

CITY OF RYE

NOTICE

There will be a regular meeting of the City Council of the City of Rye on Wednesday, May 19, 2010, at 8:00 p.m. in the Council Room of City Hall. *It will be preceded at 7:00 p.m. by a Workshop on 1037 Boston Post Road to be held in the Mayor's Conference Room.*

AGENDA

1. Pledge of Allegiance.
2. Roll Call.
3. General Announcements.
4. Draft unapproved minutes of the regular meeting of the City Council held May 5, 2010.
5. Residents may be heard who have matters to discuss that do not appear on the agenda.
6. Mayor's Management Report
 - Presentation of the City of Rye Stormwater Management Program 2009 Annual Report.
7. Continuation of Public Hearing to change the City of Rye Zoning Code to include "child-care facilities" as a use in the B-1 District.
8. Public hearing for the establishment of the Kirby Lane Extension Sanitary Sewer Special Assessment District.
9. Resolution to transfer \$25,000 from Capital Projects Forest Avenue to the Boston Post Road project and discussion of Boston Post Road Diet recommendation.
10. Discussion of 151 Purchase Street Associates, LLC and tenancy lease terms.
11. Discussion of Resolution to establish a Rye Town Park Advisory Committee.
12. One appointment to the Conservation Commission/Advisory Council for a three-year term, and one appointment to fill out a term expiring on January 1, 2011, by the Mayor with Council approval.
13. Three appointments to the Governmental Policy and Research Committee for three-year terms, two appointments for two-year terms, and two appointments for one-year terms, by the Mayor with Council approval.
14. Miscellaneous communications and reports.
15. Old Business.
16. New Business.

17. Adjournment.

The next regular meeting of the City Council will be held on Wednesday, June 9, 2010.
The City Council will hold a special meeting on Monday, June 14, 2010.



CITY COUNCIL AGENDA

NO. 4

DEPT.: City Clerk

DATE: May 19, 2010

CONTACT: Dawn F. Nodarse

AGENDA ITEM: Draft of the unapproved minutes of the regular Meeting of the City Council held on May 5, 2010, as attached.

FOR THE MEETING OF:

May 19, 2010

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council approve the draft minutes.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

Approve the Unapproved Minutes of the regular Meeting of the City Council held on May 5, 2010.

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held in City Hall on May 5, 2010 at 8:00 P.M.

PRESENT:

DOUGLAS FRENCH Mayor
RICHARD FILIPPI
PAULA J. GAMACHE
SUZANNA KEITH
CATHERINE F. PARKER
JOSEPH A. SACK
Councilmembers

ABSENT: PETER JOVANOVIICH

1. Pledge of Allegiance

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

Mayor French began the ceremonial portion of the meeting in the Square House by saying that this was one of his favorite nights because it is a chance to celebrate our history and share in the traditions of those who served before. He added that volunteerism in Rye is very special and it was a pleasure to serve the public.

Mayor French then introduced Sheri Jordan, the Director of the Historical Society, who welcomed everyone to the Square House and to the room where the City Council had met until 1964. She said the City owns the Square House and partners with the Historical Society in maintaining the structure which dates back to the 1700's. She said that in honor of the 350th Anniversary of the founding of Rye, a Colonial re-enactment and encampment would be staged at Rye Town Park and encouraged everyone to attend.

The Mayor then asked the current Members of the Council if they wished to make any comments. Councilwoman Keith said she was honored and amazed to be here with the former Mayors and Councilmembers, saying that their volunteerism had inspired her to serve. Councilwoman Parker said that she loves hearing from the former Councilmembers. She said that this has been a good year and that the new City Council is working well together with a spirit of congeniality. She added that the City has a tremendous staff, who are working at keeping the City in good shape in the current economy. Councilman Sack said that this was a favorite night of his, calling the evening a combination of an "all-star game, college reunion and old-timer's game". He said he had enjoyed working with former Mayor Carey on the recommendations for the Law Department and that when he leaves the Council he hopes he can contribute as much to the community and Mr. Carey has. Councilwoman Gamache praised the

dedicated City staff saying the City is very fortunate to have them. She also acknowledged the work of the many volunteers who serve the City and take their work very seriously, saying she didn't know where the City would be without them. Councilman Filippi said that as a student of history it is good to be able to learn from those who came before us, adding that those who fail to learn the lessons of history are doomed to repeat them.

City Manager Culross then introduced the members of the City staff who were in attendance:

William Connors	Police Commissioner
James Dianni	Fire Inspector
Jean Gribbins	City Comptroller
Nicole Levitsky	Rye Cable TV Coordinator
Christian Miller	City Planner
George Mottarella	City Engineer
Dawn Nodarse	City Clerk
Scott Pickup	Assistant City Manager
Sally Rogol	Recreation Superintendent
Vincenzo Tamburro	Building Inspector
Kristen Wilson	Interim Corporation Counsel
Scott Yandrasevich	Golf Club Manager

Assemblyman *George Latimer* noted that he spent four years on the City Council and although he may have forgotten some of the issues discussed during that time he has not forgotten the terrific people he worked with. He added that it was an honor to have been a small part of this tradition. County Legislator *Judy Myers* said it was a testament to all that so many come back year after year to this event.

Former Councilman and Judge *John Alfano* said he thought that City Council's had more fun before television and hoped the current Council had as much fun as the Council he served on. Former Councilman and current City Court Judge *Joseph Latwin* said everything is going well in court and that it was a pleasure to see old friends and to work with City staff.

Former Councilmembers in attendance also offered comments. *Gerry Seitz* said that although issues remain the same, the people and what they bring to it are different and it is good to have new blood and new ideas. *Carolyn Cunningham* said that she served with wonderful people and that Rye is lucky to have so many volunteers to deal with its many difficult issues. *Marcia Kapilow* said she was lucky to live in Rye with all its wonderful volunteers and staff. *William Ball* said it was always a pleasure to come back to this meeting, offered his thanks to the staff and said he agreed that many issues reappear over time. *Ted Rogers* thanked everyone for their hard work, saying he and his family appreciated it. *Andy Ball* offered his thanks to all the volunteers saying they help define what Rye is about. He also thanked City staff saying they make the City work and said he hoped the current Council continued to all work together. *Robert Cypher* thanked the Council and other volunteers for all the great work they do. *Roz Larr*

said it was great to see everyone. *Matt Fahey* also thanked everyone for their hard work saying that the community was in their debt.

Members of Boards and Commissions in attendance also offered comments.

- *Doug Carey* of the Cable TV Committee thanked the Council and staff for the City's new website and making government more transparent and accessible.
- *Nicholas Hodnett* of the Conservation Commission/Advisory Council said his committee is working on a Sustainability Plan for Rye and a Tree Preservation Plan as well as continuing to be involved in Wetlands and Watercourse applications.
- *Eugene McGuire* of the Board of Architectural Review thanked his members for the care and time they spend.
- *Sis D'Angelo* of the Senior Advocacy Committee said the committee is doing a lot of work and thanked former Councilwoman Cunningham for obtaining increased funding for the taxi voucher program for seniors.
- *Serge Nivelles* of the Zoning Board of Appeals said he loves serving on the Zoning Board, finding it very interesting as a non-lawyer and thanked the staff for what they do to prepare them.
- *Martha Monserrate* of the Planning Commission said she is proud of the Commission which is one of the best in Westchester because Rye has the best Planner. She added that there is a great diversity of talent on the board, which serves the City well.
- *Bart DiNardo* of the Recreation Commission said it is a great board and that there is a great staff at the Rec. He added that it is great to live in Rye because volunteering is important.
- *Maurio Sax*, who also serves on the Landmarks Commission, said he admired those who serve in public office and was privileged to work as a volunteer.

Mayor French closed the ceremonial portion of the meeting by saying that Rye was a unique community that embraces continuity and enjoys it. The meeting reconvened in Council Chambers at 9:00 p.m.

2. Roll Call

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

3. General Announcements

- The leaf blower ban went into effect on May 1st. Hopefully there will be more compliance with the law this year.
- Everyone should sign up for NIXLE.com. It is a great way to be informed of emergency related or Police announcements.
- The Council will begin interviewing City Manager candidates on May 19th.
- The final recommendations for the Boston Post Road Diet near Osborn School will be presented at the May 19th meeting.

- A special Council meeting will be held on June 14th to receive recommendations from the City Manager relative to budgeting for 2011.

Announcements were also made regarding activities and events of other community organizations.

4. Draft unapproved minutes of the regular meeting of the City Council held on April 21, 2010

Councilwoman Keith made a motion, seconded by Councilman Sack and unanimously carried, to approve to minutes of the regular meeting of the City Council held on April 21, 2010, as amended.

5. Residents may be heard who have matters to discuss that do not appear on the agenda

Doug McKean, 35 Halsted Place, said he has been corresponding with City staff about the lack of Code Enforcement in connection with a renovation project at 34 Halsted Place and on construction sites in general around the City. City Manager Culross said the matter was being looked into.

6. Mayor's Management Report

- Commission Update: Recreation Commission

Bart DiNardo, Chairman of the Recreation Commission, brought the Council up to date on activities of the Commission.

- The Commission has reactivated the Field Committee and has taken an inventory of the all the fields in the City, how they are used and what user groups use the fields such as soccer, Little League, lacrosse as well as the schools. The Commission hopes to come back to the Council with a plan of action for the fields in a couple of months.
- Registration for camp is open and has been very successful. The levels are about the same as in the past and they hope to see an increase. Scholarships are offered if needed. The goal is to offer good programs at reasonable rates. Four camps are offered: Kiddie Camp for ages 3 -4; Lower Camp for grades K-2, Upper Camp for grades 3-6 and Camp 7-8.
- At their next meeting the Commission will discuss the naming of the new Disbrow Field.
- A resident has approached the Commission regarding establishing a dog park. They may look into identifying a potential area where a park could be built and look into finding grants to fund it.

