traffic
			2802	Construction
			2803	Views to Site
29	5/13/2020	Meera and Anupam Agarwal	2901	Circulation and Traffic
30	5/13/2020	Kendall Truman	3001	Circulation and Traffic
31	5/13/2020	Heather Rich	3101	Circulation and Traffic
32	5/13/2020	Sean and Catherine Plummer	3201	Construction
			3202	Views to Site
33	5/13/2020	Chis Burke	3301	General
34	5/13/2020	Emily and Jon Borell	3401	General
			3402	Building Height
35	5/13/2020	Jonathan and Jennifer Wismer	3501	Yard Setbacks
			3502A	Circulation and Traffic
			3502B	Construction
			3502C	Construction
			3503	Circulation and Traffic
			3504	Views to Site
			3505	Construction
			3506	Trees
			3507	Taxes
			3508	School District
			3509A	Building Height
			3509B	Circulation and Traffic
			3509C	General

2020 Zoning Amendment Petition - Public Hearing Comments

Letter No.	Date	Author	Comment No.	Topic
36	5/13/2020	Katelin Berkowitz	3601	Circulation and Traffic
37	6/3/2020	Amanda Timchak	3701	Circulation and Traffic
			3702	Yard Setbacks
			3703	Building Height
38	6/5/2020	Elaine Lerner	3801	Proposed Scope of Improvement
			3802	General
			3803	Building Height
			3804	General
			3805	Views to Site
			3806	General
PH1- 1	5/13/2020	Sue Drouin, Resident. 57 Morehead Drive	PH101	General
			PH102	Sanitary Sewer
			PH103	Proposed Scope of Improvements
			PH104	Proposed Local Law Components
PH1-2	5/13/2020	Daniela Arrendondo, Resident	PH201	Circulation and Traffic
			PH202	General
PH1-3	5/13/2020	Amanda Timchak, Resident. 61 Osborn Rd	PH301	Circulation and Traffic
PH1-4	5/13/2020	Neal Middleton, Resident. 330 Theall Rd	PH401	Circulation and Traffic
			PH402	Stormwater
PH1-5	5/13/2020	Leslie Ebers, Resident. 138 Osborn Rd	PH501	Proposed Scope of Improvements
PH1-6	5/13/2020	Catherine Plummer, Resident. 111 Osborn Rd	PH 601	Building Height
PH1-7	5/13/2020	Sean Plummer, Resident. 111 Osborn Rd	PH 701	Views to Site
PH1-8	5/13/2020	Don MuHugh, Resident. Coolidge Ave	PH 801	General
PH1-9	5/13/2020	Emily and John Powers, Residents. 23 Coolidge Ave	PH901	Floor Area Ratio
			PH902	Proposed Scope of Improvements
PH1-10	5/13/2020	Craig Haines, Resident. 2 Coolidge Ave	PH1001	General
PH1-11	5/13/2020	William Childs, Resident.	PH1101	Circulation and Traffic
PH1-12	5/13/2020	Rosalie Louw, Resident. 45 Osborn Rd	PH1201	General
PH1-13	5/13/2020	Natalie Auerbach, Resident	PH1301	Circulation and Traffic
			PH1302	General
PH1-14	5/13/2020	Christine Cote, Resident. Coolidge Ave	PH1401	Circulation and Traffic
PH1-15	5/13/2020	Fraser VanRensburg, Resident.	PH1501	General
PH1-16	5/13/2020	John Lovallo, Resident. 27 Hughes Ave	PH1601	General
PH1-17	5/13/2020	Councilwoman Sara Goddard	PH1701	1993 Declaration of Covenants

# Letter No. 1

**From:** [Jim Culyer](#)  
**To:** [publichearingcomments](#)  
**Subject:** Osborn Zoning change  
**Date:** Friday, April 24, 2020 8:05:39 PM

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101

Question: What affect will the zoning request have on the amount of taxes, The Osborn would be paying to the City of Rye and the Rye City School District?

Thank you.

Jim Culyer  
40 Palisade Rd  
[REDACTED]

Sent from my iPhone

Letter No. 2

From: [REDACTED]  
To: [publichearingcomments](#)  
Subject: Osborn Zoning Change (REVISED)  
Date: Sunday, April 26, 2020 2:08:18 PM

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We respectfully object to the Osborn Zoning Change for the following reasons:

- 201 | 1) Allowing Independent Living Cottages and/or Hybrid Homes to be built with only a 100 foot set back along Theall Road nearly directly across from the Rye Manor will serve to destroy the bucolic nature of the current Osborn property landscape along Theall Road and could further serve to decrease residential property values in the surrounding area.
- 202 | 2) Allowing Independent Living Cottages and/or Hybrid Homes to be built to a height of 4 stories on Osborn property nearest to Osborn Road will radically negatively impact the streetscape of Osborn Road and could very possibly negatively impact residential property values along Osborn Road.

Sincerely,

Anne and James Slattery  
125 Osborn Road  
[REDACTED]

Letter No. 3

From: [Redacted]  
[Redacted]  
Cc: [Redacted]  
Subject: Osborn Zoning Change  
Date: Monday, May 11, 2020 10:46:07 AM

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Dear Mayor Cohn and Council Members,

I noticed the item on the agenda regarding the requested zoning change at the Osborn Home. I strongly encourage you to defer a decision this impactful to the character and infrastructure of Rye until the idea is fully aired when normal business resumes.

The assurances made by Stephen Wrabel on mitigating the impact of 130 new residences were woefully insufficient, and demonstrate an utter disregard for the increased pressure on Rye's already stressed community in this locale. We have not even begun to grapple with the impact that a fully occupied St. Regis will have on this area of Rye.

301 | Our public services, roads and infrastructure, families, environment, and the Osborn elementary school community are already stressed by this construction. In addition, the school will be undertaking major renovations soon and even more construction in this area is most unwelcome to the surrounding neighborhoods.

While Gov. Cuomo's directive allows you to conduct virtual meetings, it is clearly unethical to move important decisions as this forward while such a hindrance to the public's knowledge exists.

Thanks for your time.

Sincerely,  
Sue Drouin  
57 Morehead Drive, Rye

From: [Redacted]  
To: [publichearingcomments](#); [Cohn, Josh](#)  
Cc: [Redacted]  
Subject: Osborn Zoning Change  
Date: Tuesday, May 12, 2020 11:18:25 AM

Mayor Cohn and Rye City Council Members,

We are writing to express our concerns regarding the proposed zoning change and subsequent building plan for The Osborn. Please consider our concerns as outlined below:

401

1. **Setbacks** – Similar to the concerns raised by the Planning Commission in their October 15, 2019 meeting, we have great concern about the proposed setback of only 100 feet along Theall Road. Currently, this highly trafficked road is offset only by the park like setting currently established on The Osborn site. With only a 100’ setback along this thoroughfare, it would appear overbuilt and detract from the overall neighborhood. Although The Osborn has conceded to the Commission’s recommendation of a 160’ setback along Osborn Road, replacing the current one story cottages with 4-5 story apartment buildings would greatly affect the current visual – even from the street, as was noted by the Commission on October 29, 2019. It was postulated by The Osborn that because there are ‘primarily office buildings’ along Theall Rd it would be acceptable to have only a 100’ setback in this area. It is not. The open, beautifully maintained, park-like setting of The Osborn is one of the reasons we chose to buy our home and makes this neighborhood unique. The proposal stated that the setback could contain storm water management, sidewalks and access drives, none of which improve the aesthetic of the community.

402

2. **Traffic** – The current traffic situation in the area is untenable. Despite the Council’s willingness previously to recognize the need to change the parking rules in the area, for which we are grateful and safer, traffic remains a huge issue. This is especially true at times of school pick up and drop off at Osborn. Enforcement of the current parking restrictions is less than adequate and leads to many cars stopped/standing/parked in clearly marked areas where none are allowed. At the best of times, traffic can flow in only one direction along the southern end of Theall Rd or along Osborn Rd at 3pm. This situation is made much worse by the current construction on Playland Access Rd (St. Regis Site). For those of us living in the area, coming/going from/to I95 or Playland Parkway is dangerous. Dropping off our children at RMS/RHS routes us past this area every day (in normal times). There have been many near misses and accidents as a result of the construction workers parking on curbs, on hills, in ditches and anywhere they can find a spot. Local residents (Packard Ct, Old Post Road, etc) have taken to having signs/traffic cones erected on their streets to dissuade construction worker parking. If The Osborn project were allowed to proceed, where would these workers park for the next 10-15 years!? Couple the current situation with the added parking, traffic and proximity to the Osborn School, it is a tragedy waiting to happen. What happens when a construction vehicle overturns on the corner of Theall and Osborn as one did when exiting I95 onto Playland Access? What will be the projected traffic patterns should one or more of the bordering streets, such as Theall Rd or Old Post Rd, need to be shut down to accommodate a new sewer or water line? How will that impact local residents and the Osborn School?

403

3. **Environmental** – Many of the questions on the environmental assessment form submitted with The Osborn’s application to City Council were left blank or answered with ‘TBD’. How should one interpret such an application when even a question such as the projected timeframe of the project is indeterminate? Yet, in another place in the application it is listed

cont.

403

cont.

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as 10-15 years? Living at the southwest corner of The Osborn property, we have witnessed the runoff of rainwater first hand as it rushes down Osborn Road, and onto our street. How will this be managed going forward? How will construction affect current runoff patterns? What assurances can be offered to neighboring home owners that their properties will not be negatively impacted? Where will the proposed 'on-site stormwater management facility' be located and how will it be managed? The Westchester County Planning Board Referral Review has made suggestions with respect to parking allowances onsite so as to minimize runoff and flooding in the area. Have these concerns been adequately addressed by The Osborn? Answers to questions with respect to the noise levels generated by construction – for 10 to 15 years – were apparently indeterminate. Questions about potential light pollution were "TBD". Questions about the storage of petroleum and 'chemical products' both above and below ground were "TBD". We would remind you that this proposed building site borders an elementary school, private homes, a medical facility and apartment complexes for seniors. This is unacceptable.

408

4. **Safety** – As previously discussed, current enforcement of parking rules and regulations in the communities surrounding this proposed site is less than adequate. What protections will be in place for residents of the surrounding neighborhoods that they will be safe driving in the area? That their children will be safe walking to and from school? That children at school will not be subjected to unacceptable levels of noise pollution? That cars will not be parked in restricted areas, or even on The Osborn property detracting from the visual appeal that it now holds? That we will not be the unfortunate individuals subjected to a chemical spill and subsequent clean up? There are too many unanswered questions to ensure the safety of Rye residents and children attending the Osborn School.

409

5. **Appearance** – As mentioned previously, and as was brought forth by both the Planning Commission and the City Council, The Osborn is a beautiful, historic property which the City of Rye hoped to maintain as was evident in the 1993 'Declaration of Covenants and Restrictions'. While it is commendable of The Osborn to accept the Planning Commission's recommendations on setbacks greater than 160' in some areas of the property, the current structures are almost entirely within those limits now. The greatest proposed change to the current site is allowing 4-5 story structures where one story structures now exist and encroaching on Theall Rd. Despite the plan for 'appropriate landscaping' and 'visual screening', one cannot replace one story with four or five and expect a similar visual effect.

410

6. **Property Value/Quality of Living** – Houses bordering the SW corner of The Osborn property are in the closest proximity to the proposed new builds and have the greatest potential for negative visual impact, decreased property value and effect on quality of life for a prolonged period of time. We would be subjected to continuous construction noise, traffic and disruption to our daily lives and routines. Approximately 2 years ago, the City undertook a project to replace sidewalks on the corner of Theall Rd, Osborn Rd, and Coolidge Ave. For an entire summer, we had construction materials stored on our property, noise related to construction, vehicles parked in no parking areas, destruction of our property, workers using our property as a lunch location and a port-a-potty stationed in front of our home. This greatly decreased our ability to enjoy our home and community. It is not an experience we would choose to repeat, in any capacity, particularly with the scale of the proposed construction compared to a much smaller project. The detrimental effect that a decade of construction would have on the neighborhood, the property values of our homes and quality of our lives is not reflected in the current proposal by The Osborn.

The proposal states that the change in zoning (and resultant building) on The Osborn site "would not have any adverse impact on" ... the "City of Rye". We beg to differ. For the foreseeable future, the

**Letter No. 4**  
**cont.**

residents of the City of Rye would have to endure the noise of construction, the traffic, potential damage to the environment, a decrease in our quality of living and the resultant decrease in our safety, property values, and aesthetic of the neighborhood.

We respectfully request, Mr. Mayor, that The Osborn at a minimum adequately address our numerous areas of concern, not the least of which is the timing of this application coming before the City Council, or the minimal effort made to alert an entire neighborhood. The proposed changes are more wide-reaching than simply the bordering few properties who received a letter from the Rye City Clerk. It is our understanding that this petition was initially presented to the Planning Commission in the Fall of 2019, and it is coming forward for review at a time when many people have their lives and livelihoods to consider. We believe that it would suit the City of Rye, the Rye City School District and the public to defer any final decisions on this project to such time that it can be properly reviewed and discussed – in person – by all interested parties.

Thank you,

Mary Ann and Craig Haines

2 Coolidge Ave, Rye, NY

## Letter No. 5

**From:** [REDACTED]  
**To:** [publichearingcomments](#)  
**Subject:** R-2 Senior Living Facilities  
**Date:** Sunday, May 10, 2020 11:56:22 AM

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Dear Sir/Madam

Thank you for giving us the opportunity to comment on the proposed zoning changes at the Osborn Memorial Retirement Home.