Mayor French said he agreed that this was a good time to revisit the relationships with user groups and the schools. He suggested the Commission look into the issue of camp drop off. He also noted there is an issue with the Seniors organization and the schools regarding parking at the Damiano Center on Senior meeting days and he asked Councilwoman Keith to look into this with the Joint Task Force.

- Summary of the City's submission on the Starwood development project

City Planner Christian Miller said that on April 23rd the City submitted comments to the Village of Port Chester, which is in the earliest stages of the Environmental Review for the proposed retail/mixed use development known as "The Gateway" located on the former United Hospital site. The City made comments regarding the Draft Environmental Impact Statement Scope (DEIS), which is an outline of what they will cover in their Environmental Impact Statement Document (EIS). The City requested: that the Scope be expanded to include certain additional intersections; an expanded discussion of visual resources; a better assessment of potential impacts on shared municipal services; that it explore potential impacts on retail businesses in the Central Business District; and, and expanded alternatives analysis to look at different alternatives that might be permitted under the proposed zoning for the project. On May 3rd the Village Board adopted the Draft Scope and all the comments that the City made were incorporated into the document. The applicant will now prepare a document that will include an extensive traffic analysis and a broad range of issue areas. When the document is prepared, there will be additional opportunity for public comment.

Council questions and comments included:

- Who will be the lead consultant for the Village of Port Chester? (Port Chester has Village staff and utilizes an outside Planning Consultant.)
 - In looking at this development, there are also strategic issues related to I-95, I-287 and the Tappan Zee corridor. How does the Council monitor these issues to make sure Rye's best interests are protected? (The EIS requires that the applicant look at local, area and regional plans. These are different projects which have offered the public a chance to comment and have been good at engaging local communities. Staff passes along information it receives to the Council and the public.)
 - The next step in the process is to determine if Starwood is addressing the issues raised in the Draft Scope in the appropriate way.
 - What did the Starwood proposal include? (1.1 million sq. feet, 720,000 sq. feet devoted to 762 residential units and 250,000 sq. feet of retail and commercial space. There would be five low and high rise residential structures and the existing buildings on the property would be removed. All of this will be evaluated in terms of their impact.)
 - How far can the City influence how the property is used? (In New York State land use is under the jurisdiction of the municipalities, but reasonable comments should be addressed in this process.)
 - What happens if comments made in the Draft Scope are addressed in a way that doesn't meet what the City would like to see? (The City will be able to comment on the EIS, which will require a response; it may provide an opportunity to enhance conditions that may be substandard today.)
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- Update by Interim Corporation Counsel

Interim Corporation Counsel Wilson reported on the following matters:

- The R.B. Conway litigation – depositions have started and will finish up next week in this case regarding the dredging of the Municipal Boat Basin.
- Solicitation – At this time of year there is heightened awareness of solicitors going door-to-door in the community. They have a right to speak and the City cannot prohibit them from going door-to-door to deliver their message. The City has a permit process for solicitors and we will work with the Police Department in sending out alerts through NIXLE. The organizations send a list of those who will be soliciting to the Police Department. If residents ask solicitors to leave their property, they are required to do so. The City has to be careful about restricting solicitation hours. There is currently no enforcement mechanism in the City Code to stop solicitors who do not obtain a permit. The Code on solicitation can be revisited, but it is a difficult area to regulate.

7. Public Hearing to change the City of Rye Zoning Code to include “child-care facilities” as a use in the B-1 District

Prior to the public hearing being opened, Linda Whitehead, Esq., who represents the applicant that petitioned the Council to amend the Zoning Code, offered an overview. The proposal is that child-care facilities be added as a use permitted, subject to additional standards and requirements, in the B-1 neighborhood districts. It would require that every application go before the Planning Commission for review prior to approval. Currently, child-care facilities are only allowed in the B-4 and B-5 office building district as an accessory use for one of the employers in the building. The Little Angels facility located at Avon is the only full-day facility in Rye. There is a need for more full-time child care. The proposed zoning change would require a lot size of 10,000 square feet in order to provide for an outdoor play area and sufficient parking.

Councilwoman Keith made a motion, seconded by Councilman Filippi and unanimously carried to open the public hearing.

Members of the public commenting included *Curtis Spacavento, Marian Anderson, Sis D'Angelo and Suzanne Spacavento*. Their comments included:

- The site the applicant is proposing to use for a day-care facility, 181 Theodore Fremd Avenue, is not large enough to accommodate the traffic that will be brought to the area. There are commercial vehicles in the area during the day and if adequate off-street parking is not provided, it could endanger the children.
- The site in question is a former gas station and could present environmental issues.
- Families in Rye need full-day options for child care.
- The proposed site should not be used as a site for children because the property was used as a dumping ground for oil.
- B-4 and B-5 districts are not that far away from residential areas in Rye.
- Small 10,000 square foot facilities will not do much to meet the day-care needs.

Council questions and comments included:

- The question is whether the zoning should be changed to permit child-care facilities in B-1 neighborhood districts, not one particular application. Has the Planning Commission ruled on whether they would permit a facility on that site? (No. They have been reviewing the application for several months and would decide the appropriateness of the application if the zoning change were adopted. The applicant has been tasked with providing documentation regarding the clean-up of environmental contamination.)
- How many more sites in the B-4 and B-5 districts would qualify for child-care facilities? (Maybe up to 10, but the current zoning requires that the facility be run by an employer in the building primarily for the children of its employees.)
- How is the need for child-care facilities in Rye being determined? (The City does not have full-day care options permitted by zoning except when it is accessory to an office building in the B-4 and B-5 districts. Petitioners approaching the City for a zoning change are an indication of a need.)
- What if contamination was discovered on the proposed site? (The Planning Commission would require that it be cleaned up and the Department of Environmental Conservation (DEC) and County Health Department would have requirements. A site would not be allowed to be used for child-care if there were potential problems.)
- The Council decides whether to amend the Zoning Code to allow for child-care facilities in B-1 districts, not whether a specific site is appropriate. It is the Planning Commission's job to deal with concerns about specific sites.
- Where do the standards in the proposed local law come from? (The parking standards were based on a review of comparable standards in other communities. The limit on the number of children was deemed to fit the size of the property and is consistent with the City's current regulation of nursery schools.)
- What makes B-1 districts the best location for child-care facilities? Why can't child-care needs be addressed by amending the restrictions in B-4 and B-5 districts? (B-1 areas are transitional zone areas between residential districts and more intense business zones, which make them more suitable for child-care facilities. Office buildings in B-4 and B-5 districts may not be practical locations in terms of the needs of day-care providers. They may not be appropriate for stand alone child-care facilities.)

The public hearing was kept open and the City Planner was asked to research if there were other areas better suited for day-care facilities.

8. Public hearing to amend Chapter 177 of the Code of the City of Rye to grant an exemption to Cold War Veterans who meet the requirements of Section 458-b of the New York State Real Property Tax Law

Councilwoman Gamache made a motion, seconded by Councilwoman Keith and unanimously carried, to open the public hearing.

No one from the public wished to speak.

Councilwoman Gamache made a motion, seconded by Councilman Sack to close the public hearing.

Councilwoman Gamache made a motion, seconded by Councilman Filippi, to adopt the following local law:

**CITY OF RYE
LOCAL LAW NO 5-2010**

**A local law to amend Chapter 177, Taxation,
by amending Article X, §177-66, “Definitions”, § 177-67(A)&(B)
“Amount of Exemption; Limitations”, by adding § 177-68 “Property Held In Trust” and §
177-69, “Cooperative Apartments” and renumbering § 177-70 “Duration of Exemption” &
§177-71 “Application for Exemption” to the City Code of the City of Rye**

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

Section 1. Chapter 177 “Taxation” is hereby amended by adding Article X “Cold War Veterans Tax Exemption” as follows:

§ 177-65. Purpose.

The purpose of this Article is to grant Cold War veterans who meet the requirements set forth in Section 458-b of the New York State Real Property Tax Law with a real property tax exemption.

§ 177-66. Definitions.

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

ACTIVE DUTY – means full-time duty in the United States armed forces, other than active duty for training.

ARMED FORCES – means the United States Army, Navy, Marine Corps, Air Force, and Coast Guard.

COLD WAR VETERAN – means a person, male or female, who served on active duty in the United States armed forces, during the time period from September second, nineteen hundred forty-five to December twenty-sixth, nineteen hundred ninety-one, was discharged or released therefrom under honorable conditions and satisfies any other requirements set forth in Section 458-b(1)(a) of the New York State Real Property Tax Law.

LATEST CLASS RATIO – means the latest final class ratio established by the New York State Board of Real Property Tax Services pursuant to title one of article twelve of the New York State Real Property Tax Law for use in a special assessing unit as defined in section eighteen hundred one of the New York State Real Property Tax Law.