We live at 330 Theall Road on the corner of Theall Road and Osborn Road and clearly are interested in the idea of further development.

Four main areas of concern spring to mind:-

- 501 a) I could not ascertain whether any access from the Retirement Home onto Theall Road or Osborn Road is planned. If so, I think that would be extremely problematic. The stretches of road close to that intersection are already extremely busy at certain times of the day, largely of course because of the drop off zone for Osborn Elementary School, but also because it is a thoroughfare to Harrison railway station, a cut-through to the Westmed Medical center and to the I-95. I think there is already an accident waiting to happen for the many schoolchildren in then area, and any further traffic here would be extremely concerning. Osborn Road is quite narrow and when kids are being dropped off it becomes quite dangerous.
- 502 b) Disrupting / overloading the existing sanitary sewerage flows would also be extremely concerning for us i.e. could that effect our situation?
- 503 c) Clearly extending the Osborn buildings any closer to Theall Road would be unwelcome for us. It appears that there will still be a strict minimum distance - 160 yards? - so that would help mitigate this but of course construction would be disruptive.
- 504 c) Disturbing the fantastic trees in the Osborn Park area would be a real shame if that is what is proposed. These are very mature trees, impossible to replace in short order.

We will attempt to join the meeting on May 13 to learn more.

Kind regards  
Neil Middleton

## Letter No. 6

**From:** [REDACTED]  
**To:** [publichearingcomments](#)  
**Cc:** [REDACTED]  
**Subject:** Osborn Zoning Change  
**Date:** Tuesday, May 12, 2020 5:47:49 PM

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Dear Mayor Cohn and Rye City Council Members,

We wanted to provide our comments to the Miriam Osborn Memorial Home Association's petition for a zoning code change.

We are very concerned by their petition and strongly advocate that you defer any decision until some appropriate time in the future when further details and the true ramifications of such an undertaking are clearer to all.

601

This particular area of Rye is centrally home to the Osborn School and the busy three-way intersection of Theall, Coolidge and Osborn Roads. We are concerned that such a vast project would impact the safety of the students as they make their way to and from school, with many walking/biking. Furthermore, the tight confines of such an intersection are already stressed and heavily traversed by cars and cannot handle further traffic and construction.

Furthermore, we still don't know the full impact of the St. Regis project and the effect of an expected increase in vehicular and foot traffic. This Osborn Home proposal is too vast and large to be supported as designed. We implore you to delay any decision until the City of Rye, the Rye City School District and more of the public have an opportunity to review and comment. Thank you very much for your consideration.

Nez & Sabrije Mustafic  
145 Osborn Road

Classification: Public

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**Letter No. 7**

**From:** [Redacted]  
**To:** [publichearingcomments](#)  
**Cc:** [Redacted]  
**Subject:** Osborn Zoning Change  
**Date:** Tuesday, May 12, 2020 9:15:08 PM

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Mayor Cohn and Rye City Council Members,

It has come to our attention the Osborn Home has requested a re-zone and build. We have many concerns in regards to construction and expansion in the Osborne School community.

701

As you know, Theall Road, Osborn Road and Coolidge Avenue are heavily congested during school pick up and drop off times. This construction will be a terrible traffic and safety issue for the children and families who are walking and driving.

The St. Regis Residences have not opened, and we have yet to feel the impact of this to our community. Couple this with the impending construction to take place at the Osborn School, and an already stressed locale will face heightened duress.

We moved our family to Coolidge Avenue just two years ago. We fear adding 130 new residences immediately across the street from our home will corrode the aesthetics that drew us to this location. This fear may also be realized in our home value if there is no longer a historic Rye appeal to our neighborhood.

We strongly encourage you to defer a decision that is crucial to our community until the idea is fully aired and can be properly addressed by all interested parties in person. Giving the Osborn a huge increase in FAR alone doesn't seem like a good proposal for the surrounding community. My family hopes to maintain the beauty and green-space in the community and prevent increased traffic and construction over prolonged periods of time.

If you would like to discuss further, please let us know. Thank you for your time.

William & Jodi Childs  
14 Coolidge Avenue

Letter No. 8

From: [Redacted]  
To: [publichearingcomments](#)  
Subject: Osborn Zoning Change  
Date: Monday, May 11, 2020 8:41:34 PM

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Hello,

801

My name is Karen Nolte. I reside in the Glen Oaks section of Rye, on Florence Avenue. The traffic situation in my neighborhood has become unbearable during the school year. Between the hours of 2pm-4pm on school days, I have difficulty getting home due to all the congestion. With the flow of traffic from Osborn School already presenting a problem, The Osborn's proposed expansion project should not be permitted. Although my children are no longer students at Osborn School, I am concerned for the safety of the students. The flow of traffic on Osborn Rd is already horrendous. If this project is permitted, all of those headed for Harrison will divert their trip toward the residential Glen Oaks Drive. This is a recipe for disaster! I am against this project. Has there been a proposed parking plan for construction vehicles??

802

Osborn Rd. and Theall Rd. are narrow streets and cannot accommodate a large construction crew. Coolidge, Harding and Florence and narrow residential streets and we certainly do not want construction workers on our streets.

Thank you!

Karen Nolte  
31 Florence Avenue  
Rye NY 10580

## Letter No. 9

**From:** [REDACTED]  
**To:** [publichearingcomments](#)  
**Cc:** [REDACTED]  
**Subject:** Osborn Zoning Change  
**Date:** Tuesday, May 12, 2020 11:06:12 AM

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Dear Rye City Council,

Thank you for your service to Rye, particularly in these difficult times.

We are aware of the proposed construction at The Osborn and have concerns about parking, traffic and safety should this project commence. Would you let us know where construction vehicles and project employee vehicles would park during the course of the project? We recall driving past the construction at the St. Regis and seeing numerous vehicles parked alongside Playland Access Drive. This is a hazardous situation that should not be replicated.

901

Thank you and best regards,

Joe and Kim Rotondo  
5 Woods Lane, Rye

From: [REDACTED]  
Cc: [REDACTED]  
Subject: OSBORN ZONING CHANGE  
Date: Monday, May 11, 2020 6:24:05 PM

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Dear Mayor Cohen and Councilmembers,

I am a concerned neighbor living at 45 Osborn Road with my family including two small children. I have read the proposed Zoning change put forth by The Miriam Osborn Memorial Home and feel strongly that the Council should **reject** this proposal. My concerns are as follow:

1001

1) Safety and Traffic both during construction and in the long run: Traffic on Osborn Road is already a safety concern particularly during school hours and dropoff/pick up times when parents park wait along the side of Osborn Road because there is no other place to park. We live directly across the street from the school, and it is nearly impossible to safely pull in and out of our driveway - let alone ensure that our children safely cross the street. There is no sidewalk on our side of the street and so crossing into this line of parked cars is the only option. Quite a harrowing one at that. In the short run, I shudder to think what this will be like if construction crews are also finishing their days in the middle of the afternoon while school is letting out - not to mention the addition of heavy construction vehicles to the mix. In the longer run after construction, additional structures on this corner will undoubtedly mean increased traffic on Osborn Road between Theall and Boston Post Road.

1002

2) Bucolic residential neighborhood and home values: The open green space and beautiful old trees on this corner are one of the draws to our quiet neighborhood. Our City's Zoning laws are what they are in order to maintain and preserve the beauty of our City for all of our residents. Building a large facility in this corner will destroy this aesthetic and the peacefulness of our neighborhood. The unending construction at the St. Regis site on the Playland Access Road is a terrifying example of what could come should further large scale development be allowed on this site.

This proposal, if permitted, would be devastating to our children and to the peace and safety of our neighborhood.

I implore you to deny the request.

Respectfully,

Rosalie Louw  
45 Osborn Road  
Rye, NY 10580

Letter No. 11

From: [REDACTED]  
To: [publichearingcomments](#)  
Subject: OSBORN ZONING CHANGE  
Date: Tuesday, May 12, 2020 4:19:55 PM

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1101

I am highly **against** the building/construction of anything, that that would **destroy the natural environment** of nature and animals, extending from the corner of Osborn St and Theall Rd to the school and/or westmed buildings.

## Letter No. 12

**From:** [REDACTED]  
**To:** [publichearingcomments](#); [publichearingcomments](#)  
**Subject:** OSBORN ZONING CHANGE  
**Date:** Tuesday, May 12, 2020 4:13:30 PM

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What are my options as a resident of rye regarding this proposal? What if you are a resident of a neighboring town? Does one have the right to vote yay or nay regarding building on this piece of land?

**1201** | What does this proposal mean? Are they looking to build a 2nd building and where? Would that be covering the land that is at the corner of Osborn and Theall Road?

**1202** | What about the preservation of nature and wildlife in that area?

Thank you

# Letter No. 13

**From:** [REDACTED]  
**To:** [publichearingcomments](#)  
**Subject:** Osborn Zoning Change  
**Date:** Tuesday, May 12, 2020 11:56:51 AM

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Hello Mayor and Committee

I am writing with my concerns over the potential zoning changes at The Miriam Osborn Memorial Home and the additional construction, traffic, noise and congestion that will result.

Approving this zoning change at this point without proper review and the chance for the neighborhood to properly address and comment on the proposed changes is irresponsible and feel as if this is being pushed through at a time when people are not completely aware of the changes. I live close by and am only recently hearing about these changes. There was not a concerted effort to alert the surrounding area to the changes. I have a good neighbor who has helped make me aware of the scope and potential issues of these changes.

**1301** | The proposed changes themselves are also concerning. Adding 4-5 story buildings in that area, especially with a minimal set back will create many issues for the area. First and foremost, the added traffic during and after construction would be untenable. There is already way too much traffic in the area, especially during school drop off and pick up. Adding to this not only impacts the area

**1302** | environmentally, but it affects the safety of the kids in the neighborhood. Osborn Road and Theall Road are already unsafe for kids in the area. Adding to the traffic flow with these changes would make it extremely unsafe.

**1303** | Also, adding large buildings in the area (on top of the already in progress St. Regis project) will detract from the aesthetic and bucolic feel of Rye, which is one of it's true selling points. Rye would begin to feel more like a city than the beautiful suburban neighborhood that we all love.

**1304** | Congestion in the area (traffic, parking, etc) is already at a pressure point and adding to this will only make it worse. There are already tons of cars zipping by my home on Coolidge Ave as people think of this as a passthrough. Adding to this volume makes it unsafe for my family and adversely affect property values. I have already have a neighbor leave the block because he feels it is unsafe for his young children. What will added traffic do to that?

Please consider all the residual effects of what is being proposed here and take the time to properly inform the area, review ALL impact and make a decision that is not just based on future tax revenue.

We rely on you to properly represent your constituents - the people of Rye - and not just kowtow to corporations and the chance to increase revenue.

Thank you  
Bill Russo  
50 Coolidge Ave,  
Rye NY

Letter No. 14

From: [Redacted]  
To: [publichearingcomments: Cohn, Josh](#)  
Cc: [Redacted]  
[Redacted] Change  
Date: Wednesday, May 13, 2020 12:31:38 AM  
Attachments: [image001.png](#)

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Mayor Cohn and Rye City Council Members,

1401

The proposed zoning change and subsequent building plan for The Osborn was just brought to our attention earlier this evening. While we find it alarming and disappointing that this proposal was seemingly handled in a covert manner, we are equally disturbed by its contents. There appear to be a litany of issues, including inadequate setbacks, the replacement of one story cottages with 4-5 story apartments, the inevitable impact on local traffic and the safety of our children, environmental challenges with stormwater and ultimately the negative implications for property values throughout our neighborhood.

We request an opportunity, post-social distancing mandates, to properly discuss this proposal in the context of an in-person meeting. We believe there will be overwhelming support from our neighborhood for a public hearing on this matter.

Thank you,

John and Julia Lovallo  
27 Hughes Avenue  
Rye, NY 10580

[Redacted signature block]



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[Redacted footer block]

## Letter No. 15

Wed 5/13/2020 4:18 PM

Barbara Beals  
300 Theall Road  
Rye, NY 10580

- 1501 | Please allow me more time to provide thorough and valid reasons for opposing this development.  
Please give residents enough time to OPPOSE development!!!! Environmentally and peacefully

Respectfully,  
Barbara Beals

## Letter No. 16

Wed 5/13/2020 4:02 PM

Hello. I am a neighbor of the Osborn community. I reside at 138 Osborn Road. I am devastated to learn of the Osborn's plans to build new multilevel buildings near to my home. I understand their concerns and that they foresee needing more space. However, we already have the county building in our backyard, the Osborn community as it currently is, and the St. Regis is still under construction. All three are designed for adult living communities.

The St. Regis construction has been ongoing for quite some time, and it has caused MANY disruptions to traffic flow. They have made an utter disaster of the green area alongside Playland Access Drive, and countless times vehicles have parked so close to Old Post Road, that one cannot see oncoming traffic from the stop sign. Those buildings are huge and so close to the road. I miss the green space that once was.

- 1601 | Now, it is proposed that the Osborn build closer on our side of the Theall Road/Osborn Road. I have a 6 and an 8 year old that walk to school at Osborn. I do not want them walking through an active construction site. Especially not a construction site that could be active for a decade or more.

- 1602 | Green spaces are being lost and it has been lovely to see deer and other wildlife enjoying the space between the Osborn School and Theall Road. I am unable to see exactly where the buildings are suggested to be built. I would be just gutted to have them right up along Osborn Road. Additionally,

- 1603 | there will be an increase in needed parking.  
Having cars parked in a former green space is worse yet.

- 1604 | I certainly cannot stand the thought of there being new entrances either. IF it does pass, I beg of you to require only using the current entrances that exist for the Osborn community. Including during the construction process.

- 1605 | One thing that really bothers me is the fact that the Osborn community still pays reduced taxes. If this is important enough to them, perhaps they will agree to paying 100% of taxes. I feel like there needs to be a significant give back to the community if this is considered.

## Letter No. 16 cont.

I am so sad to see the Rye I moved to slipping away. While we have only been here 17 years, I cannot imagine how lifelong Rye residents must be feeling.

I am sure that it wasn't intentional, but because of everything being shut down, this feels very sneaky and like something is being slid through without full public knowledge. While I was lucky enough to receive a letter, I know not all my neighbors did.

When walking with my children, they are asking about what the big white sign means. When I explained, my 12 year old was upset. She pointed out that it is the home of feral cats and so much other wildlife.

I strongly suggest that they make improvements to current buildings rather than building large building that are not in keeping with the original plans of their community.

Thank you,  
Leslie Ebers

## Letter No. 17

Wed 5/13/2020 3:58 PM

1701 I am writing as a concerned resident regarding the proposed Osborn zoning change. I believe further community discussion is needed to understand the proposal for setbacks, easements, construction, FAR and tax implications.

Thank you.

Max and Maggie Guimond

24 Coolidge Ave

## Letter No. 18

Wed 5/13/2020 3:43 PM

To whom it may concern,

1801 I am a new resident, as of 1 year ago, with a family of 6 - adjacent to the proposed zoning changes. We have been taken quite by surprise on this, having invested in a new home in the area in 2019. We are opposed to the suggested changes for various reasons, and wanted to log this notification.

Regards,

Fraser van Rensburg  
115 Osborn Road  
Rye, NY 10022

## Letter No. 19

Wed 5/13/2020 3:37 PM

Good afternoon,

I'm a concerned citizen with children at Osborn school and I'm only just learning about the Osborn zone change request. I would like the time to understand the future development plans before city council votes.

Under normal circumstances I would have heard about this on the school playground before or after school.

1901 The parking at 2.30-3.15pm on school days is terrible and adding construction to that area would cause huge congestion as well as danger to the young children on foot.

I appreciate I am only catching up on this now so I will read more before the 5.30pm zoom

Meeting.

Best,  
*Caroline Houghton*  
41 Claremont Avenue,  
Rye

## Letter No. 20

Wed 5/13/2020 3:35 PM

To the committee:

I wanted to express my deep concern about rezoning near Osborn Elementary School. There are so many adverse outcomes for our children and our school. First the construction over a 10 to 15 year next to an elementary school with young lungs inhaling dust and fumes everyday. Five story buildings reduce the natural light into our school. Five story buildings looking right over our children playing. Noise from construction while our children are trying to concentrate and learn. Traffic is already a mess and dangerous for our community. Where would the construction workers park?? I am shocked Rye has allowed this to continue to happen with no regard for the tax payers. Who will be vetting the workers on the project to ensure no registered offenders are within the proximity to our children. The list goes on and on. This needs to be vetted by the community, not rushed through during a time when many in our community are worried about bigger issues. We have dragged our feet on the turf field that would benefit our community this benefits no one but the bottom line of the Osborn. I am appalled that such a major decision is being made at this time, and that this information has not been made public to Osborn school parents. I cannot believe I just learned about this on a Facebook page. I'm beyond disappointed.

Jennifer Leahy  
192 Central Ave  
Rye NY

## Letter No. 21

Wed 5/13/2020 3:31 PM

Hello,

My husband and I live near the Osborn and our children attend Osborn School. We are very concerned about the proposed zoning changes that would allow the footprint and height of Osborn buildings to increase significantly.

Thank you,

Margaux and Paul Lisiak  
439 Park Ave  
Rye, NY 10580

**Letter No. 22**

Wed 5/13/2020 3:28 PM

To whom this may concern at the Rye City Council,

2201 I am an owner at 45 Walker Avenue in Rye, NY and the proposed zoning change for the Osborne and the construction that it will create are not acceptable and I am against it. We want to maintain the beauty and integrity of the green space in the community and prevent increased traffic and construction over many years in an area where there is a school and traffic is already a major issue.

I appreciate your attention to this matter.

Gabriela Hricko Angelich

**Letter No. 23**

Wed 5/13/2020 3:22 PM

May 13, 2020

**Re: Osborn Zoning Change**

Mayor Cohn and Council Members,

We are Rye residents on Coolidge Avenue with three children in the Osborn Schools. We encourage our elected officials to reject the proposed zoning changes for The Osborn. We are unconvinced that the relationship between The Osborn and the City of Rye, which has been memorialized in prior contractual agreements, deserves such a substantial change at the expense of The Osborn’s immediate neighbors and all citizens of Rye.

2301 The Osborn can continue to thrive with the 0.30 FAR restriction that was put in place in 1993. There is no need to open-up this beautiful campus to a 50% increase in developed square footage to make way for 10 to 15 years of construction of five story buildings. Furthermore, the citizens of Rye are not being adequately compensated for the proposed alteration to previously negotiated agreements, which were designed to allow The Osborn to control its land use within several thoughtful restrictions. If the Osborn needs to change its operations, those changes should be self-funding and within the confines of the

2302 1993 agreement. While I understand that the market for certain senior living services may have changed, and that certain Osborn buildings may be dated, the solution is for The Osborn to face its challenges within the current land use agreements. Solving the key problem put forward by The Osborn, that the marketplace has materially changed, can be addressed without a 50% increase in developed square footage. The Osborn does not need to sell off its campus beauty to solve an operating problem that is potentially overstated.

Furthermore, any proposal that so materially benefits The Osborn should include the following, at a minimum:

## Letter No. 23

cont.

- 2303 I** - Significant increase in tax revenue paid to Rye aligned with a conventional commercial tax payor
- 2304 I** - Substantially increased setbacks for anything over 2 stories
- 2305 I** - Agreement to restrict the construction impact on Rye roads
- 2306 I** - Easement or other solutions to address the Osborn School parking and drop-off problems

The 1993 agreement between The Osborn and Rye has worked well for the citizens of Rye and we are not persuaded that it would be beneficial to significantly increase development on The Osborn property at this time. The Osborn has thrived under the existing agreements and our neighborhoods, schools, and roads are in delicate balance with this large commercial neighbor.

We strongly encourage our elected officials to prevent the dramatic increase in commercial development at the center of our very beautiful community without adequately considering the one-sided nature of this proposal.

Sincerely,

John & Emily Powers  
23 Coolidge Avenue

## Letter No. 24

Wed 5/13/2020 3:20 PM

As a resident on Osborn Rd I am very concerned how the Osborn's proposed building plan will affect the neighborhood, traffic, and elementary school.

**2401** | The existing cottages that are to be replaced were built with the intention of blending into the residential look and feel of the neighborhood. Multiple 4-5 story residential buildings certainly would not and would be looming over the elementary school's playgrounds.

**2402** | The traffic on Osborn and Theall roads is already a nightmare. With on-street parking, there is not even enough width for two way traffic. It is a daily problem trying to get down these streets during school hours, not to mention dangerous for the children walking to and from school.

**2403** | Construction over multiple years in such close proximity to an elementary school where children are outside playing throughout the day will not only have health effects, but also will be a consistent source of noise.

For all these reasons I'm strongly opposed to this plan.

Thank you,  
Helen Keller  
81 Osborn Rd.  
Rye

## Letter No. 25

Wed 5/13/2020 3:18 PM

2501 I wanted to express my deep concern about rezoning near Osborn Elementary School. I believe the  
2502 rezoning is to allow them to get rid of the height restriction for 5 story buildings. There are so many  
2503 adverse outcomes for our children and our school. First the construction over a 10 to 15 year next to an  
2504 elementary school with young lungs inhaling dust and fumes everyday. Five story building reducing the  
natural light into our school. Five story buildings looking right over our children playing. Noise from  
construction while our children are trying to concentrate and learn. Traffic is already a mess and  
dangerous for our community. Where would the construction workers park, the St Regis parking has  
been a mess they have parked everywhere along the street and have ripped up the grass and it looks  
absolutely horrible. I am shocked Rye has allowed that to continue to happen with no regard for the tax  
payers. Who will be vetting the workers on the project to ensure no registered offenders are within the  
proximity to our children. The list goes on and on. This needs to be vetted by the community Not rushed  
through during a time when many in our community are worried about bigger issues. We have dragged  
our feet on the turf field that would benefit our community this benefits no one but the bottom line of  
the Osborn who only pays 50% tax rate.

Christine Sasse  
81 Bradford Ave  
Mother of Osborn Children

## Letter No. 26

Wed 5/13/2020 3:14 PM

Dear Mayor and Rye City Council Members,

As a homeowner and a parent of Osborn school children, I am strongly opposed to The Osborn  
increasing building structures, as per the petition to be discussed today 5/13 at 5:30.

I am concerned for the following reasons:

- 1) The vast increase in construction creating downward pressure on homeowner property values due to the substantial build-up of one story to five story buildings. Both the long-term construction and the finished structures will damage property values.
- 2) The multi-year surge in construction related traffic, similar to what is seen around the corner at the St. Regis construction site on Playland Access road. This construction alone is already extremely dangerous during school drop-off and pick-up times. Elementary aged kids are forced to walk across streets barreling with massive construction vehicles indifferently racing to get to and from the job site. Anyone whose driven by there is aware of the danger as are the Rye Police, who clearly feel the need to monitor it constantly.

## Letter No. 26 cont.

2602 | 3) The loss of green space and trees for Osborn school.

2603 | 4) Inadequate setbacks and school land necessary off of Boston Post Road for an adequate parking lot for safe pick-up/drop-off zone.

2604 | 5) Environmental challenges and increased storm water issues.

Finally, I believe this issue should be discussed post-social distancing mandates through in-person meetings. While this issue may have been on the calendar for some time, it does not reflect well to debate such a significant issue while the public is reasonably focused elsewhere and cannot adequately respond.

While I am sure unintended, it will likely be viewed by many in the community as being decided “in the dark of night” to the advantage of the large corporation over local homeowners.

I believe when fully discussed, you will have a ground swell of opposition and demands for offsets on behalf of our school children and homeowners.

Thank you,  
Hope Vaughn  
2 Florence Ave

## Letter No. 27

Wed 5/13/2020 3:08 PM

2701 | Totally against the construction of new buildings. It's too much congestion, traffic and dust, pollution surrounding Osborn school. The time period of construction is over way too long a period and piggy backed right into the St Regis project. It will paralyze traffic for years. Does the a Osborn Home even pay

2702 | property taxes to Rye?

Nina Draddy

**Letter No. 28**

Wed 5/13/2020 2:54 PM

I am writing in regards to The Miriam Osborn Memorial Home's proposal that is being discussed at tonight's City Council meeting.

2801

We live at 57 Osborn Road and have been residents of Rye for 13 years. Throughout our time here, we have witnessed the busy and congested traffic patterns of Osborn Road and Boston Post Road during school and post-school hours. We recognize that Osborn Road, Theall Road and Boston Post Road serve as access points for many children and families traveling to/from Osborn School and Rye High School and Middle School. With this said, our largest concern as it relates to the proposed project, would be for the safety of our local residents during and following the construction process. We are concerned

2802

that the increased traffic of service vehicles, construction vehicles and new Osborn residents would impact the flow and safety of the area. Having witnessed the new construction around the St. Regis complex and the construction vehicles littered along the street there, we feel that this is a valid concern and would like to hear more about how the Miriam Osborn Memorial Home proposes to keep our children and families safe during construction and beyond.

2803

In addition, we would appreciate the opportunity to learn more detail about the set-back and aesthetic plans as they relate to Osborn Road. It would be helpful if The Miriam Osborn Memorial Home could provide visuals showing the elevations of the buildings and landscaping they are proposing along Osborn Road. A poor design and too tight of an encroachment along Osborn Road could dramatically impact the property values of our homes.

Thanks for your consideration,

Aileen & Rob Brown  
57 Osborn Road  
Rye, NY 10580

**Letter No. 29**

Wed 5/13/2020 2:51 PM

Dear City Council Members,

Hope you're all safe and well. We are residents of Osborn Rd (Anupam and Meera Agarwal - 1 Osborn Road) and are shocked and concerned about the upcoming construction plans that The Osborn has proposed. We strongly oppose this proposal. The Osborn's proposal of building units (5 story buildings) close Osborn/Theall Roads will exacerbate the already bad traffic and the parking situation, making it even more unsafe for our children and community in general.

2801

We already have a huge problem with traffic (and illegal parking) on Osborn Rd during school days for the past 10 years that we've been living at this address -- people parking indiscriminately, making sharp and speedy turns unsafely and parking in our cul-de-sac driveways (cul-de-sac for 1-9 Osborn), blocking residents and so on.

## Letter No. 29 cont.

As a cul-de-sac, we have raised this issue of unsafe conditions for our children (and us) for many years, we had even requested a crosswalk as many of us residents have come really close to getting hit by rash drivers on Osborn Rd during school rush-hour. All that is still pending and so we in our cul-de-sac put up signs marked "private driveway" last year and unfortunately & not surprisingly, no one abides by these and continue to break rules and make the place very unsafe for all.

I urge you to deny this proposal and do the right thing for the residents. Please let us know if you have any questions.