LATEST STATE EQUALIZATION RATE – state equalization rate or special equalization rate established by the New York State Board of Real Property Tax Services pursuant to article twelve of the New York State Real Property Tax Law. The New York State Board of Real Property Tax Services shall establish a special equalization if it finds that there has been a material change in the level of assessment since the establishment of the latest state equalization rate, but in no event shall such special equalization rate exceed one hundred. In the event that the state equalization rate exceeds one hundred, then the state equalization rate shall be on one hundred for the purposes of this section. Where a special; equalization rate is established for purposes of this section, the Assessor is directed and authorized to recompute the Cold War Veterans Exemption on the assessment roll by applying special equalization rate instead of the latest state equalization rate applied in the previous year and to make the appropriate corrections on the assessment roll, notwithstanding the fact that such Assessor may receive the special equalization rate after the completion, verification and filing of such final assessment roll. In the event that the Assessor does not have custody of the roll when such recomputation is accomplished, the Assessor shall certify such recomputation to the local officers having custody and control of such roll, and such local officers are here by directed and authorized to enter the recomputed Cold War Veterans Exemption certified by the Assessor on such roll.

QUALIFIED OWNER – means a Cold War veteran, the spouse of a Cold War veteran, or the unremarried surviving spouse of a deceased Cold War veteran. Where property is owned by more than one qualified owner, the exemption to which each is entitled may be combined. Where a veteran is also the unremarried surviving spouse of a veteran, such person may also receive any exemption to which the deceased spouse was entitled.

QUALIFIED RESIDENTIAL REAL PROPERTY – means property owned by a qualified owner which is used exclusively for residential purposes; provided, however, that in the event that any portion of such property is not used exclusively for residential purposes, but is used for other purposes, such portion shall be subject to taxation and only the remaining portion used exclusively for residential purposes shall be subject to the exemption provided by this section. Such property shall be the primary residence of the Cold War veteran or the unremarried surviving spouse of a Cold War veteran; unless the Cold War veteran or unremarried surviving spouse is absent from the property due to medical reasons or institutionalized subject to such time limitations, if any, as are set forth in Section 458-b(1)(f) of the New York State Real Property Tax Law.

SERVICE CONNECTED – means, with respect to disability or death, that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated in the line of duty on active military, naval or air service.

§ 177-67. Amount of Exemption; Limitations.

- A. Qualifying residential real property shall be exempt from taxation to the extent of fifteen percent (15%) of the assessed value of such property; provided however, that such exemption shall not exceed fifty-four thousand dollars (\$54,000) or the product of fifty-four thousand dollars (\$54,000) multiplied by the latest state equalization rate for the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.

- B. In addition to the exemption provided by subdivision “A” of this Section, where the Cold War veteran received a compensation rating from the United States Veterans Affairs or from the United States Department of Defense because of a service related disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by fifty percent of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed one hundred eighty thousand dollars (\$180,000) or the product of one hundred eighty thousand dollars (\$180,000) multiplied by the latest state equalization rate for the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.

- C. If a Cold War Veteran receives either an eligible funds veterans exemption authorized by Section 458 of the Real Property Tax Law or an alternative veterans exemption under Article II of this Chapter, the Cold War veteran shall not be eligible to receive an exemption under this Article.

§177-68 **Property Held in Trust**

The provisions of this Article shall apply to any real property held in trust solely for the benefit of a person or persons who would otherwise be eligible for a real property tax exemption, pursuant to this Article, were such person or persons the owner or owners of such real property.

§177-69 **Cooperative Apartments**

(A) For the purposes of this Article, title to the portion of real property owned by a cooperative apartment corporation in which a tenant-stockholder of such corporation resides and which is represented by his or her share or shares of stock in such corporation as determined by its or their proportional relationship to the total outstanding stock of the corporation, including that owned by the corporation, shall be deemed to be vested in such tenant-stockholder.

(B) Provided that all other eligibility criteria of this Article are met, that proportion of the assessment of such real property owned by a cooperative apartment corporation determined by the relationship of such real property vested in such tenant-stockholder to such real property owned by such cooperative apartment corporation in which such tenant-stockholder resides shall be subject to exemption from taxation pursuant to this Article and any exemption so granted shall be credited by the appropriate taxing authority against the assessed valuation

of such real property; the reduction in real property taxes realized thereby shall be credited by the cooperative apartment corporation against the amount of such taxes otherwise payable by or chargeable to such tenant-stockholder.

(C) Notwithstanding subdivision B of this Section, a tenant-stockholder who resides in a dwelling that is subject to the provisions of either Article two, four, five or eleven of the Private Housing Finance Law shall not be Eligible for an exemption pursuant tot his section

§ 177-70. Duration of Exemption.

The exemption provided by § 177-67(A) shall be granted for a period of ten years. The commencement of such ten year period shall be governed pursuant to this section. Where a qualified owner owns qualifying residential real property on the effective date of this Article, or such other date as may be set forth in Section 458-b(2)(c) of the New York State Real Property Tax Law, such ten year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring on or after the effective date of this Article, or such other date as may be set forth in Section 458-b(2)(c) of the New York State Real Property Tax Law. Where a qualified owner does not own qualifying residential real property on the effective date of this Article, or such other date as may be set forth in Section 458-b(2)(c) of the New York State Real Property Tax Law, such ten year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring at least sixty days after the date of purchase of qualifying residential real property; provided, however, that should the veteran apply for and be granted an exemption on the assessment roll prepared pursuant to a taxable status date occurring within sixty days after the date of purchase of residential real property, such ten year period shall be measured from the first assessment roll in which the exemption occurs. If, before the expiration of such ten year period, such exempt property is sold and replaced with other residential real property, such exemption may be granted pursuant to this Section for the unexpired portion of the ten year exemption period.

§ 177-71. Application for Exemption.

Application for the exemption set forth in this Article shall be made by the qualified owner, or all of the qualified owners, of the property on the form prescribed by the New York State Board of Real Property Tax Services. The owner or owners shall file the completed form in the City of Rye Assessor's office on or before the first appropriate taxable status date. The owner or owners of the property shall be required to refile as such times and under such circumstances as may be set forth in Section 458-b(4) of the New York State Real Property Tax Law. Any applicant convicted of willfully making any false statement in the application for such exemption shall be subject to the penalties prescribed in the New York State Penal Law.

Section 2. Severability

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder thereof.

Section 3.

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

ROLL CALL:

AYES: Mayor French, Councilmembers Filippi, Gamache, Keith, Parker
and Sack
NAYS: None
ABSENT: Councilman Jovanovich

The local law was adopted by a vote of 6-0.

9. Consideration of setting a Public hearing for the establishment of the Kirby Lane Sanitary Sewer Special Assessment District

City Manager Culross said that a petition had been received by the City that was signed by more than 66 2/3% of the property owners in the proposed district, which is the required percentage needed to establish a Special Assessment District to provide municipal sewers.

Councilman Filippi made a motion, seconded by Councilwoman Parker and unanimously carried, to adopt the following Resolution:

WHEREAS, the Council wishes to establish the Kirby Lane Sanitary Sewer Special Assessment District; and

WHEREAS, the City Council declares its intent to be lead agency under SEQRA in the establishment of the Kirby Lane Sanitary Sewer Special Assessment District; and

WHEREAS, it is now desired to call a public hearing to discuss the establishment of such Sewer Special Assessment District; now, therefore, be it

RESOLVED, by the Council of the City of Rye as follows:

Section 1. Pursuant to Section 20 of the Municipal Home Rule Law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on May 19, 2010 at 8:00 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning such proposed local law.

Section 2. Such notice of public hearing shall be in substantially the following form:

**PUBLIC NOTICE
CITY OF RYE**

**Notice of Public Hearing to establish the Kirby Lane Sanitary Sewer
Special Assessment District.**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 19th of May, 2010 at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning the establishment of the Kirby Lane Sanitary Sewer special Assessment District.

Copies of said proposal may be obtained from the office of the City Clerk.

Dawn F. Nodarse, City Clerk

Dated: May 11, 2010

10. Discussion of 151 Purchase Street Associates, LLC and tenancy lease terms

The discussion of this item was deferred to the next meeting.

11. Resolution to grant permission to the Rye Free Reading Room to hold a kickoff event for the Summer Reading program entitled "Flow Circus" on the Village Green on Monday, June 28, 2010 from 12 p.m. to 5 p.m.

Councilwoman Gamache made a motion, seconded by Councilman Filippi and unanimously carried to adopt the following Resolution:

RESOLVED, that permission is hereby granted to the Rye Free Reading Room to hold a kickoff event for the Summer Reading program entitled "Flow Circus" on Monday, June 28, 2010 from 12:00 p.m. to 5:00 p.m.

12. Appointment of one member to the Emergency Medical Services Committee for a three-year term ending June 30, 2013

Councilwoman Parker made a motion, seconded by Councilwoman Gamache and unanimously carried to approve the appointment of David Byrnes, the Village of Port Chester

Community Representative, to the Emergency Medical Services Committee for a three-year term ending June 30, 2013.

13. Discussion of Resolution to establish a Rye Town Park Advisory Committee

Mayor French said that the purpose was to create something similar to the Rye Playland Advisory Committee. The Rye Town Park Commission will vote on it on May 18th and would like the City Council to provide them with a recommendation. Rye Town, Rye Brook and Port Chester will each have a representative on the Committee, with the remaining members coming from the City of Rye. The Mayor said he would put together a skeleton structure to be reviewed by the Council and Town Park Commission. The theory is that it would be a citizens' committee that would provide feedback on the park facility to the Town Park Commission. The Friends of Rye Town Park are in support of the idea of the Advisory Committee. They view themselves more as a fund raising organization, but would like representation on the Advisory Committee. Mayor French said the Resolution would be revised to reflect input from the Town Park Commission and voted on at the next meeting.

14. Bid Award for Dogwood Lane sewer (Bid #4-10)
Roll Call.

City Manager Culross said that staff was recommending awarding the bid to the low bidder of eight bids received. He said that bonds will be issued for the project and the benefitted residents will be assessed for the cost of the project.

Councilwoman Keith made a motion, seconded by Councilman Filippi, to adopt the following Resolution:

RESOLVED, that Contract #2010-02, Upper Dogwood Lane Sewer Project, is awarded to the low bidder, Mastrantoni Construction Corporation in the amount of One Hundred Two Thousand, Two Hundred Ninety-One Dollars and Fifteen Cents (\$102,291.15)

ROLL CALL:

AYES: Mayor French, Councilmembers Filippi, Gamache, Keith, Parker and Sack
NAYS: None
ABSENT: Councilman Jovanovich

The bid was awarded by a 6-0 vote.

Bid Tab

Contract No. 2010-02 - Upper Dogwood Sewer Project

Position	Contractor	Contractor's Bid	Engineer's Check	Dollar Amount Above Low Bid	% Above Low Bidder
1	Mastrantoni Construction	\$102,290.00	\$102,291.15	\$0.00	0.00%
2	Bilotta Construction	\$114,164.30	\$114,164.30	\$11,873.15	11.61%
3	ELQ Industries Inc.	\$147,770.00	\$147,770.00	\$45,478.85	44.46%
4	Contech Construction Technologies	\$149,095.00	\$149,095.00	\$46,803.85	45.76%
5	Abott and Price Inc.	\$154,865.00	\$154,865.00	\$52,573.85	51.40%
6	Cassidy Excavating Inc.	\$197,575.00	\$197,575.00	\$95,283.85	63.91%
7	Joken Development	\$198,495.00	\$198,495.00	\$96,203.85	64.53%
8	Paladino Concrete Creations	\$252,095.00	\$252,095.00	\$149,803.85	100.48%

15. Miscellaneous communications and reports

Mayor French said that on May 7th he would be meeting with Legislator George Oros and County officials to discuss issues relating to the City of Rye such as the Sluice Gate project and grants for the Bird Homestead.

16. Old Business

There was no old business to be discussed.

17. New Business

Councilwoman Keith said that the Sustainability Planning Team of the CC/AC and Pedestrian Safety Master Plan Committee of the Traffic and Pedestrian Safety Committee are investigating grant opportunities for the City. She said that if the City declares that it is a "Climate Smart Community" it will help in obtaining grant money. She suggested the Council consider adopting such a Resolution at a future meeting.

18. Adjournment

Councilman Sack made a motion, seconded by Councilwoman Keith and unanimously carried to adjourn into executive session at 10:55 p.m. to discuss personnel matters. Councilwoman Parker made a motion, seconded by Councilman Filippi and unanimously carried, to adjourn the executive session at 11:30 p.m.

There being no further business to discuss, Councilwoman Parker made a motion, seconded by Councilman Filippi and unanimously carried, to adjourn the meeting at 11:31 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk



CITY COUNCIL AGENDA

NO. 6

DEPT.: City Council

DATE: May 19, 2010

CONTACT: Mayor Douglas French

AGENDA ITEM: Mayor's Management Report

FOR THE MEETING OF:

May 19, 2010

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Manager provide a report on requested topics.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Mayor has requested an update from the City Manager on the following:

- Presentation of the City of Rye Stormwater Management Program 2009 Annual Report by Michael Ritchie from the firm Dolph Rotfeld Engineering.

MS4 Annual Report Cover Page

MCC form for period ending March 9,

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Provide SPDES ID of each permitted MS4 included in this report.

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MS4 Municipal Compliance Certification(MCC) Form

MCC form for period ending March 9,

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Name of MS4

City of Rye

SPDES ID

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Section 2 - Contact Information

Important Instructions - Please Read

Contact information must be provided for ***each*** of the following positions as indicated below:

1. Principal Executive Officer, Chief Elected Official or other qualified individual (per GP-0-08-002 Part VI.J).
2. Duly Authorized Representative (Information for this contact must only be submitted if a Duly Authorized Representative is signing this form)
3. The Local Stormwater Public Contact (required per GP-0-08-002 Part VII.A.2.c & Part VIII.A.2.c).
4. The Stormwater Management Program (SWMP) Coordinator (Individual responsible for coordination/implementation of SWMP).
5. Report Preparer (Consultants may provide company name in the space provided).

A separate sheet must be submitted for each position listed above unless more than one position is filled by the same individual. If one individual fills multiple roles, provide the contact information once and check all positions that apply to that individual.

If a new Duly Authorized Representative is signing this report, their contact information must be provided and a signature authorization form, signed by the Principal Executive Officer or Chief Elected Official must be attached.

For each contact, select all that apply:

- Principal Executive Officer/Chief Elected Official
- Duly Authorized Representative
- Local Stormwater Public Contact
- Stormwater Management Program (SWMP) Coordinator
- Report Preparer

First Name	MI	Last Name
F r a n k	J	C u l r o s s
Title		
C i t y M a n a g e r		
Address		
1 0 5 1 B o s t o n P o s t R o a d		
City	State	Zip
R y e	N Y	1 0 5 8 0 -
eMail		
f c u l r o s s @ r y e n y . g o v		
Phone	County	
(9 1 4) 9 6 7 - 7 4 1 1	W e s t c h e s t e r	

MS4 Municipal Compliance Certification (MCC) Form

MCC form for period ending March 9, 2010

Name of MS4

SPDES ID
N Y R 2 0 A 3 8 1

Section 3 - Partner Information

Did your MS4 work with partners/coalition to complete some or all permit requirements during this reporting period? Yes No

If Yes, complete information below.

Submit a separate sheet for each partner. Information provided in other formats will not be accepted. If your MS4 cooperated with a coalition, submit one sheet with the name of the coalition. It is not necessary to include a separate sheet for each MS4 in the coalition.

If No, proceed to Section 4 - Certification Statement.

Partner/Coalition Name
C n t y o f W e s t c h e s t e r P l a n n i n g D e p t

Partner/Coalition Name (con't.) SPDES Partner ID - If applicable

Address
1 4 8 M a r t i n e A v e n u e

City State Zip
W h i t e P l a i n s N Y 1 0 6 0 1 -

eMail
c c a l @ w e s t c h e s t e r g o v . c o m

Phone
(9 1 4) 9 9 5 - 3 7 8 2

Legally Binding Agreement in accordance with GP-0-08-002 Part IV.G.? Yes No

What tasks/responsibilities are shared with this partner (e.g. MM1 School Programs or Multiple Tasks)?

- MM1 G e n e r a l S t o r m w a t e r I n f o r m a t i o n
- MM2 W a t e r Q u a l i t y M o n i t o r i n g
- MM3
- MM4
- MM5
- MM6

Additional tasks/responsibilities

- Watershed Improvement Strategy Best Management Practices required for MS4s in impaired watersheds included in GP-0-08-002 Part IX.

MS4 Municipal Compliance Certification(MCC) Form

MCC form for period ending March 9,

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Name of MS4

City of Rye

SPDES ID

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Section 4 - Certification Statement

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

This form must be signed by either a principal executive officer or ranking elected official, or duly authorized representative of that person as described in GP-0-08-002 Part VI.J.

First Name

F	r	a	n	k															
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MI

J

Last Name

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Title (Clearly print title of individual signing report)

City Manager

Signature

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Date

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Send completed form and any attachments to the DEC Central Office at:

MS4 Permit Coordinator
Division of Water
4th Floor
625 Broadway
Albany, New York 12233-3505

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2010

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

SPDES ID
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Water Quality Trends

The information in this section is being reported (check one):

On behalf of an individual MS4

On behalf of a coalition

How many MS4s are contributed to this report?

1. Has this MS4/Coalition produced any reports documenting water quality trends related to stormwater? If not, answer No and proceed to Minimum Control Measure One. Yes No

If Yes, choose one of the following

Report(s) attached to the annual report

Web Page(s) where report(s) is/are provided below

Please provide specific address of page where report(s) can be accessed - not home page.

URL

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MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

City of Rye

SPDES ID

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4. Evaluating Progress Toward Measurable Goals MCM 1

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

A questionnaire was developed for the public to respond to. No data is available for this reporting period. The questionnaire is available on the City website and in hard copy in the Public Works Department beginning April 2010

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

No data this reporting period

C. How many times was this observation measured or evaluated in this reporting period?

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(ex.: samples/participants/events)

D. Has your MS4 made progress toward this Measurable Goal during this reporting period?

Yes No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

Yes No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Questionnaire was developed during this reporting period. Questionnaire to be placed on website and in hard copy beginning April 2010. Data to be collected, analyzed and reported on at end of 2010-2011 reporting period. MCM 1 to be adjusted as needed based on data analysis

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2010

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition SPDES ID
N Y R 2 0 A 3 8 1

3. Where can the public access copies of this annual report, Stormwater Management Program SWMP) Plan and submit comments on those documents?

Enter address/contact info and select radio button to indicate which document is available and whether comments may be submitted at that location. Submit additional pages as needed.

- MS4/Coalition Office Annual Report SWMP Plan Comments

Department
 E n g i n e e r i n g

Address
 1 0 5 1 B o s t o n P o s t R o a d

City
 R y e N Y Zip
 1 0 5 8 0 -

Phone
 (9 1 4) 9 6 7 - 7 6 7 6

- Library Annual Report SWMP Plan Comments

Address

City Zip

Phone

- Other Annual Report SWMP Plan Comments

Address

City Zip

Phone

- Web Page URL: Annual Report SWMP Plan Comments

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Please provide specific address of page where report can be accessed - not home page.

- eMail Comments

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MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

City of Rye

SPDES ID

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4.a. If this report was made available on the internet, what date was it posted?