Thanks & regards,

Meera & Anupam Agarwal  
1 Osborn Rd  
Rye NY

## Letter No. 30

Wed 5/13/2020 2:36 PM

Hello,

3101 | I'm writing to voice my concern of the intended construction from the Osborn. Adding senior living near the Osborn School area near Theall Road and Osborn Road would be extremely disruptive to the community. This area is already congested with school children walking everyday to school, parents parking to pick kids up, and community members walking to the train or to work at the Osborn Senior Living Center.

I would hate to see more cars, trucks, construction in this area. It is just too much.

Thank you,  
Kendall Truman  
Rye resident

## Letter No. 31

Wed 5/13/2020 8:18 AM

3101 | I am writing to strongly oppose the change in the zoning to allow for a building at Theall Road near Osborn Elementary School. The traffic and safety of the children is already a major concern and changing the zoning to allow for a large development nearby will make the issue worse.

I strongly oppose this request.

Thanks  
Heather Rich  
Rye Resident

Wed 5/13/2020 1:53 PM

May 13, 2020

Members of Planning Commission  
City of Rye  
1051 Boston Post Road  
Rye, NY 10580

Re: Osborn Zoning Change

Dear Members of the Planning Commission:

It has come to our attention that The Osborn is requesting a re-zoning that would allow them to expand their footprint and develop closer to the corner of Osborn Road and Theall Road. They are also proposing to build taller structures. My wife and I would like to express our opposition to this.

We live at 111 Osborn Road, where we raise our three boys (7 y.o., 5 y.o. and 3y.o.). Two of the three will be at Osborn School next year, and we will walk them to school up Osborn Road. We bought our home to be close to school and to be part of a neighborhood in Rye, filled with many young families. This Rye neighborhood will be dramatically changed by The Osborn's proposal.

The majority of local families with elementary school aged children walk their kids to school, and due to the deep lots off Osborn Road, the majority come from the Glen Oaks neighborhood through Coolidge Avenue and up Osborn Road. As we walk our children up Osborn Road, the green area at the back end of The Osborn's property is a peaceful background to the local elementary school, as well as one of the few green areas left in the neighborhood.

3201

Osborn Road is a very busy road during the school day, filled with cars as parents drop off and pick up their children; any increased traffic would be untenable. The increased traffic from construction crews, staff and visitors would also put our children at risk. As proposed, the two playgrounds at Osborn School would back up to construction areas and multi-story buildings. This would significantly affect the school experience for these very young children.

3202

Those of us who live on Osborn Road look out fondly at the green areas, at the many old oak trees and green grassy hills. To put a 4-5 story building at the top of these hills would tower over our quiet neighborhood. Furthermore, these new buildings would lack mature growth to provide 50+ feet of screening. Our views of trees and green would be replaced by increased traffic and multi-story buildings. The Osborn is also bordered by Theall Road and Boston Post Road, two very large, busy and non-residential roads that would accept a taller building without struggle.

We are further concerned that we are pushing the Osborn section of Rye, our home, our school, our neighborhood and community to nothing more than a mixed used development. With The Osborn, the industrial buildings that back up to Theall Road, WestMed and the new St Regis, the area is already struggling to remain a neighborhood. Rye is a town where generations are raised and community pride is strong. The Osborn section of Rye should not be treated differently than the rest of Rye. This area

**Letter No. 32**  
**cont.**

cannot be doomed to be full of multi-story buildings and parking lots devoid of grass, trees and the character and soul that Rye holds so dear.

We implore you to not allow for the expansion of The Osborn's footprint. We understand they have a demand to grow, we simply ask that be done within their existing footprint and in keeping the buildings that back up to Osborn Road at two levels maximum. This development as proposed would be in direct conflict of what makes Rye a great place to live and raise a family.

Thank you for your consideration.

Sincerely,

Sean and Catherine Plummer  
111 Osborn Road  
Rye, NY 10580

**Letter No. 33**

Wed 5/13/2020 9:05 AM

To whom it may concern –

**3301** I recently learned that The Osborn is contemplating or planning building a number of additional buildings and as a longtime resident of the town, I wanted to express my concern and displeasure with the proposal. I am not only concerned about the safety of the kids at Osborn but also the increased traffic and over population of our town. I strongly oppose this proposal as I know so many others do.

Thank you,

Chris Burke

## Letter No. 34

Wed 5/13/2020 10:07 AM

To Whom it may Concern,

We are writing to oppose the Osborn zoning plan.

We feel that this is a terrible proposal- one that is giving The Osborn a huge increase in the FAR in exchange for a small give to the community.

3401

As residents of the adjacent neighborhood, we are focused on maintaining the beauty and green-space in the community, as well as preventing increased traffic and construction over prolonged periods of time. The increased traffic burden is something that will directly affect us- not only increased traffic during construction, but of course, after the new buildings are occupied as well.

In addition to those points, we have environmental concerns as well - chemical storage, water run off, noise and light pollution, etc.

3402

Finally, we believe that the 60-foot limit that is proposed is too high, and should be reduced.

Sincerely,  
Emily and Jon Borell  
5 LaSalle Ave.

## Letter No. 35

Wed 5/13/2020 4:20 PM

Mayor Cohn and Rye City Council Members,

We are writing to express our concerns regarding the proposed zoning change and subsequent building plan for The Osborn. Let us start by saying we think The Osborn is a valuable part of our community and we purchased our home in the neighborhood based largely on the feel of the area. We thought having such a wonderful senior community was a benefit to our children. Our middle schooler is very active at The Osborn and we have seen those benefits firsthand. This is not an affront to the senior community at all. Actually, the history behind The Osborn is a beautiful one and one that should be remembered here as one might question the need/motives for expansion. Please take the time to read our opposition and thank you for your time:

3501

1. **Setbacks** – We have great concern about the proposed setback of only 100 feet along Theall Road. Currently, this highly trafficked road is offset only by the park like setting currently established on The Osborn site. With only a 100' setback along this thoroughfare, it would appear overbuilt and detract from the overall neighborhood. Although The Osborn has conceded to the Commission's recommendation of a 160' setback along Osborn Road, replacing the current one story

3501  
cont.

cottages with 4-5 story apartment buildings would greatly affect the current visual – even from the street, as was noted by the Commission on October 29, 2019. It was postulated by The Osborn that because there are ‘primarily office buildings’ along Theall Rd it would be acceptable to have only a 100’ setback in this area. It is not. The open, beautifully maintained, park-like setting of The Osborn is one of the reasons we chose to buy our home and makes this neighborhood unique. The proposal stated that the setback could contain storm water management, sidewalks and access drives, none of which improve the aesthetic of the community.

3502A

**2. Traffic** – The current traffic situation in the area is untenable. Despite the Council’s willingness previously to recognize the need to change the parking rules in the area, for which we are grateful and safer, traffic remains a huge issue. This is especially true at times of school pick up and drop off at Osborn. Enforcement of the current parking restrictions is less than adequate and leads to many cars stopped/standing/parked in clearly marked areas where none are allowed. At the best of times, traffic can flow in only one direction along the southern end of Theall Rd or along Osborn Rd at 3pm. This situation is made much worse by the current construction on Playland Access Rd (St. Regis Site). For those of us living in the area, coming/going from/to I95 or Playland Parkway is dangerous. Dropping off our children at RMS/RHS routes us past this area every day (in normal times). There

3502B

have been many near misses and accidents as a result of the construction workers parking on curbs, on hills, in ditches and anywhere they can find a spot. Local residents (Packard Ct, Old Post Road, etc) have taken to having signs/traffic cones erected on their streets to dissuade construction worker parking. If The Osborn project were allowed to proceed, where would these workers park for the next 10-15 years!? Couple the current situation with the added parking, traffic and proximity to the Osborn School, it is a tragedy waiting to happen. What happens when a

3502C

construction vehicle overturns on the corner of Theall and Osborn as one did when exiting I95 onto Playland Access? What will be the projected traffic patterns should one or more of the bordering streets, such as Theall Rd or Old Post Rd, need to be shut down to accommodate a new sewer or water line? How will that impact local residents and the Osborn School?

**3. Environmental** – Many of the questions on the environmental assessment form submitted with The Osborn’s application to City Council were left blank or answered with ‘TBD’. How should one interpret such an application when even a question

such as the projected timeframe of the project is indeterminate? Yet, in another place in the application it is listed as 10-15 years? Living at the southwest corner of The Osborn property, we have witnessed the runoff of rainwater first hand as it rushes down Osborn Road, and onto our street. How will this be managed going forward? How will construction affect current runoff patterns? What assurances can be offered to neighboring home owners that their properties will not be negatively impacted? Where will the proposed 'on-site stormwater management facility' be located and how will it be managed? The Westchester County Planning Board Referral Review has made suggestions with respect to parking allowances onsite so as to minimize runoff and flooding in the area. Have these concerns been adequately addressed by The Osborn? Answers to questions with respect to the noise levels generated by construction – for 10 to 15 years – were apparently indeterminate. Questions about potential light pollution were "TBD". Questions about the storage of petroleum and 'chemical products' both above and below ground were "TBD". We would remind you that this proposed building site borders an elementary school, private homes, a medical facility and apartment complexes for seniors. This is unacceptable.

3503

4. **Safety** – As previously discussed, current enforcement of parking rules and regulations in the communities surrounding this proposed site is less than adequate. What protections will be in place for residents of the surrounding neighborhoods that they will be safe driving in the area? That their children will be safe walking to and from school? That children at school will not be subjected to unacceptable levels of noise pollution? That cars will not be parked in restricted areas, or even on The Osborn property detracting from the visual appeal that it now holds? That we will not be the unfortunate individuals subjected to a chemical spill and subsequent clean up? There are too many unanswered questions to ensure the safety of Rye residents and children attending the Osborn School.

3504

5. **Appearance** – As mentioned previously, and as was brought forth by both the Planning Commission and the City Council, The Osborn is a beautiful, historic property which the City of Rye hoped to maintain as was evident in the 1993 'Declaration of Covenants and Restrictions'. While it is commendable of The Osborn to accept the Planning Commission's

3504  
cont.

recommendations on setbacks greater than 160' in some areas of the property, the current structures are almost entirely within those limits now. The greatest proposed change to the current site is allowing 4-5 story structures where one story structures now exist and encroaching on Theall Rd. Despite the plan for 'appropriate landscaping' and 'visual screening', one cannot replace one story with four or five and expect a similar visual effect.

3505

6. **Property Value/Quality of Living** – Houses bordering the SW corner of The Osborn property are in the closest proximity to the proposed new builds and have the greatest potential for negative visual impact, decreased property value and effect on quality of life for a prolonged period of time. We would be subjected to continuous construction noise, traffic and disruption to our daily lives and routines. The detrimental effect that a decade of construction would have on the neighborhood, the property values of our homes and quality of our lives is not reflected in the current proposal by The Osborn. The proposal states that the change in zoning (and resultant building) on The Osborn site “would not have any adverse impact on” ... the “City of Rye”. We beg to differ. For the foreseeable future, the residents of the City of Rye would have to endure the noise of construction, the traffic, potential damage to the environment, a decrease in our quality of living and the resultant decrease in our safety, property values, and aesthetic of the neighborhood.

3506

**7. TREES:** The trees that would be removed are historic specimens and are irreplaceable. The Osborn just announced and touts itself as an 'arboretum.' They had proposed replacing any tree with 2 new trees, and the reality is that even planting 10 for every one removed would destroy the character of the grounds, visible on 3 sides by its neighbors. What example does this set for our children? “It’s okay to tear down the environment as long as it makes us money.” This is interesting as a great portion of the education in Rye is dedicated to respecting the environment and being a voice for change. Tearing down these trees is hypocritical at best.

3507

**8. TAXES:**

It seems the Osborn's business model has evolved from taking in 'destitute' widows, to targeting only very wealthy, healthy seniors, and because of that the City of Rye has already challenged their tax exempt status. If their tax exempt status were to be

**3507** | revoked would they still be contemplating this unneeded, seemingly profit-driven  
**cont.** | decision to expand?

**9. EASEMENT:**

**3508** | The community is not in agreement that an easement to build a road behind Osborn school close to classrooms and the outdoor classroom is a gift.

**10. DEVELOPMENT PLANS:**

**3509A** | Regarding the 4- vs 5- story proposal, The St. Regis which is only 3 stories on a hill and towers over Old Post Road is already being built and we have not begun to

**3509B** | grapple with traffic problems of a fully-occupied St. Regis! Plans to increase development and occupancy in the immediate vicinity should be slowed. Our public services, roads and infrastructure, families, environment, and the Osborn elementary

**3509C** | school community are already stressed by this construction. In addition, the school will be undertaking major renovations soon and even more construction in this area is most unwelcome to the surrounding neighborhoods.

**11. ANY PLANS DURING A PANDEMIC:**

It is unethical to move important decisions as this forward while there is a hindrance to the public's knowledge, free meetings between neighbors, stakeholders and our regulatory and review committees. The council should be doing only the most critical things during this time. Until then we can't allow for truly robust public discussion. It is truly shocking that anything of this magnitude should be considered at such a volatile time. You can be assured that lawsuits will arise if anything is passed during this time that affects so many people adversely.

Respectfully yours,  
Jonathan and Jennifer Wismer  
15 Franklin Rd.

## Letter No. 36

Wed 5/13/2020 4:21 PM

To Whom It May Concern:

3601 | My family are residents in the Glen Oaks neighborhood and are dismayed to hear of the Osborn zoning consideration, especially during this difficult time in which public conversations and presentations cannot be held. We are very concerned about the traffic and school safety impact of this zoning change and would request that any approval considerations be postponed until public hearings are permitted.