Leave blank if this report was not posted on the internet.

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4.b. For how many days was/will this report be posted?

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If submitting a report for single MS4, answer 5.a.. If submitting a joint report, answer 5.b..

5.a. Was an Annual Report public meeting held in this reporting period?

Yes No

If Yes, what was the date of the meeting?

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If No, is one planned?

Yes No

5.b. Was an Annual Report public meeting held for all MS4s contributing to this report during this reporting period?

Yes No

If No, is one planned for each?

Yes No

6. Were comments received during this reporting period?

Yes No

If Yes, attach comments, responses and changes made to SWMP in response to comments to this report.

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

City of Rye

SPDES ID

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7. Evaluating Progress Toward Measurable Goals MCM 2

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

A questionnaire was developed for the public to respond to including questions on public participation and involvement. No data is available for this reporting period. The questionnaire is available on the City website and in hard copy in the Public Works Department beginning April 2010

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

No data this reporting period

C. How many times was this observation measured or evaluated in this reporting period?

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(ex.: samples/participants/events)

D. Has your MS4 made progress toward this measurable goal during this reporting period?

Yes No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

Yes No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Questionnaire was developed during this reporting period. Questionnaire to be placed on website and in hard copy beginning April 2010. Data to be collected, analyzed and reported on at end of 2010-2011 reporting period. MCM 2 to be adjusted as needed based on data analysis

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

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 If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

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3.b. What types of illicit discharges have been found during this reporting period?

- | | |
|--|--|
| <input type="radio"/> Broken Lines From Sanitary Sewer
<input type="radio"/> Cross Connections
<input type="radio"/> Failing Septic Systems
<input type="radio"/> Floor Drains Connected To Storm Sewers
<input type="radio"/> Illegal Dumping
<input type="radio"/> Other: | <input type="radio"/> Industrial Connections
<input type="radio"/> Inflow/Infiltration
<input type="radio"/> Pump Station Failure
<input type="radio"/> Sanitary Sewer Overflows
<input type="radio"/> Straight Pipe Sewer Discharges
<input checked="" type="radio"/> None |
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4. How many illicit discharges/potential illegal connections have been detected during this reporting period?

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5. How many illicit discharges have been confirmed during this reporting period?

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6. How many illicit discharges/illegal connections have been eliminated during this reporting period?

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7. Has the storm sewershed mapping been completed in this reporting period? Yes No
 If No, approximately what percent was completed in this reporting period?

			%
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8. Is the above information available in GIS? Yes No
Is this information available on the web? Yes No

If Yes, provide URL(s):

Please provide specific address of page where map(s) can be accessed - not home page.

URL

URL

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

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Name of MS4/Coalition

City of Rye

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12. Evaluating Progress Toward Measurable Goals MCM 3

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

When accesible during building department inspections the city official will inspect for illegal sump pump connections to sanitary sewer lines (I & I) and ensure correction. None were found this year.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

All outfalls inspected with City staff and USEPA staff in Summer 2009. No illicit discharges found at any outfalls.

C. How many times was this observation measured or evaluated in this reporting period?

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(ex.: samples/participants/events)

D. Has your MS4 made progress toward this measurable goal during this reporting period?

Yes No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

Yes No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Continue to inspect outfalls annually. Respond to reports of illicit discharges immediately and take action to mitigate as needed.

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

City of Rye

SPDES ID

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Minimum Control Measures 4 and 5.
Construction Site and Post-Construction Control

The information in this section is being reported (check one):

- On behalf of an individual MS4
 On behalf of a coalition

How many MS4s contributed to this report?

		1
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1a. Has each MS4 contributing to this report adopted a law, ordinance or other regulatory mechanism that provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities?

Yes No

1b. Has each Town, City and/or Village contributing to this report documented that the law is equivalent to a NYSDEC Sample Local Law for Stormwater Management and Erosion and Sediment Control through either an attorney certification or using the NYSDEC Gap Analysis Workbook?

Yes No NT

If Yes, Towns, Cities and Villages provide date of equivalent NYS Sample Local Law.

09/2004 03/2006 NT

2. Does your MS4/Coalition have a SWPPP review procedure in place?

Yes No

3. How many Construction Stormwater Pollution Prevention Plans (SWPPPs) have been reviewed in this reporting period?

		1
--	--	---

4. Does your MS4/Coalition have a mechanism for receipt and consideration of public comments related to construction SWPPPs?

Yes No NT

If Yes, how many public comments were received during this reporting period?

		0
--	--	---

5. Does your MS4/Coalition provide education and training for contractors about the local SWPPP process?

Yes No

6. Identify which of the following types of enforcement actions you used during the reporting period for construction activities, indicate the number of actions, or note those for which you do not have authority:

- Notices of Violation #

--	--	--	--	--

 No Authority
- Stop Work Orders #

--	--	--	--	--

 No Authority
- Criminal Actions #

--	--	--	--	--

 No Authority
- Termination of Contracts #

--	--	--	--	--

 No Authority
- Administrative Fines #

--	--	--	--	--

 No Authority
- Civil Penalties #

--	--	--	--	--

 No Authority
- Administrative Orders #

--	--	--	--	--

 No Authority
- Enforcement Actions or Sanctions #

--	--	--	--	--

 No Authority
- Other #

--	--	--	--	--

 No Authority

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

2	0	1	0
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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

City of Rye

SPDES ID

N	Y	R	2	0	A	3	8	1
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Minimum Control Measure 4. Construction Site Stormwater Runoff Control

The information in this section is being reported (check one):

- On behalf of an individual MS4
- On behalf of a coalition

How many MS4s contributed to this report?

		1
--	--	---

1. How many construction projects have been authorized for disturbances of one acre or more during this reporting period?

		1
--	--	---

2. How many construction projects disturbing at least one acre were active in your jurisdiction during this reporting period?

		2
--	--	---

3. What percent of active construction sites were inspected during this reporting period? NT

1	0	0
---	---	---

 %

4. What percent of active construction sites were inspected more than once? NT

1	0	0
---	---	---

 %

5. Do all inspectors working on behalf of the MS4s contributing to this report use the NYS Construction Stormwater Inspection Manual? Yes No NT

6. Does your MS4/Coalition provide public access to Stormwater Pollution Prevention Plans (SWPPPs) of construction projects that are subject to MS4 review and approval? Yes No NT

If your MS4 is Non-Traditional, are SWPPPs of construction projects made available for public review? Yes No

If Yes, use the following page to identify location(s) where SWPPPs can be accessed.

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

2	0	1	0
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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

City of Rye

SPDES ID

N	Y	R	2	0	A	3	8	1
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7. Evaluating Progress Toward Measurable Goals MCM 4

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

One project which was approved in prior years has recently started construction in the end of 2009. The new project which has been approved in 2009 is underway. Both projects have been inspected by city staff and are being monitored by engineers hired by the private homeowners.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

All inspection reports have indicated that erosion control measures are working properly.

C. How many times was this observation measured or evaluated in this reporting period?

			2
--	--	--	---

(ex.: samples/participants/events)

D. Has your MS4 made progress toward this measurable goal during this reporting period?
 Yes No
E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?
 Yes No
F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Continue to administer and monitor all projects over 1 acre underway as per individual SWPPP's and local ordinance

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

2	0	1	0
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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

City of Rye									
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SPDES ID

N	Y	R	2	0	A	3	8	1
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4a. Are the MS4s contributing to this report involved in a regional/watershed wide planning effort? Yes No

4b. Does the MS4 have a banking and credit system for stormwater management practices? Yes No

4c. Do the SWMP Plans for each MS4 contributing to this report include a protocol for evaluation and approval of banking and credit of alternative siting of a stormwater management practice? Yes No

4d. How many stormwater management practices have been implemented as part of this system in this reporting period?

		0
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5. What percent of municipal officials/MS4 staff responsible for program implementation attended training on Low Impace Development (LID), Better Site Design (BSD) and other Green Infrastructure principles in this reporting period?

--	--	--

 %

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

2	0	1	0
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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

City of Rye

SPDES ID

N	Y	R	2	0	A	3	8	1
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6. Evaluating Progress Toward Measurable Goals MCM 5

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Both projects that have required a SWPPP are still under construction, we are not able to measure the success of this at the time.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Not Applicable at this time.

C. How many times was this observation measured or evaluated in this reporting period?

			2
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(ex.: samples/participants/events)

D. Has your MS4 made progress toward this measurable goal during this reporting period?

Yes No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

Yes No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

When BMPS are brought online, they will be added to our inventory and all required inspections and maintenance of Best Management Practices will be monitored.

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

2	0	1	0
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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

City of Rye

SPDES ID

N	Y	R	2	0	A	3	8	1
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Minimum Control Measure 6. Stormwater Management for Municipal Operations

The information in this section is being reported (check one):

- On behalf of an individual MS4
- On behalf of a coalition

How many MS4s contributed to this report?

--	--	--

1. Choose/list each municipal operation/facility that contributes or may potentially contribute Pollutants of Concern to the MS4 system. For each operation/facility indicate whether the operation/facility has been addressed in the MS4's/Coalition's Stormwater Management Program(SWMP) Plan and whether a self-assessment has been performed during the reporting period. A self-assessment is performed to: 1) determine the sources of pollutants potentially generated by the permittee's operations and facilities; 2) evaluate the effectiveness of existing programs and 3) identify the municipal operations and facilities that will be addressed by the pollution prevention and good housekeeping program, if it's not done already.