Thank you,  
Katelin Berkowitz  
18 Harding Drive

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**From:** Amanda Timchak [REDACTED]  
**Sent:** Wednesday, June 03, 2020 2:07 PM  
**To:** Cohn, Josh; [REDACTED]  
[REDACTED] publichearingcomments  
**Cc:** [REDACTED]  
**Subject:** The Osborn Zoning Amendment

Dear Mayor Cohn, City Council Members and Mr. Anderson,

I hope this email finds you well. I wanted to circle back about some concerns brought up during the public comments section of the May 13 City Council meeting regarding The Zoning Text Amendment proposed by the Osborn and submit them for consideration at the next City Council meeting regarding The Osborn Zoning Amendment, presumably June 10th.

**Safety of Students Crossing Osborn Road to Get to Osborn School**

I had spoken during the during the public comments regarding The Osborn Zoning Amendment. I wanted to followup with my attempt at a visual that shows the safety concern regarding pedestrian crossings at Osborn Rd for students coming and going to Osborn School. Please see the power point attached. I'm not a graphic designer by any means, but I do hope that this visual helps to illustrate my concerns. My family lives directly across Osborn Road from the school at 61 Osborn Road. There is no sidewalk on the southern side of Osborn

3701

cont.

Road, so my children, and the many other Osborn School students who live along Osborn Road, have no choice but to cross Osborn Road without the assistance of a Crossing Guard to get to school. I've raised this issue with our principal who shares our concerns, and with various City agencies. In addition to the many Osborn Road students who cross here there are additionally many children who live in the Glen Oaks neighborhood who may be able to access the crossing guard, but instead choose to take their shortest route to school. That means many more families crossing at the same unsafe place my children cross. I'm not condoning this choice, but the reality of the situation is that there are many students and their caregivers who cross at Osborn Road every day.

There are four main factors cause the safety concern for students cross at Osborn Road. They are:

1. Parking on the north side of the street, which is always full at school pickup time
2. The school parking lot exit is here, and cars that turn of the school parking lot to get onto Osborn Rd who have limited visibility because of the parked cars
3. Many people ignore the No Parking sign to the west of the school exit on Osborn Rd, creating a situation where kids have to be into the street to be able to look left and right for traffic.
4. There seems to be a generally high level of anxiety about getting to the school parking lot in time for pickup, so cars drive way too quickly through the school zone.

3701 cont.

It is an accident waiting to happen. I've heard that a person was hit here a few years ago. I also watched a 4th grader narrowly avoid being hit here after school this fall. He was traumatized to say the least, but luckily not harmed physically.

This pedestrian safety issue is a concern completely aside from The Osborn Zoning amendment and I think it should be addressed as a stand alone issue, but it would be exacerbated by adding additional traffic and a construction zone into this area. I've also heard talk of a potential easement to the school to mitigate disaster that is pickup at Osborn School. While that may certainly help many families who drive to school, that seems to have the potential to double down on this very unsafe crossing situation.

I hope that the safety of the school children and their ability to get to and from school without harm is at the top of the list of concerns that The Osborn has should this or some version of this Zoning Amendment be passed and construction does occur.

**Osborn Road Setbacks**

I also want to reiterate my concerns regarding the potential loss of the park like green space along the southwest corner of The Osborn's property at the corner of Osborn and Theall Roads. When we moved to Osborn Road in the spring of 2018 we were told by our real estate broker that the green space was owned by The Osborn and would be protected as green space per the zoning laws. While it is technically true that the current 160 ft setbacks allow buildings to be closer to Osborn Rd, the FAR cap would not allow it unless something was taken down. The Osborn is currently using .26 FAR versus the max FAR of .30 as set in the 1993 Declaration. We took comfort the the zoning laws would protect the green space. Since part of our decision to move to Osborn Road included the use of that green space, I can only assume that the loss of it would negatively affect our real estate value. Our family loves that green space and the thought of losing it truly saddens me. We throw a baseball with our kids over there, picnic under the trees and enjoy the open atmosphere on bike rides and walks. We have especially enjoyed the open space during the long days of quarantine. While it is true that the The Osborn *could* build closer to Osborn Rd given that there are no buildings close to the current 160 ft setback, the reality is that The Osborn is nearly maxed out on FAR and it seems highly unlikely that they would take down buildings to move them closer to Osborn Road without the increased FAR from this Zoning Amendment.

3702

cont.

3702  
cont.

The offer of an increased set back of 240 ft versus the currently 160 ft distorts the reality of the situation. The reality is that most of the garden cottages that are setback from Osborn Rd are closer to 400 or 450 ft back, so even at the increased give of a 240 setback as proposed in the zoning amendment, anything that is built along Osborn Rd would be much closer to the road than it currently is and would mean a loss of some of that beautiful green space. While the Osborn *could* currently build at 150, they haven't because there isn't FAR to do so, and even a 260 ft set back would feel like a loss versus the reality of the current 400/450 ft setbacks.

3703

The elevation of the land at a 240 ft setback is much higher than it is at the approximately 400 ft mark where the garden cottages currently are, so we are talking about the potential of **twice as high** (or more) buildings being **built on top of a hill much closer to the Street**. That means loss of space, as well of loss of quality of life resulting from the loss of the park like feel.

I appreciate The Osborn, along with their team of architects and lawyers, listening to the local residents' concerns. I hope that this discussion is expanded to include all of the parents of students at the Osborn School, because any future construction allowed by the successful passing of a Zoning Amendment would affect our broader school community, not just the residents who live along Osborn Road. Given the reality of the current times, a full fruitful discussion seems at best difficult, if not impossible. I hope that we can take the time as a community to fully be heard and addressed. And while I know that this process has been in motion for a long time, this is the first time many of us have been made aware and we are working hard to get up to speed and be engaged, while also navigating trying times at home caused by the pandemic. I respectfully hope that the Council will take the time to engage the broader community and hear all of our concerns, and that in due time a solution can be agreed upon that benefits The Osborn while not negatively affecting our community.

Kind Regards,  
Amanda Timchak  
61 Osborn Rd  
Rye NY 10580

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## Letter No. 38

June 5, 2020

To: Rye City Council/ Senior Living Facilities

Re: City of Rye new zoning for The Osborn

From: Elaine Lerner

59 Franklin Ave., Rye

As a young Girl Scout from the Bronx, I was fortunate enough to visit Rye on a variety of occasions to ice skate or enjoy rides at Playland. It became a secret dream of mine to someday live in this community because of its general open atmosphere. It was by sheer coincidence that I did wind up living in this charming historic city. I believe in the oft said “keep Rye Rye”. I sincerely believe that passing the recent Osborn request for rezoning will lead to deleterious changes to the special character of Rye making it into just another town. Growth does happen over time and reasonable change can happen **IF** the City Council, the Planning Commission and the Architectural Review Board pay extremely careful attention to the open charm and historical character that **must** be retained here. Can the buildings be kept low and historically styled?

3801

I am recalling a case in point of the questionable style of the now closed TD Bank in town which is so far from the appearance of the rest of the buildings in town. The St. Regis property in its original sales pitch was not as dense as it has turned out. More 4 or 5 story buildings will leave little green space in the neighborhood.

3802

3803

And now, I turn to the alerts, or lack thereof, as to what the Osborn wants to achieve with its request for rezoning which was not made transparent to the public. The Osborn project will change site lines for sure, and create issues with traffic, safety, and probably parking due to the increase in staff and visitors. Meeting notification signs were not displayed until the day before the May 13<sup>th</sup> meeting and only on 2 sides of the property. No signs have been displayed on the Boston Post Road side which is the side facing my home. At the May 13, 2020 City Council meeting, the residents living close to the Osborn property stated that they chose to purchase homes in Rye because of the open spaces. It is a real possibility that I might find myself facing some tall brick buildings in the future!

3804

3805

The Osborn has been a good neighbor, and I, personally, do support it in many ways, however, I do not want to lose any property value due to its desire to save its bottom line.

3806

Those of us who have lived in Rye for decades remember the last zoning change-- The Osborn request came with a promise to not build anymore buildings after that project. And we believed it! What can be believed now?

Rye City is known as a Tree City- will it become a tenement city?

7. Continue 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.

Corporation Counsel Wilson stated that the Council now would consider the public comments that received and will receive on the environmental impacts.

Mayor Cohn commented that there are some in the community who are unaware of the process that has been ongoing. It is important that everyone be aware that the very first hearing on this was held before the City Council in December of 2018, publicly noticed on the agenda. Since then, there have been four Council meetings, publicly noticed, and six Planning Commission meetings, also noticed. This is a process that has been going on for quite some time. Understanding the importance of the process, the City has asked the Osborn to go beyond what is required by law to post three signs at the site, and 70 certified mailings were sent to those within 300 feet of the site. Mayor Cohn said the City was working with the process that the State of New York has given municipalities to conduct public hearings during the health emergency. The City Council and staff are going to try hard to make it work. It is very important to the Council and staff that the City succeed in keeping public business going. He asked for the public’s cooperation and good will as it does this. If the U.S. Supreme Court can start having teleconference oral argument, then the Rye City Council can also try.

City Planner Miller commented that it is conventional for the applicant to do its presentation, and then take comment from the public.

8. Open a public hearing 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](mailto:publichearingcomments@ryeny.gov) with “Osborn Zoning Change” as the subject.

Councilman Mecca made a motion, seconded by Councilwoman Johnson, to open the public hearing.

Steven Wrabel, McCullough Goldberger and Staudt, addressed the Council on behalf of the applicant, the Osborn. He said that would like to present for the Council and public’s benefit. He stated that the Osborn provides a variety of services. In reviewing the process here, Mr. Wrabel stated that the applicant first filed an application in 2018. He said they were there to present the application, but also to listen to the public and the Council.

Mayor Cohn said that comments submitted in writing would be on the City website. He said they were accepting written comments by email and regular mail. The written comments will not be read into the record, but will asked to be considered by the applicant.

Mr. Wrabel stated that the Osborn needs to prepare for its future. The last improvements were completed nearly 20 years ago, and there is a changing landscape in the industry that the Osborn needs to adapt to. He said that the applicant was doing this now to assure care but also ensure the continual success of the Osborn moving forward. He explained that there is a significant increase of competitors to the Osborn throughout Westchester County. Before they can develop any sort of hard plan to redevelop their campus, the Osborn needs to address the zoning issues at hand. Mr. Wrabel explained that the Osborn was built pre Rye zoning. It is located in the R-2 district but is governed by a declaration of covenantal restrictions that were signed in the 1990s. The Osborn would like the City to establish a zoning amendment that would include what the standards should be for this kind of use in Rye, specifically in that zone. The applicant is hopeful to develop to continue to thrive in Rye. It should be noted that the Osborn is not tax exempt, and is the second largest payer of taxes in the city. Mr. Wrabel stated that this is a zoning amendment proposal, not a site plan. Before a site plan can be generated with specific buildings or layouts or roadways, the applicant needs to understand what the zoning is going to be moving forward. The applicant has been studying the impacts, but it is not an application for specific development. Anything along those lines would need a new public process.

Andrew Tung, landscape architect for the applicant, showed an aerial view of the site and the zones associated. Currently the R-2 zoning text does not have the use of the Osborn specified. Rather, the zoning is laid out in restrictions from 1993. Mr. Tung displayed a map of the current buildings that exist on the site and their current setbacks and heights. He said that they have proposed to refine what would be permitted looking forward. Mr. Tung showed the Council and the public the proposed setbacks and height provisions.

Councilwoman Souza asked about height limitations for the 160 yard setback limitation today.

Mr. Tung responded that the height could be five stories as of right today.

Mayor Cohn asked about the maximum height that intrudes into the yellow shaded zone on the map.

Mr. Tung responded that it indicated four stories as a maximum height.

To clarify, Councilwoman Souza asked Mr. Tung to confirm that currently, the garden home area would permit a five-story structure, and the applicant was proposing a limit of four stories for the future. Mr. Tung confirmed that the premise was correct.

Mr. Tung talked about the plan for tree plantings on the property.

Councilwoman Goddard asked if the current trees would be protected and preserved or removed to make way for the new buildings.

Mr. Tung responded that some trees would be preserved and others would be taken down.

Councilwoman Johnson asked about potential plans to change or add entry access points to the site and about the stormwater basin. Mr. Tung responded that there were no plans proposed of that nature to change either feature.

**PH101** Sue Drouin, 57 Morehead Drive, addressed the Council. She asked the council to wait to make a decision during this time. She expressed concern for the neighborhood character.

**PH201** Daniela Arrendondo, Rye resident, addressed the Council. She expressed concern over traffic issues. She also expressed concern over the potential development. She said she had never received notice of the hearing.

**PH301** Amanda Timchak, 61 Osborn Road, addressed the Council. She said she has four children that attend Osborn School. She expressed concern over the pedestrian safety.

**PH401** Neal Middleton, 330 Theall Road, expressed concern over the traffic and pedestrian  
**PH402** safety. He also expressed concern that the stormwater basin would remain intact.

**PH501** Leslie Ebers, 138 Osborn Road, addressed the Council. She said that the presentation was much more comforting than she expected it to be. She said she has concerns about proposing a zoning change without a site plan, as the impacts are hard to understand. She said she would hope the Council would wait until the applicant has some sort of a plan.

**PH601** Catherine Plummer, 111 Osborn Road, said that there is an elevation where the structures currently sit. It looks much taller from the road and that needs to be addressed further. The two story structures there right now actually look much bigger than two stories.

**PH701** Sean Plummer, 111 Osborn Road, asked the applicant how the plan to put in mature plantings that get to the proper height for screening.

**PH801** Don McHugh, Coolidge Avenue, expressed concern over development and keeping to prior commitments. He asked the Council to go slow with the process.

Councilman Johnson asked Mr. Anderson why the Osborn is different than the St. Regis, or if the applicant was trying to do something else.

Matt Anderson, Director of the Osborn, stated that as-of-right currently, they could build a five-story structure. He said he wanted to be clear again that the applicant was rationally increasing the setbacks. To decipher and answer Councilwoman Johnson's question, the St. Regis property consists of just condos. The Osborn is a continuing care retirement community, ranging from independent living, assisted living, and memory care. Mr. Anderson addressed some concerns about the site. He said that they were very sorry that this came up during the pandemic, as they have been working on it for two years. The applicant felt that it needed to get the ball rolling to be able to build amenity space for current residents and plan for new residents.

Councilwoman Goddard asked why during the pandemic should the Council continue on with the public hearing.

Mr. Anderson responded that there was a lot of planning that is going to need to be done. He said the applicant needs to try and move through the process that has been years in the making. He thanked the Council for giving the Osborn the opportunity to present virtually during this time.

Councilwoman Johnson asked when the City would be up and running again.

Mayor Cohn stated that with all the uncertainty, it is unknown.

Councilwoman Souza commented that the City had been thoughtful and mindful during this time.

**PH901** | Emily and John Powers, 23 Coolidge Avenue, expressed concern about the site and  
**PH902** | discussed the increase of FAR. They expressed concern over not having a plan with the proposed zoning changes.

**PH1001** | Craig Haines, 2 Coolidge Avenue, said that he had sent a letter to the Council. He asked for a delay to allow for public discourse and said that traffic here is an immense problem. He said he was concerned about the FAR and the future of the neighborhood.

**PH1101** | William Childs, Rye resident, said that there had been traffic and parking issues, along with other unknowns bought by the St. Regis. With those issues and the Osborn School construction, the development here is of great concern. Mr. Childs expressed concern about the impact on the neighborhood.

**PH1201** | Rosalie Louw, 45 Osborn Road, said she fully supports the Osborn, but is very concerned about giving away something for nothing. She said more information needs to be given with more public engagement before a decision is made.

Mayor Cohn said that the Council would do its best to make sure everyone is heard.

**PH1301** | Natalie Auerbach, Rye resident, expressed concern about traffic and pedestrian safety.  
**PH1302** | She said she was also concerned about aesthetics and the property values.

**PH1401** | Christine Cote, Coolidge Avenue, expressed concern over the impact to the neighborhood and pedestrian and traffic safety.

**PH1501** | Fraser VanRensburg, Rye resident, echoed the comments of neighbors and emphasized support for due process to voice opinions. He said he was concerned for the neighborhood.

**PH1601** | John Lovallo, 27 Hughes Avenue, expressed concern over traffic impacts and property values.

**PH102** | Sue Drouin, 57 Morehead, said she was concerned about impacts of density and impacts  
**PH103** | on the infrastructure. She said it was impossible for neighbors to try and understand without a

PH104 | site plan. She said that there should be more conversation in the community, and asked why the applicant would be pushing for this zoning change now.

Don McHugh, Rye resident, thanked the City Council.

PH202 | Ms. Arrendondo spoke again and stated concern over the zoning change during the pandemic.

Mayor Cohn asked the applicant to come to the next session prepared to address the comments that were heard this evening.

PH1701 | Councilwoman Goddard thanked the applicant and asked if there was some way to get a history for why it was created as a covenant in the first place.

Corporation Counsel Wilson recommend continuing the public hearing.

Councilwoman Souza made a motion, seconded by Councilman Stacks and unanimously carried, to continue the public hearing.

9. Consideration of setting a public hearing for May 27, 2020 to amend Chapter 133 Noise of the Code of the City of Rye, by amending § 133- 8(G) “Permit required; construction work, mechanical rock removal and blasting restrictions” to prohibit certain activities through June 30, 2020. All public hearing comments should be emailed to [publichearingcomments@ryeny.gov](mailto:publichearingcomments@ryeny.gov) with “Chapter 133” as the subject.

Mayor Cohn said that with the hopeful restart of construction work, it is important to prevent very noisy activity while home schooling is still going on in surrounding houses.

Councilman Mecca made a motion, seconded by Councilwoman Souza and unanimously carried, to set the public hearing for May 27, 2020 to amend Chapter 133 Noise of the Code of the City of Rye, by amending § 133- 8(G) “Permit required; construction work, mechanical rock removal and blasting restrictions” to prohibit certain activities through June 30, 2020.

10. Consideration to set a public hearing on May 27, 2020 to adopt a twelve-month moratorium in the City of Rye temporarily prohibiting the review, processing or approval of any application related to the storage and dissemination of compressed natural gas or other type of energy or fuel transfer or energy or fuel generating facility. All public hearing comments should be emailed to [publichearingcomments@ryeny.gov](mailto:publichearingcomments@ryeny.gov) with “Moratorium” as the subject.

Mayor Cohn explained that this was intended to give the Council the opportunity to renew the CNG Fuel facilities in Rye.

Councilman Mecca made a motion, seconded by Councilwoman Tarlow and unanimously carried, to set a public hearing on May 27, 2020 to adopt a twelve-month

moratorium in the City of Rye temporarily prohibiting the review, processing or approval of any application related to the storage and dissemination of compressed natural gas or other type of energy or fuel transfer or energy or fuel generating facility.

11. Authorization for the City of Rye School District to use the City streets on May 31, 2020 from 2:00 PM – 4:00 PM for a graduation vehicle parade to acknowledge and celebrate the Class of 2020.

Councilwoman Souza made a motion, seconded by Councilwoman Tarlow and unanimously carried, to approve a request for the City of Rye School District to use the City streets on May 31, 2020 from 2:00 PM – 4:00 PM for a graduation vehicle parade to acknowledge and celebrate the Class of 2020.

12. Appointments to Boards and Commissions.

Mayor Cohn reappointed Caroline Gadaleta to the Board of Assessment Review for a five-year term expiring September 30, 2024. The Council approved unanimously.

13. Old Business / New Business.

There was nothing discussed under this agenda item.

14. Adjournment.

There being no further business to discuss, Councilman Mecca made a motion, seconded by Councilwoman Souza and unanimously carried, to adjourn the meeting at 7:58 P.M.

Respectfully submitted,

Carolyn D'Andrea  
City Clerk

Comments sent in since June 2020

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To Mayor Josh Cohn  
To Rye City Council Members

This letter is to encourage you to approve the zoning change requested by the Osborn. As a five year resident I have come to greatly appreciate the Osborn for its excellent services and the care and support it provides. My husband and I moved to the Osborn from Virginia five years ago, and when he died two years later I was more than grateful to be in such a supportive community. It was a great comfort to be surrounded by caring friends and capable Osborn staff.

I also realize for the Osborn to be capable of continuing this level of care and services it must adapt with the times. It will need to offer an updated facility that provides even more opportunities for its residents.

I believe this can be done without changing the character of the neighborhood and it can also maintain the beautiful campus we all appreciate and enjoy. The continued success of the Osborn will benefit everyone in the City of Rye.

Sincerely,

Rosemary Middleton  
Apartment 2403  
The Osborn

To the Mayor and City Council

Re Osborn Zoning change

I am writing in support of the request for the zoning change. My wife and I moved to our apartment, 4314, in the independent living section of the Osborn eight and a half years ago, joining the hundreds of Osborn independent living Rye residents. We have been very impressed with our apartment and the beauty and quality of life here, and the attention and support of the staff. All the more so when two years ago my wife suffered from the onset of Parkinson's and dementia and the support and care of the staff made it possible for us to be together in our apartment, and in community dining, until she died in 2019.

The work of all of the Osborn staff to keep us safe in the pandemic has been heroic in our eyes.

We are all concerned that the Osborn should continue to be economically viable and continue the standard of service and care so support the zoning request. We are grateful to be Osborn residents and hope that the City will continue to make that possible for the institution to continue to be the leader in its field and of service to the community.

Robert November  
4314 Theall Road

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Letter from Chamber of Commerce:

September 25, 2020

To: Mayor Josh Cohn & Rye City Council

Dear Mayor Cohn:

I am writing this to you to express my support of The Osborn's request for a zoning text amendment which is pending before the Rye City Council. As a lifelong resident of Rye, I know the importance of The Osborn in our community. They are a major employer and one of the largest single taxpayers to the city and the Rye City School District. As the president of the Rye Chamber of Commerce, I have had the pleasure and opportunity to work with The Osborn many times and want to ensure this Rye institution continues to be competitive and prosperous in the future.

As you know, there are many new senior living communities being built around Westchester County and in order for The Osborn to compete with these new facilities, they must modernize their amenity spaces for current residents and add new residences for future ones – all while being true to the integrity of their campus.

I believe that The Osborn is one of Rye's most valuable resources and must be allowed to adapt to changing needs and market realities. This is imperative for the Rye business community and the community as a whole. The fastest-growing part of the U.S. population is in the cohort that is 85 and over. If The Osborn is not able to make reasonable changes to their campus, it could jeopardize its future in years to come.

I would like to request that you share this letter of support with the entire city council prior to the next council meeting. Thank you for your assistance and for all you do for the city of Rye. Your efforts are appreciated.

Sincerely,  
Tony Coash President, Rye Chamber of Commerce

Dear Mayor Josh Cohn,

September 29<sup>th</sup>, 2020

I am a resident of The Osborn. I urge you to vote affirmatively for the zoning change requested by The Osborn administration.

The Osborn must keep up with the competition and modernize. Such action will protect the substantial financial involvement in The Osborn made by independent living residents.

Approving the zoning change will enable administration to develop a specific proposal which of course would be subject to further review by the Rye City government.

I am confident that our administration will make a proposal which meets the needs of modernization and the requirements of Rye city government thus continuing as a good neighbor to all of Rye City

My confidence in these actions by The Osborn administration is based upon my dealings with administration during the 10 years of my residence. In particular I note the very successful program implemented by the administration in dealing with the effects of Covid-19 upon all sections of The Osborn, the Pavilion, assisted living and independent living.

Members of my family who are Rye City residents have the same confidence in the actions of The Osborn administration as I do.

Yours truly,

  
Thomas J. Lavan

## Sandy and Randy Motland

TO: Mayor Cohn  
Rye City Council  
FR: Sandy & Randy Motland  
The Osborn  
5005 Theall Road  
RE: Requested Zoning Change

September 29, 2020

My husband and I have been Rye residents at The Osborn for two years. We have found a special home in your town

It was a hard decision to move to a place for old people- like ourselves. But we soon came to feel that it was the right decision. The Osborn is a remarkable community where kindness sets the tone; where there are opportunities to live active and meaningful lives and where our children can feel assured that we are being well cared for.

We have a dog, Henry, whom I walk both here on our beautiful campus and around town. Our immediate neighbors enjoy an idyllic spot where The Osborn appears to fit. I can't imagine that our lit tower doesn't give a sense of peace during the dark night. When the pandemic has finally been contained our neighbors will again be able to enjoy walking the paths through beautiful gardens and trees. Many special events and lectures are open to the community as well.

It seems to be a win-win to support The Osborn in its request to be able to update and expand to meet the evolving needs of our senior community.

Thank you for your consideration of The Osborn's application and for welcoming us as part of the lovely community of Rye.

Campbell T. Gerrish

2 Windcrest Road

Rye, N.Y. 10580

September 30, 2020

Rye Town Council

City Hall

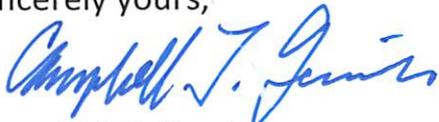
Rye, N.Y. 10580

Dear members of the Council,

I am writing to you regarding the plans for the Osborn. I am a lifelong resident of Rye and the son of a resident in the assisted living facility, Marilyn P. Gerrish.

In order to stay current with market demands, especially with the growing number of baby boomers reaching retirement age, I hope that you will give due consideration to the variances sought by the Osborn. I think very highly of the institution and the services it provides.

Sincerely yours,



Campbell T. Gerrish

9/29/2020

Dear Mayor Cohn and Council  
Members,

MARY SILK

I have been a resident of the Osborn in Independent Living for the past 6 years and know that it has provided a quality of life I could not have had without the care, quality of intellectual stimulation, companionship afforded by a place like this. My goal is to solidify the future of this residence for others thru the years.

I urge you to support the Osborn's petition to the City for a zoning change. There are crucial architectural

adjustments to increase the  
safety and comfort of the  
current + future occupants  
of these buildings and we  
appreciate your cooperation.

If you should want  
to communicate with me  
please call me at the Osborn.  
with deepest thanks for  
your attention to this letter.

Sincerely,  
Mary Selk  
3114 Theall Rd.  
Rye, NY

EDWARD B. DUNN  
4 PINE ISLAND ROAD  
RYE, NEW YORK, 10580  
[edward30dunn@gmail.com](mailto:edward30dunn@gmail.com)

October 6, 2020

To the Mayor and City Council Members,

First of all, let me thank all of you for all the hard work you do, particularly for the excellent leadership during the pandemic. On to business:

Re: Proposed Osborn Zoning Change

This letter is to support the proposed zoning change being requested by The Osborn.

The simplest reason is perhaps the most important one. The Osborn is a long term, major institution in Rye. It brings an important service to the community, adds substantially to the open spaces in the community, to the beauty of the community. Its Board and a good deal of its financial support comes from the community. It is a major tax payor. The City of Rye and The Osborn have prospered together for more than 100 years.