<u>Operation/Activity/Facility</u>	<u>Addressed in SWMP?</u>		<u>Self-Assessment Operation/Activity/Facility performed within the past 3 years?</u>	
	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Street Maintenance.....	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Bridge Maintenance.....	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Winter Road Maintenance.....	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Salt Storage.....	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Solid Waste Management.....	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
New Municipal Construction and Land Disturbance..	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Right of Way Maintenance.....	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Marine Operations.....	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Hydrologic Habitat Modification.....	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Parks and Open Space.....	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Municipal Building.....	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Stormwater System Maintenance.....	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Vehicle and Fleet Maintenance.....	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Other.....	<input type="radio"/> Yes	<input checked="" type="radio"/> No	<input type="radio"/> Yes	<input checked="" type="radio"/> No

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

2	0	1	0
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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

City of Rye

SPDES ID

N	Y	R	2	0	A	3	8	1
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2. Provide the following information about municipal operations good housekeeping programs:

- Parking Lots Swept (Number of acres X Number of times swept) # Acres

--	--	--	--	--
- Streets Swept (Number of miles X Number of times swept) # Miles

--	--	--	--	--
- Catch Basins Inspected and Cleaned Where Necessary #

		4	5	0
--	--	---	---	---
- Post Construction Control Stormwater Management Practices Inspected and Cleaned Where Necessary #

--	--	--	--	--
- Phosphorus Applied In Chemical Fertilizer # Lbs.

				0
--	--	--	--	---
- Nitrogen Applied In Chemical Fertilizer # Lbs.

				0
--	--	--	--	---
- Pesticide/Herbicide Applied (Number of acres to which pesticide/herbicide was applied X Number of times applied to the nearest tenth.) # Acres

					.	5
--	--	--	--	--	---	---

3. How many stormwater management trainings have been provided to municipal employees during this reporting period?

				1
--	--	--	--	---

4. What was the date of the last training?

0	6	/	3	0	/	2	0	0	9
---	---	---	---	---	---	---	---	---	---

5. How many municipal employees have been trained in this reporting period?

	0	8
--	---	---

6. What percent of municipal employees in relevant positions and departments receive stormwater management training?

1	0	0	%
---	---	---	---

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

2	0	1	0
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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

City of Rye

SPDES ID

N	Y	R	2	0	A	3	8	1
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7. Evaluating Progress Toward Measurable Goals MCM 6

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

There was 450 storm water catch basins cleaned.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

There was no observable illicit discharge or siltation observed during the outfall inspections during the summer of 2009.

C. How many times was this observation measured or evaluated in this reporting period?

			1
--	--	--	---

(ex.: samples/participants/events)

D. Has your MS4 made progress toward this measurable goal during this reporting period?

Yes No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

Yes No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Continue stormwater catch basin cleaning program. Continue infrastructure inspection and maintenance per City SWMP.



CITY COUNCIL AGENDA

NO. 7 DEPT.: Planning DATE: May 11, 2010
CONTACT: Christian K. Miller, AICP, City Planner

AGENDA ITEM: Continuation of Public Hearing to change the City of Rye Zoning Code to include “child-care facilities” as a use in the B-1 District.

FOR THE MEETING OF:
May 19, 2010
RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: Consider Adopting or Amending Proposed Local Law.

IMPACT: Environmental Fiscal Neighborhood Other: Land Use

BACKGROUND: A request has been made to change the City of Rye Zoning Code to include “child-care facilities” as a use subject to additional standards and requirements in the B-1 District, a neighborhood business district, and to provide for off-street parking requirements for such use.

The attached memorandum dated May 14, 2010 provides additional analysis of the proposed zoning text amendment in response to comments raised at the May 5, 2010 public hearing.

Christian K. Miller, AICP
City Planner
1051 Boston Post Road
Rye, New York 10580



Tel: (914) 967-7167
Fax: (914) 967-7185
E-mail: cmiller@ryeny.gov
<http://www.ryeny.gov>

CITY OF RYE Department of Planning

Memorandum

To: Rye City Council

From: Christian K. Miller, AICP, City Planner

cc: Frank J. Culross, City Manager
Scott Pickup, Assistant City Manager
Kristen K. Wilson, Esq., Corporation Counsel

Date: May 14, 2010

Subject: **Petition to Amend the City Zoning Code to allow “Child Care” in B-1 Neighborhood Business Districts – Zoning Analysis**

At its May 5, 2010 meeting the City Council conducted a public hearing regarding a petition from Ker-Bar Realty Corp. requesting that the City Zoning Code be amended to allow “child-care facilities” as a *Use Permitted Subject to Additional Standards and Requirements* in the City’s B-1 Neighborhood Business District¹. At the hearing the Council requested additional information regarding the appropriateness of child care facilities in the B-1 District and whether other districts in the City would be more appropriate.

Background

The zoning petition has been submitted by the property owner of 180 Theodore Fremd Avenue. This property has been under review by the Planning Commission in connection with an application by Cornerstone Children’s Center to open a child care facility. Child day care is not permitted in the B-1 Neighborhood Business District and therefore City Council approval is required to amend the City Zoning Code to allow the use.

¹ The proposed text amendment requires that child care uses not exceed 30 children, have a minimum lot size of 10,000 square feet, be adequately screened and have sufficient outdoor play area as required by state and/or county entities, which regulate such uses. The text amendment also sets forth minimum on-site parking requirements. A copy of the petition is attached hereto.

Petition to Amend the City Zoning Code to allow "Child Care"

May 14, 2010

Page 2 of 3

At the May 5 public hearing the Council heard concerns from a property owner who operates a landscape contractor's business abutting 180 Theodore Fremd. He questioned the appropriateness of a zoning change to allow child care uses at the site given the truck traffic associated with his business and the potential for environmental contamination at the petitioner's property, which was formerly used as a gas station.

Zoning District Analysis and Child Care Use

As previously discussed in the April 29, 2010 memorandum to the City Council child care facilities are permitted only as an accessory use in the B-4 and B-5 Office Building Districts. There are seven privately-owned properties in the B-4 District and five in the B-5 District. All of these properties are large (i.e. multiple acres) and all have existing buildings. In most cases these buildings consist of large office buildings, including the Avon property, which operates the "Little Angles" day care. Attached hereto is a copy of the City's Zoning Map for the Council's reference.

The proposed zoning petition would allow child care facilities in the B-1 and B-2 Districts. It is estimated that 61 properties in the B-1 District and 8 privately-owned properties in the B-2 District would meet the minimum 10,000 square foot minimum lot area requirement for a child care facility under the proposed zoning petition.

The Planning Commission agreed that the proposed text amendment would advance a community need by providing more child-care opportunities in the City. The Planning Commission agreed that a 10,000 square foot minimum lot area requirement appeared acceptable for a child-care facility that would be limited to not more than 30 children. The Planning Commission has not rendered a specific opinion on the application for a child care facility at 180 Theodore Fremd Avenue. Specific site development and planning issues regarding development at this location will be considered by the Planning Commission if the appropriate zoning is adopted by the City Council.

Zoning is a tool to regulate the use and intensity of development on a property. Most would agree that not all uses are appropriate in all locations and responsible planning requires that there are reasonable controls on permitted uses. The challenge for the legislative body (which is responsible for adopting and amending zoning laws) is to create zoning legislation that creates opportunities for desired uses that is compatible with other uses permitted in the community. In drafting legislation appropriate development controls can be required for uses, but if such development controls are too restrictive then few properties will meet the minimum requirements thereby reducing opportunities for the desired use.

At the public hearing, the City Council heard concerns from an owner of a landscape business that abuts a property that would be eligible for a child-care facility under the proposed zoning petition. It is possible that there are other locations that area business or residential neighbors may find a 30-child care facility problematic. In order to minimize those potential concerns the Planning Commission agreed that allowing child

Petition to Amend the City Zoning Code to allow “Child Care”

May 14, 2010

Page 3 of 3

care in the B-1 and B-2 Districts would be the appropriate. Child care was considered compatible with many of the uses permitted in the B-1 and B-2 Districts. Child care facilities were also considered compatible with many uses surrounding B-1 and B-2 Districts. It would be reasonable to allow child care in the City’s B-4 and B-5 Districts, however these uses are already allowed as accessory uses and making them principal permitted uses would not significantly advance the need for providing additional long-term child care opportunities in the City.

Other business districts are considered less appropriate for child care facilities. The City’s B-3 Beach Business District and B-7 Waterfront Business District are intended for water related uses. The B-6 General Business District allows more intense business operations such as contractor’s businesses and limited manufacturing.

Residential zones could also be considered appropriate locations for child care facilities, with appropriate regulatory controls. There is precedent since nursery schools (which have similar operational and land use impacts as child care facilities) are currently permitted in all of the City’s residence districts. In residence districts there would be less potential for a child care facility to generate compatibility concerns associated with a business use, but there would be a greater likelihood of compatibility concerns with area residential uses.

The proposed zoning petition requires a minimum lot area of 10,000 square feet. Increasing the minimum lot size were could reduce potential compatibility concerns of a proposed facility with areas uses. Eligible properties would still be limited to 30 children, but each site would be larger thereby enhancing opportunities for additional parking, improved traffic flow, larger play areas and other site planning considerations. A minimum lot size standard, however, needs to be reasonable if the Council wants to expand child care opportunities in the City. Land in Rye is expensive. Few child care providers can afford to pay high land costs for large properties that are limited to a 30-child maximum facility. In addition, as the minimum lot size is increased, the number of eligible properties is reduced.

The following table provides an estimate of the number of properties that would be eligible for child care facilities in the B-1 and B-2 Districts, if the minimum lot size were increased.