Retirees are a growing component of the population, in Rye and throughout the country. The rapid development of the various facilities serving this community is a relatively new. The needs evolve. Facilities built twenty and thirty years ago must adapt if they are to continue to survive. While much of the industry is handled by not-for-profit institutions, it is still very competitive. Not-for-profits have to compete with their peers and even more so with privately-owned facilities. Zombie companies, ones which do not adapt to change, have become a major economic problem in many places. The Osborn needs to adapt and that will be good for Rye.

The proposed zoning change has been approved by Planning Commission. I would urge you to approve it at the City Council.

Sincerely,



Sunday Oct 27, 2020

Mayor Cohen  
Rye City Council

Dear Sir

I have lived at the Osborn for five years and am quite happy at the Osborn. However in order for the Osborn to survive it must expand in order to keep up with future.

I can only say good things about the Osborn. but I'm sure you also know the excellent quality of this institution.

I am in favor with all their plans for the future and also now being brought forward to the board.

Yours truly  
David Ross

APT 3218  
3218 Theall Rd.  
Rye N.Y. 10584

JOHN C. SAVAGE

Sept 29, 2020

MAYOR COHN & RYE CITY COUNCIL -  
My wife and I moved to the  
OSBORN EIGHT YEARS AGO.

FROM ALL THAT I'VE SEEN IN  
THAT TIME - There is GREAT pride  
in Rye - AS SHOWN IN SO MANY  
WAYS - AND SO DOES THAT PRIDE  
CARRY ON here AT THE OSBORN.  
The Management is SO CAREFUL  
THAT THE ARCHITECTURAL HERITAGE  
AND THE BEAUTY OF THE GROUNDS

Are kept intact

I FEEL AT HOME NOW BOTH IN  
Rye AND AT THE Oskow. I AM CERTAIN  
THAT THIS MANAGEMENT WILL BE  
THOUGHTFUL & CAUTIOUS WITH ANY  
ADDITIONS THEY PLAN.  
AFTER ALL, THIS IS THEIR HOME TOO.

John C. Swager

**LUCY PULLEN WERNER**  
4300 Theall Road  
Rye NY 10580  
[LucyPullenWerner@earthlink.net](mailto:LucyPullenWerner@earthlink.net)

Dear Mayor Cohn and Members of the Rye City Council,

I am a relatively new resident of The Osborn, having arrived on July 17, 2019 from our home of 40 years in Edgemont. I confess I came here with my husband to assure we would not be a burden to our son, an only child with a wife and three young children who live in Portland ME. I didn't think there was much in it for us. I was right on the first point, wrong on the second. The Osborn has given us a whole new circle of friends and activities while allowing us to continue all the connections and activities we enjoyed in Edgemont (before the pandemic.)

I was wrong on another thing. I thought our Edgemont Tudor house was in perfect move-in condition. Everything worked in our air-conditioned house; everything was clean and attractive – to us. Our real estate agent quickly assured us that the new owners would likely spend something like \$500,000 to meet Their Needs. The wise agent was right; that's exactly what happened when the new owners (a doctor and a lawyer with three young children) purchased the house and began ripping out the kitchen, bathrooms and walls which impeded the open floor plan they desired.

This second insight helps me understand why it is so important for Rye to grant the zoning changes which will allow The Osborn to add facilities which are crucial to meeting The Needs of those who will be seeking a retirement community in the future.

I listened to the May 13, 2020 hearing and heard Rye residents say "there is no benefit to the community in changing the zoning." I believe there is enormous benefit to the community. The Osborn needs to be a financial success so it can continue to be the second largest taxpayer in Rye. The Osborn needs to be a financial success so it doesn't follow the path of businesses that have collapsed during the pandemic, leaving beautiful but empty buildings.

In addition to these business benefits for Rye residents, The Osborn needs to be a success to provide a stimulating environment to its own residents and share its programs and beautiful campus with Rye's residents.

Yes – there will be some additional traffic during the construction of new facilities, but we've survived the traffic of the St. Regis construction and the traffic of the school. Yes - more than one tree will be felled, but we've had to remove trees due to storms and pests.

I respect the concerns of the Rye residents and believe the management of The Osborn has listened to these concerns and sought to address them. However, I believe Rye residents – present and future, as well as The Osborn residents – present and future – will benefit enormously from the proposed zoning regulations that will allow The Osborn to make proposals for new facilities that fall within the new regulations.

Sincerely,



Lucy Pullen Werner

I'm a long time resident of The Osborn. Each month we pay "rent". When I first moved here, the "rent" bill itemized a portion of that charge as "taxes"...including the City of Rye, the School District and Westchester County. We were informed that those "tax" payments were NOT DEDUCTIBLE on our individual annual income tax payments to the Federal Government and NY State. Because some residents mistakenly did take those itemized payments on their own tax returns so The Osborn stopped showing those amount. But, I do know and fully support paying those taxes for the privilege of living in such a wonderful community as Rye. Now, I am asking for your support of the Osborn's requested zoning changes because The Osborn needs to plan ahead for its continued outstanding care of hundreds of deserving senior citizens.

Thank you for your support.

Mrs. Barbara Francis  
2107 Theall Road  
Rye, NY 10580.

As a resident of Rye for 25 years - 1982-2007 - and now a resident at the Osborn for the past 3 years I am writing to support the Osborn's request for a zoning change. The Osborn has always been a good neighbor to the Rye community by opening its beautiful campus and sharing community programs and events with our neighbors and supporting local business and charities.

As the second highest tax payer in the city the Osborn would only make improvements that would be a benefit to the community and continue our over 100 year relationship as neighbors and citizens.

One of the reasons I returned to Rye was the Osborn's close relationship to the community and its support of the schools, the library and the shops. I would hope to see that continue. Both Rye and the Osborn will benefit from this change.

Barbara Lieberman  
4410 Theal Rd  
Rye, NY 10580

Dear Mayor Cohn and Rye City Council Members,

I am writing this letter in support of the Osborn's future in Rye. My husband and I moved to Rye in 1995 with our two year old son. My husband's parents had moved to Rye in 1971. Family has always been the most important part of our lives. My parents lived in Manhasset and when my Father died in 2001, my Mother, at age 73 and now on her own, wanted to move closer to me and my sister, who lived in Bronxville. I was very happy because The Osborn was on the top of her list. The Osborn's park-like setting, the beautifully appointed buildings and residences, wonderful food and instant

community combined to made it an easy transition for my Mother and for me. I also had the security of knowing that no matter what the state of her health, we would have the support and resources needed for her care at The Osborn and all within a few minutes of our home. Once at the Osborn, my Mother could drive a few minutes to my house and spend time with her grandson and I could easily stop in to see her... no more spending two hours traveling to see my Mother and all while she was happy living in a new vibrant community. Then in 2007, my parents-in-law moved into the Osborn too. They also made an easy transition to life at The Osborn and were very happy with all of the amenities at The Osborn, along with its proximity to us, the Coveleigh Club and all their friends in Rye. The quality of our lives remained very good knowing our parents were happy, safe and near-by. In 2008, my Father-in-Law became quite ill, however, with the support of friends, family, Osborn Home Care aids, and access to the The Osborn Pavilion all helped my Mother-in-Law to care for her husband and cope with the aftermath of his death in December 2008. In 2012, my mother's health started to decline. My sister was ill also, so having the support of the staff of The Osborn was essential to helping me navigate caring for my Mother until she died in January of 2015. I do not know what I would have done without the care provided for my Mother by The Osborn's compassionate staff and the professional advice and support I received from The Osborn, and importantly the support we received throughout the weeks leading to my Mother's death. The Osborn has been a part of our lives for over eighteen years, enhancing all the good times as well as helping us cope through the worst of times. When the bottom fell-out The Osborn was there for us.

I believe The Osborn provides a critical function in the Rye community supporting people of all ages fulfill their lives and provide support when desperately needed. I hope Rye recognizes how much The Osborn has helped the community and will support The Osborn at this critical time to help it grow and support future residents as much as it has helped my family. It is truly a special community within the Rye community.

Thank you for your consideration.

Best regards,

Brooks Wright  
16 Highland Park Place

Dear Mayor Josh Cohn,

I am ninety three (93) years old.

I have been a resident of Rye since 1971, and a resident of The Osborn since 2007.

When my husband's health declined in 2007, it was difficult for me to care for him and our house on Hix Avenue. We were delighted to find a facility in the community we loved so we could be in close proximity to our friends and family. We moved into an independent living two bedroom apartment in

Sterling Park and made an entire new group of friends at The Osborn. When my husband required additional medical attention and rehabilitation, The Osborn provided skilled nursing care and physical therapists and a place to recuperate -The Pavilion- so he could remain close which was a great comfort to me. Although my husband passed away in 2008, I still live in the same independent living apartment at Sterling Park at The Osborn.

I have many friends at The Osborn and we engage in many activities together. For instance, I regularly play bridge with a group of ladies including my 109 girlfriend- not a typo. Also, although I gave up my car last year like many of my friends, The Osborn provides Dream Trip Days with a driver and car. For my Dream Trip Day I went with three friends to my old neighborhood in Brooklyn.

The Osborn serves more than four hundred (400) residents and fulfills an important need in the community: provides seniors with a lovely place to live in a stimulating environment and a nurturing place if medical attention is required. The Osborn also supplies a rewarding experience for people to work and the staff are beloved by The Osborn residents.

The Osborn is a Rye landmark and an vital member of the Rye community which has been providing shelter and care for seniors since 1908. I ask that you please approve the zoning change requested by The Osborn so it can continue its important mission to provide shelter, support and care for the elderly.

Sincerely,

Kathleen Mary Wright

[3209 Theall Road](#)

To: Rye City Council

Ladies and Gentlemen:

I appreciate this opportunity to express my support for our Osborn community's request to be allowed the flexibility in use of its land resources to maintain and advance the environment I and my fellow residents so value. My husband and I moved from Manhattan to The Osborn--that is, became Rye residents--in April 2018. Sadly, he was an early victim of Covid-19, otherwise this letter would be signed by us both. Nothing could demonstrate The Osborn's exceptional qualities better than my experience of the past six months adjusting to personal solitude in the midst of a world in need of isolation. In the immediate aftermath of my husband's death I had the immediate support of Osborn staff in handling all the practical matters I could not handle myself from quarantine. Where their efficiency might be expected, their tact reflected a personal concern, characteristic of the relationship of residents and Osborn administration. The friends we made here, and many residents with whom I am only slightly acquainted, have gone out of their way to provide the sense of human companionship to help compensate for my loss. That is the nature of The Osborn: awareness of, and concern for, neighbors.

Those of us who live here are well aware of, and applaud, the relationship The Osborn--as an institution and its residents--enjoys with the Rye community. Among the demonstrations of the interaction of Rye and Osborn residents is sharing programs and events presented on our campus, and that beautiful campus, itself. In terms of a "bottom line" of the relationship, there is the substantial contribution The Osborn makes to the City's tax base. But above that line is more than 110 years of being good neighbors. I am one of many who hope the City will recognize that The Osborn's need to make changes to meet the changing character in the aging population. The Osborn's present residents--and certainly those of the near future--are, and will, be more physically able and active; more intellectually curious and acute; and thus, have greater expectations for their late life environment. To remain the premier senior residence facility it is, The Osborn needs to make measured adjustments and improvements in the facility and its capacity for service. Again, I am one of many who hopes the Rye City Council will agree that what is good for The Osborn is good for Rye.

Abigail Booth Gerdts

The Osborn  
4403 Theall Road  
Rye 10580

Dear Mr. Mayor and City Council members,

The Osborn has been my home for less than a year; but, I would like to share some observations with you. Most residents I meet have been here far longer—some are even second generation. Others decided in first grade the Osborn was their ultimate destination. I was not so organized.

After years of rehearsing, last September I finally sold my beloved family home in New Hampshire. Suddenly, I needed a real retirement destination—and not a fanciful one. My goals seemed simple enough:

1) be closer to family; 2) provide safety of principal and person; 3) ability to “age in place”.

Geographically, parts of Massachusetts, Vermont, or New York were the target. There are many, many “senior living options”, with more being added rapidly as the huge baby boomer generation matures. But, for various reasons they were not compelling, and I added two more requirements. I wanted a not-for-profit with homegrown, seasoned management. That narrowed the field significantly, leading to The Osborn and the beautiful City of Rye. And, because I was willing to move before Christmas, the only available apartment was offered to me.

So, here I am, feeling very fortunate. My recent market survey convinces me that The Osborn is a treasure and a great asset to the City of Rye. I believe The Osborn gives much more to the City than it takes. In addition to the income, the employment, the healthcare, and the charity, it allows so many older citizens an attractive alternative to staying in their own homes too long. A healthy community needs a balance of housing choices suitable for people raising children and people not raising children.

I hope the City Council will grant The Osborn's request for a zoning change that would give it the flexibility to stay at the leading edge and to prepare for the next century. Surely The Osborn deserves such an accommodation. If I still needed a single-family home, I would be delighted to be its neighbor. I can think of no better use for the property, and it's priorities for maintaining a safe, quiet, stable, historic residential neighborhood would parallel my own.