Property Size (s.f.)	Number of Properties in B-1 District	Number of Properties in B-2 District
10,000	61	8
12,000	49	4
14,000	39	3
16,000	33	2
18,000	25	2
20,000	23	2

**LOCAL LAW
CITY OF RYE NO. _____ 2010**

A Local law to amend Chapter 197 “Zoning”, Section 197-86 by adding subsection (15) to Permit Child-Care Facilities as Permitted Uses in the B-1 “Neighborhood Business District” and amending Section 197-28(A) by adding Required Off-Street Parking for such uses of the Code of the City of Rye, New York

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

Section 1. **Section 197-86, Table of Regulations: Table B, Business Districts-Use Regulations, Column 2, Uses Permitted Subject to Additional Standards and Requirements, B-1 Neighborhood Business Districts,** of the Code of the City of Rye, New York, is hereby amended by adding thereto a new subsection (15) to read as follows:

- (15) **Child-care facilities.** Duly licensed child-care facilities for not to exceed 30 children and where lot size is at least 10,000 square feet, provided that sufficient outdoor play area is provided in compliance with applicable state and/or county regulations and adequately screened.

Section 2. **Section 197-28(A), Schedule of parking requirements,** is hereby Amending by adding thereto the following:

Use	Number of Spaces Per Unit (by Parking District)			Unit of Measurement and Conditions
	A	B	C	
Child-care Facilities (enrollment)	1	1	1	Five enrolled children
Child-care Facilities (staff)	1	1	1	Employee

Section 3. **Severability**

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law that can be given effect without such invalid part or parts.

Section 4. **Effective Date**

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.

RESOLUTION

A Local law to amend Chapter 197 “Zoning”, Section 197-86 by adding subsection (15) to Permit Child-Care Facilities as Permitted Uses in the B-1 “Neighborhood Business District” and amending Section 197-28(A) by adding Required Off-Street Parking for such uses of the Code of the City of Rye, New York

WHEREAS, on April 7, 2010, the Rye City Council set a public hearing for May 5, 2010 on a local law amending §197-86 of the Code of the City of Rye to permit Child-Care facilities as permitted uses in the B-1 “Neighborhood Business District” and amending Section 197-28(A) by adding required off-street parking for such uses; and

WHEREAS, the notice of hearing was circulated to the Westchester County Planning Board and abutting communities as required by Sections 277.61 and 277.71 of the Westchester County administrative code; and

WHEREAS, the City Council has reviewed the Full Environmental Assessment Form (EAF) and determines that the proposed action is consider a Type I; and

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

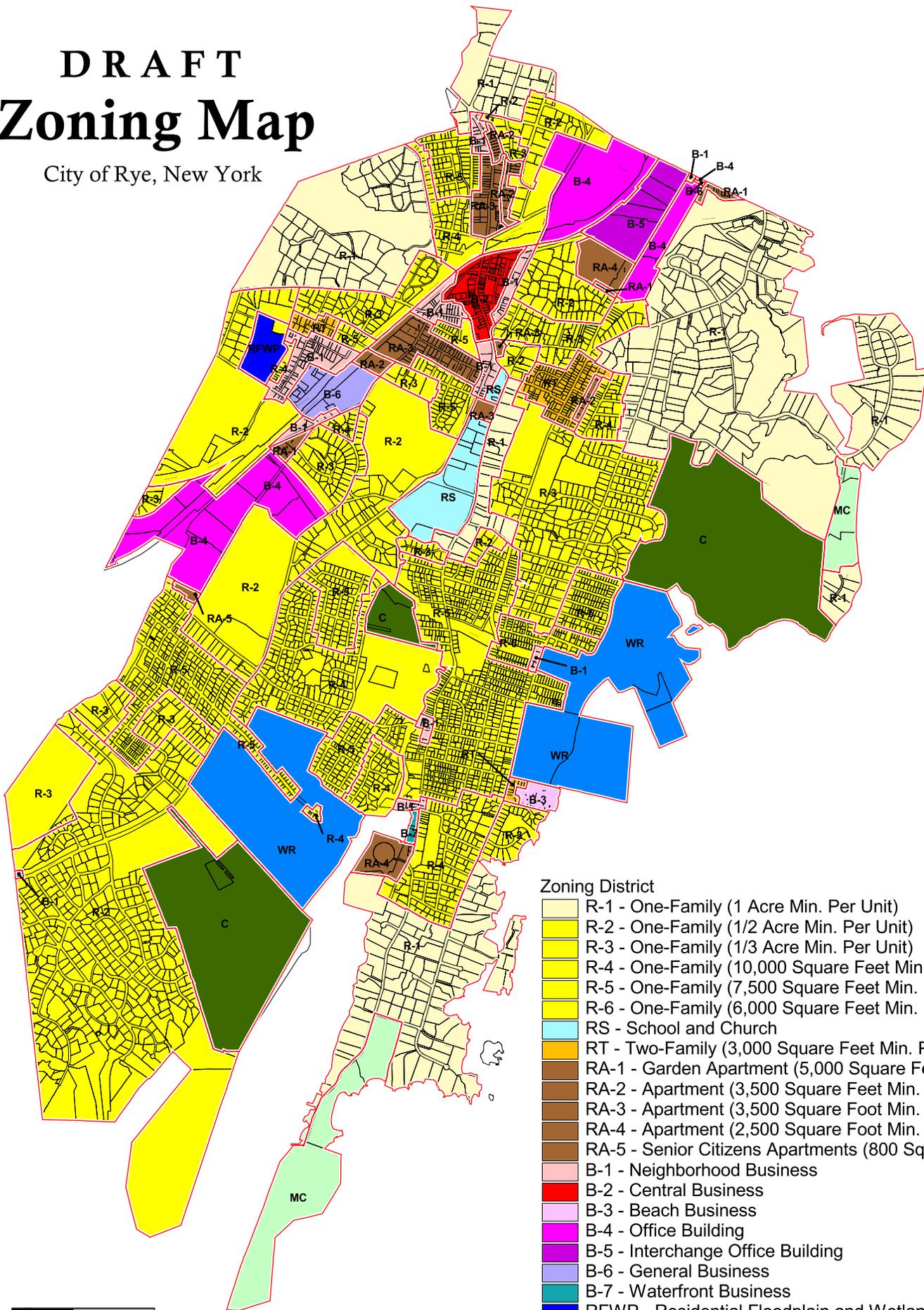
WHEREAS, the City Council conducted a noticed public hearing on May 5, 2010 and all those wishing to be heard were given the opportunity to be heard;

NOW, THEREFORE, BE IT RESOLVED, that the City Council designates itself as Lead Agency and based on its review of the Environmental Assessment Form (EAF), the criteria listed in Section 617.7(c) of SEQRA and the complete record, the City Council finds that the proposed action will not have a significant adverse environmental impact; and

BE IT FURTHER RESOLVED, that the City Council adopts Local Law # _____-2010 amending §197-86 of the Code of the City of Rye to permit Child-Care facilities as permitted uses in the B-1 “Neighborhood Business District” and amending Section 197-28(A) by adding required off-street parking for such uses; and

DRAFT Zoning Map

City of Rye, New York



Zoning District

- R-1 - One-Family (1 Acre Min. Per Unit)
- R-2 - One-Family (1/2 Acre Min. Per Unit)
- R-3 - One-Family (1/3 Acre Min. Per Unit)
- R-4 - One-Family (10,000 Square Feet Min. Per Unit)
- R-5 - One-Family (7,500 Square Feet Min. Per Unit)
- R-6 - One-Family (6,000 Square Feet Min. Per Unit)
- RS - School and Church
- RT - Two-Family (3,000 Square Feet Min. Per Unit)
- RA-1 - Garden Apartment (5,000 Square Feet Min. Per Unit)
- RA-2 - Apartment (3,500 Square Feet Min. Per Unit)
- RA-3 - Apartment (3,500 Square Foot Min. Per Unit)
- RA-4 - Apartment (2,500 Square Foot Min. Per Unit)
- RA-5 - Senior Citizens Apartments (800 Sq. Ft. Min. Per Unit)
- B-1 - Neighborhood Business
- B-2 - Central Business
- B-3 - Beach Business
- B-4 - Office Building
- B-5 - Interchange Office Building
- B-6 - General Business
- B-7 - Waterfront Business
- RFWP - Residential Floodplain and Wetlands Preservation
- C - Conservation
- MC - Membership Club
- WR - Waterfront Recreation



Last Revised: May 2006



McCULLOUGH, GOLDBERGER & STAUDT, LLP

ATTORNEYS AT LAW

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ALICE D. KORNFELD
RUTH F.-L. POST

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

May 14, 2010

Received

MAY 14 2010

City Manager's Office
Rye, New York

Mayor French and Members
of the City Council of the City of Rye
City Hall, City of Rye
1051 Boston Post Road
Rye, New York 10580

Re: Petition for Zoning Amendment to the Text of the Zoning Code of the City of Rye
- Child Care Uses in B-1 Districts

Dear Mayor French and Members of the City Council:

I am writing to follow up on the discussion at the public hearing on the above matter at your May 5, 2010 meeting, and to provide some additional information in anticipation of the continuation of the public hearing at your May 19, 2010 meeting. We have included information regarding the operations of child care centers, much of which is state mandated, to help address some of the stated concerns.

As you will recall, currently child care centers are permitted only in the B-4 and B-5 Office Building Districts and only as accessory to an office use at such site, and must be managed or supervised by a tenant of the building. This provision of the code was added on the petition of Avon in 1989. The reason this is the only zone where child care centers are currently permitted is not the result of the City making any determination of appropriateness, but because an applicant petitioned for the use in these zones. Little Angels is the only child care facility which has existed within these districts since they have been permitted. The B-4 and B-5 districts are generally fully built out with large office buildings.