Sincerely,  
Anne Bushnell  
2405 Theall Road

June 5, 2020

To: Rye City Council/ Senior Living Facilities

Re: City of Rye new zoning for The Osborn

From: Elaine Lerner

59 Franklin Ave., Rye

As a young Girl Scout from the Bronx, I was fortunate enough to visit Rye on a variety of occasions to ice skate or enjoy rides at Playland. It became a secret dream of mine to someday live in this community because of its general open atmosphere. It was by sheer coincidence that I did wind up living in this charming historic city. I believe in the oft said "keep Rye Rye". I sincerely believe that passing the recent Osborn request for rezoning will lead to deleterious changes to the special character of Rye making it into just another town. Growth does happen over time and reasonable change can happen **IF** the City Council, the Planning Commission and the Architectural Review Board pay extremely careful attention to the open charm and historical character that **must** be retained here. Can the buildings be kept low and historically styled?

I am recalling a case in point of the questionable style of the now closed TD Bank in town which is so far from the appearance of the rest of the buildings in town. The St. Regis property in its original sales pitch was not as dense as it has turned out. More 4 or 5 story buildings will leave little green space in the neighborhood.

And now, I turn to the alerts, or lack thereof, as to what the Osborn wants to achieve with its request for rezoning which was not made transparent to the public. The Osborn project will change site lines for sure, and create issues with traffic, safety, and probably parking due to the increase in staff and visitors. Meeting notification signs were not displayed until the day before the May 13<sup>th</sup> meeting and only on 2 sides of the property. No signs have been displayed on the Boston Post Road side which is the side facing my home. At the May 13, 2020 City Council meeting, the residents living close to the Osborn property stated that they chose to purchase homes in Rye because of the open spaces. It is a real possibility that I might find myself facing some tall brick buildings in the future!

The Osborn has been a good neighbor, and I, personally, do support it in many ways, however, I do not want to lose any property value due to its desire to save its bottom line.

Those of us who have lived in Rye for decades remember the last zoning change-- The Osborn request came with a promise to not build anymore buildings after that project. And we believed it! What can be believed now?

Rye City is known as a Tree City- will it become a tenement city?

**From:** Amanda Timchak <[amanda.timchak@gmail.com](mailto:amanda.timchak@gmail.com)>

**Date:** May 11, 2020 at 4:39:50 PM EDT

**To:** [publichearingcomments@ryeny.gov](mailto:publichearingcomments@ryeny.gov)

**Cc:** "Calvin (Chris)" <[ctimchak@gmail.com](mailto:ctimchak@gmail.com)>

**Subject:** Zoning text amendment

Hello,

I am a concerned neighbor who lives on Osborn Road. I have read the proposed Zoning Text Amendment as put forth by The Miriam Osborn Memorial Home and am highly concerned about the potential future development.

Traffic along Osborn Road is already a safety disaster for students who live along Osborn Road and in the Glen Oaks neighborhood behind Osborn Road. I live directly across the school at 61 Osborn Rd with my 4 children and the oldest 3 attend Osborn Elementary. There is no place for my children to safely cross Osborn Road to get to and from school. They can not access the crossing guard at Coolidge and Theall because there is not a sidewalk on our southern side of the street. So they cross Osborn Rd with my help. Many children who live along Osborn Rd and who live in the Glen Oaks development behind us also cross Osborn Rd to get to school. I would estimate that 30 people cross here each day. Because of the location of the school parking lot exit, the parking along Osborn Rd and the fact that many cars do not follow the school speed limit, crossing Osborn Road here is very dangerous. There is a serious blind spot caused by parked cars when you cross from the northern side of Osborn Road, and it's particularly bad if you're the height of a child. Children and adults crossing here basically have to be in the street on Osborn Rd to see if traffic is coming. There was a 4th grader who was nearly hit crossing after school earlier this year. I've made numerous calls to the School District, the Police Department, the Department of Public Works and the City Planner about this dangerous situation. No real solution has been offered. I have worked with the Osborn Elementary principal to leave traffic cones in the no parking spot near the school exit to help deal with the blind spot, but this is a very minor solution to a large problem.

Adding more traffic along Osborn Road indefinitely, particularly the traffic caused by large construction vehicles during the construction process, increases the danger for the children of Osborn Elementary who walk along or across Osborn Rd to get to and from school. These children's health and safety should be a top priority.

In addition, the green space afforded by the open space on the south west corner of the Miriam Osborn Memorial home is a part of our community I would be sad to lose. There is such limited green space in our neighborhood. We moved here with the understanding that that land would not be developed. There are beautiful old trees and open space for local children and adults to connect with a small part of nature. We love walking along the sidewalk here and so most days. The interruption of construction and the loss of the beauty of nature there is disheartening.

Given that the Miriam Osborn Memorial Home's lot wraps around the lot of the Osborn Elementary school, there is very little chance of the students not being interrupted by any potential construction there. These students have dealt with the extreme interruption of remote

schooling. Once they are able to be back in the classrooms it doesn't seem fair to add disruptions to their school experience.

Btw -

The text of the amendment references a 240 FOOT setback, while the map of proposed development shows a 240 YARD setback. Those are 2 very different scenarios. Please clarify which is correct.

Thank you for reading my concerns. I look forward to learning more about the proposed amendment and potential development plans.

Regards,  
Amanda Timchak  
61 Osborn Rd

Nancy Nightingale  
5021 Theall Road  
Rye, NY 10580

October 2, 2020

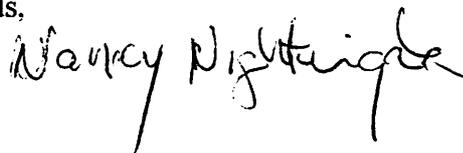
Dear Mayor Cohn and Rye City Council Members,

I am writing to voice support for The Osborn's request to adjust its zoning restrictions. As a lifelong resident of Rye and now in independent living at The Osborn, I treasure it as a valuable institution - not only to its residents, but to the City, as well. Many of us continue to enjoy not just the comfort it offers, but most importantly, the shared history and collaboration with Rye in various activities and institutions. That's what brought me and my husband here years ago.

It is a hundred - year old part of our community, but in order to continue thriving The Osborn must compete with the increasing number of facilities coming on line in this area, offering similar services and ever more modern amenities. It is no longer the only wonderful game in town.

Unless it can be afforded the opportunity to meet the current and future demands of the market, I fear that The Osborn, always a leader in its field, will inevitably become less attractive if it cannot grow, not so much in size, but with the times.

Best regards,

A handwritten signature in black ink that reads "Nancy Nightingale". The signature is written in a cursive style with a long, sweeping tail on the letter 'e'.



# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: September 30, 2020

CONTACT: Greg Usry, Interim City Manager

**AGENDA ITEM:** Authorization for the City Manager to engage the law firm Best Best and Krieger to represent the City as a part of a coalition of communities that filed petitions challenging two FCC orders regarding small wireless cells. This is at a cost not to exceed \$2,500.

**FOR THE MEETING OF:**

October 7, 2020

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council authorize the law firm to represent the City of Rye.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

See attached proposal.



**BEST BEST & KRIEGER**  
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**Gerard Lavery Lederer**  
(202) 370-5304  
gerard.lederer@bbklaw.com

September 25, 2020

TO: Kristen Wilson, Esq. City of Rye, New York

FROM: Gerard Lavery Lederer on behalf of BB&K

RE: ADDENDUM TO EXISTING "SMALL CELL APPEAL" RETAINER

The City of Rye ("Client") retained BB&K ("Firm") in 2018 as part of a coalition of communities that filed petitions challenging two Federal Communications Commission orders which were docketed as: *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment* (FCC WT Docket No. 17-79) and *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment* (WC Docket No. 17-84), specifically the Third Report and Order and Declaratory Ruling (issued August 3, 2018) (the "Moratorium Order") and the Declaratory Ruling and Third Report and Order (adopted on September 26, 2018) (the "Small Cell Order"). In response to the petitions, a three-judge panel of the Ninth Circuit mostly upheld the FCC Small Cell Orders, *City of Portland v. United States*, No. 18-72689, 2020 WL 4669906 (9th Cir. Aug. 12, 2020). Client has agreed to participate in a coalition that will ask the Ninth Circuit to review the panel's decision *en banc*. Firm sent you a separate memorandum describing the issues we expect to raise. This letter outlines the terms of the Firm's representation of your community as part of the coalition.

With exception of the FEES & WORK PRODUCT section below, your original retainer with Firm for the Small Cell Order Appeal governs, including those governing conflicts among coalition members.

**FEES & WORK PRODUCT**

Pursuant to this addendum, Firm will prepare and file a petition with the Ninth Circuit requesting *en banc* review. If the petition is granted, we expect the Ninth Circuit will likely request additional briefing and oral argument. The cost of the *en banc* petition, and any briefing and oral argument are included as part of this addendum and the below fee. If the *en banc* petition is not granted, Firm will send recommendations for further steps, which could include a petition for *certiorari* to the Supreme Court. However, costs for such a petition to the Supreme Court are not included in the fee for the *en banc* petition.

Client commits an amount not to exceed Twenty-Five Hundred Dollars (\$2,500), for worked performed in this effort and understand that Firm will record its time at billable rates of



**BEST BEST & KRIEGER**  
ATTORNEYS AT LAW

District of Columbia  
Small Cell Appeal Retainer  
Page 2

\$355 per hour for Partners, Of Counsel and Contract Attorneys, \$285 per hour for Associates, and \$175 per hour for Paralegals, Clerks and Legislative Administrative Assistants, as well as any out-of-pocket costs. Firm will allocate hours and costs proportionately among participants based on the commitments made. If, for any reason, there is not enough interest to support the filing, we will let you know.

If this addendum is acceptable to you, please countersign, and return a copy to us.

AGREED AND ACCEPTED:

By:

  
~~Lawrence N. Cooper~~ Kristen K. Wilson

Dated:





# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: September 30, 2020

CONTACT: Greg Usry, Interim City Manager

**AGENDA ITEM:** Consideration of a request from Monty Gerrish at Milton Point Provisions to use the City parking lot on Milton Rd. (next to Hewlett Ave.), "The Lane", Saturday, October 24, 2020 from 5:00 pm to 10:00 pm to host an outdoor movie to ticket holders. A maximum of 50 people will be allowed to attend and COVID restrictions will be followed.

**FOR THE MEETING OF:**

October 7, 2020

**RYE CITY CODE,**

CHAPTER

SECTION

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

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

See attached request.

**From:** [Hadley Mongell](#)  
**To:** [Ruttenberg, Noga P.](#); [Monty Gerrish](#)  
**Subject:** Milton Point Provisions Event Follow up (Oct 7th Council Agenda)  
**Date:** Wednesday, September 30, 2020 1:56:27 PM

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Hi Noga,

Thank you so much for following up! I left you a voicemail but wanted to follow up with the event details that you requested.

Date of event: Saturday, October 24th

Time: Setup (5pm)....Start Time for Movie (7pm)...Event and cleanup over by 9:30pm

Movie Showing: The Goonies

# of People: 50 people ( bringing own chairs and grouped by family for respect of social distancing)

Tickets: Purchased inside Milton Point Provisions

Food: Provided by Milton Point Provisions and all packaged individually for each group

Parking: Can park in our backlot at 615 Milton Road and Milton School

COI for City of Rye: Confirmed

Our insurance broker can issue the certificate of insurance within 24 hours. We will provide it in advance of the event.

Thank you, Noga! We appreciate your help with getting on the agenda and look forward to confirming next steps.

All the best,  
Hadley



# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: September 29, 2020

CONTACT: Greg Usry, Interim City Manager

**AGENDA ITEM:** Consideration of a request by the Rye YMCA for use of City streets for the 33<sup>rd</sup> Annual Rye Derby on Sunday, April 25, 2021 from 9:00 a.m. to 2:00 p.m.

**FOR THE MEETING OF:**

October 7, 2020

**RYE CITY CODE,  
CHAPTER  
SECTION**

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

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

The Rye YMCA is requesting the Council approve their use of City streets for the Annual Rye Derby on Sunday, April 25, 2021 from 9:00 a.m. to 2:00 p.m.

See attached letter from Gregg Howells, YMCA Executive Director



FOR YOUTH DEVELOPMENT®  
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September 29, 2020

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Ms. Carolyn D'Andrea, Esq.  
City Clerk, City of Rye  
1051 Boston Post Road  
Rye, New York 10580

Dear Ms. D'Andrea:

We are writing to request permission from the City of Rye for use of city streets on Sunday, April 25, 2021 for the 33rd Annual Rye YMCA Derby. We understand that we will be required to follow all NY State guidelines with regard to public health and safety in place at that time and would only move forward with the Derby if it can be done in accordance with the guidelines.

The five-mile run and 5K will start at 9:15 am and the one-mile "Family Fun Run" will begin at 11:00 am, using the same course as last year. As always, the Rye Y will be the focal point of festivities before and after the race. This is a community event that attracts as many as 600 participants and several hundred spectators. The racecourse map from last year is enclosed.

Prior to race day, the Rye Y will provide a certificate of insurance naming the City of Rye as additionally insured for that day. We also have instructed our race advisors not to use paint or chalk on city streets and we will follow the course that has been agreed upon with the Rye City Police department for this race. Laura Kelleher, our Race Director, will be coordinating her efforts with Lt. Robert Falk.

We would also like permission to restrict parking on Purchase Street between Purdy Avenue and Locust Avenue the morning of April 25th until 10:30am with your approved signs. The safety of our runners is paramount and the beginning of the race is crowded, especially when there are cars parked on Purchase.

Thank you in advance for your consideration.

Sincerely,

Gregg Howells  
Executive Director

cc: Lt. Robert Falk, Interim Public Safety Comm., Greg Usry, Interim City Manager

The Rye YMCA is a 501(c)(3) nonprofit organization dedicated to strengthening the foundation of families and community.