The City Planner is providing you with information as you requested regarding other zones where child care centers could be appropriate, and there may in fact be others than the B-1. However, we believe, and the Planning Commission has also agreed, that the B-1 Neighborhood Business Districts are appropriate for such use. Neighborhood business districts are designed to "provide a mixture of residential, professional, retail and service uses that meet an array of

housing needs and business opportunities.”¹ They are generally transitional areas between residential and commercial development. The availability of child-care services near and among residential areas and neighborhood businesses offers a level of convenience to those residents and business owners and employees, and allows for the care of their children to occur both near where people live and/or where they work. They are also often located near major roadways for ease of access.

We have proposed limiting the number of children in any given center to 30 children. This limitation will help control the intensity of the use and the traffic. With respect to traffic it is also important to note that a child care center is generally different than a nursery school or pre-school as the children are not dropped off and picked up all at the same time. Morning drop off generally occurs over a 2 hour period, with afternoon pickup often spread over an even longer period. Assuming the 30 children come in 30 separate cars (worst case with no siblings and no carpooling), spread over 2 hours, this would be one car approximately every 4 minutes (15 cars per hour). Each car would remain at the property for several minutes as the parent or responsible adult must park and bring the child into the building. The number of children as well as the number of employees is also the basis for the parking requirement proposed. As we previously indicated, the parking provision we have proposed is based upon existing codes in other municipalities as well as actual parking figures from a number of existing and operating child care centers based upon their actual experience. The Planning Commission reviewed this issue carefully and determined the proposed parking requirement is sufficient. For your information, we have again attached the information regarding parking requirements.

Another issue raised was concerns relating to neighboring uses. While this is another issue the Planning Commission would look at for each specific application and site, the operations of a child care center protect both the children and the adjoining property owners. These operational requirements are not only enforced by the operators of the center, but most are state mandated. At no time are children left unattended, inside or outside, or even with the ability to wander onto adjacent property or the street. Once dropped off by the responsible adult inside the building as set forth above, the only time the children are outside is in the fully enclosed, screened and fenced play area (state regulation requires the play area be fenced, our proposed code also requires screening). Access to the play area is provided directly from the building into the fenced area. The children are never left unattended in the play area. When the children are picked up in the afternoon, a responsible adult must again park and come into the building to retrieve each child. The entire design of the facility and the operations are to protect the children and keep them safe and within the confines of the center.

With respect to the environmental conditions on the site, as I and the City Planner indicated, both New York State DEC and the Planning Commission would have to be satisfied that the site was safe for children. No one is looking to put children at risk. This particular site

¹ Neighborhood Business District Study, City of Rye, New York, prepared by Christian K. Miller, AICP, Rye City Planner and Neighborhood Business District Committee, January 2005, p. 1.

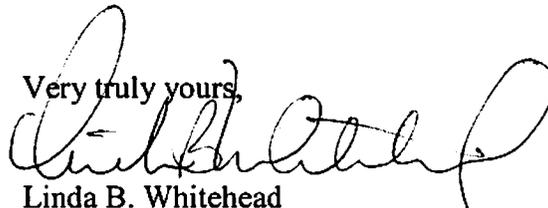
has already been the subject of a cleanup in connection with the removal of the gasoline tanks, and additional testing is now being conducted within the building. All this information will be provided to the Planning Commission as part of its review should the zoning be adopted. It should be noted that several former gas station sites within the City of Rye have been cleaned up and used for a variety of uses, including residential uses where children may reside. The Planning Commission in each of these instances reviewed the information which had been provided to the NYSDEC regarding the site cleanup.

The Planning Commission's role is to review each application which comes before it on a case by case basis. The proposal to allow child care centers in the B-1 Districts (and elsewhere if the Council determines it is appropriate) will allow child care centers only as a Use Permitted Subject to Additional Standards and Requirements. This gives the Planning Commission additional authority and jurisdiction pursuant to Section 197-10 of the Zoning Code which goes beyond just site plan review to determine if the particular use is appropriate at the specific site.

We ask that the City Council make its determination in this matter based upon the appropriateness of adding child care centers as a use in the B-1 and possibly other Districts as well, and not upon the appropriateness of a specific site. The site specific review will be carefully undertaken by the Planning Commission for not just this site, but for any other site which comes before it in the future.

Thank you for your cooperation and we look forward to discussing this matter with you further at your meeting on May 19, 2010.

Very truly yours,

A handwritten signature in black ink, appearing to read "Linda B. Whitehead", written in a cursive style.

Linda B. Whitehead

Proposed parking requirement

Use	Number of Spaces per Unit (by Parking District)			Unit of Measurement and Conditions
	A	B	C	
Child-care facilities (enrollment)	1	1	1	Five enrolled children
Child-care facilities (staff)	1	1	1	Employee

Other municipalities' requirements for off-street parking for uses similar to child-care facility:

Town/Village of Harrison:

- SB-0 Day-care center: "The greater of 1 for each employee of the SB-0 day-care center or 1 per employee required by the New York State licensing agency having jurisdiction over the operation of the SB-0 day-care center, plus a dropoff area and short-term parking spaces in combination sufficient to accommodate 1 vehicle per 7 children enrolled in the SB-0 day-care center." *Town/Village of Harrison Code § 235-37.*

City of New Rochelle:

- Nursery and day care: "In other than CPA: 1 per 4 children, plus 1 per employee. In CPA: 1 for every 2 employees." (NB: CPA is Central Parking Area District.) *City of New Rochelle Code § 332-126.*

Town of Greenburgh:

- Day-care center, nursery school: "1 for each staff member, plus 1 for each facility vehicle, plus 1 for each 5 facility children or clients." *Town of Greenburgh Code § 285-38(E).*

Village of Hastings-on-Hudson:

- School or day nursery (i.e., nursery school): "1 space for each employee, plus 1 space for each 12 pupils." *Village of Hastings-on-Hudson Code § 295-36(A).*

Town of Pound Ridge:

- Nursery school: "1 space for each teacher and staff member, plus 1 space for each 5 pupils." *Town of Pound Ridge Code § 113-74(A).*

Town of Bedford:

- Child day-care center; school-age child care; nursery school: "One space per three children enrolled and one handicapped space." (no employee requirement) *Town of Bedford Code § 125-75.1(F).*

Survey of off-street parking for other similar child care centers:

<u>Name of Facility</u>	<u>Max. Child Capacity; Ages; Enrollment</u>	<u>Total staff; Max. No. of staff on-site</u>	<u>Drop-off times; Pick-up times;</u>	<u>No. of parking spaces; Adequate?</u>
Bright Horizons Child Care Center Executive Blvd. Yonkers, NY	90 (current enrollment 62); 6 weeks – 5 years old; some part day enrollment	15 total; 10+ max. staff on-site	No set drop-off or pick- up times; drop-off usually between 7 a.m. and 9 a.m.; pick-up usually between 4 p.m. and 6 p.m.	10 for parents, unknown number for staff; deemed adequate by Director
Oak Lane Child Care Center 49 Memorial Drive Chappaqua, NY	51 children served; 18 mos. – 5 years old; no part day enrollment	17 total; staffing is staggered throughout day	Suggested drop-off between 7 a.m and 9 a.m., however, some drop off after 9 a.m.; pick-up between 4:30 p.m. and 6 p.m.	13 total spaces; deemed adequate by Director/Board member
Happy Harbor Child Care Center 95 Broadway Hastings-on- Hudson, NY	44 children; 3 mos. – 5 years old; no part day enrollment	19 total; staffing is staggered throughout day	No set drop-off or pick- up times; drop-off usually between 7:15 a.m. and 9 a.m.; pick-up usually between 4 p.m. and 5:45 p.m.	8 total spaces; deemed generally adequate by Director



CITY COUNCIL AGENDA

NO. 8 DEPT.: Engineering DATE: May 19, 2010
CONTACT: George Mottarella, City Engineer

AGENDA ITEM: Public Hearing for the establishment of the Kirby Lane Extension Sanitary Sewer Special Assessment District.

FOR THE MEETING OF:

May 19, 2010

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Council consider setting a public hearing regarding the establishment of the Kirby Lane Extension Sanitary Sewer Special Assessment District.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: A request has been made by residents of Kirby Lane to have municipal sewer service installed to serve 23 properties which had previously utilized septic systems to treat their domestic waste. 16 of the 23 property owners have signed the petition in support of this project.

See attached request and petition.

Received

APR 27, 2010

City Manager's Office
Rye, New York

80 Kirby Lane
Rye, NY 10580

April 27, 2010

Re: Proposed Kirby Lane Sewer Improvement

Mr. Frank J. Culross
City Manager
Rye City Hall
1051 Boston Post Rd
Rye, NY 10580

Dear Mr. Culross:

As you know, we are extremely interested in having a municipal sewer service extended to the 23 homes and lots on Kirby Lane from Grace Church Street to the Reese residency (the "Proposed District").

Enclosed is a petition in support of this project signed by 16 of the 23 property owners who would benefit from this improvement.

Pursuant to Article 128.2 of the Rye City Code, we hereby request that the City Council approve a resolution providing for the construction of a sewer line benefiting the properties located in the Proposed District.

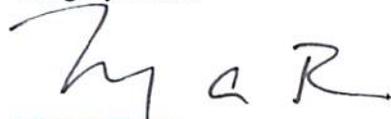
We understand that any such approval can only be given by the City Council after a public hearing on this matter and look forward to attending such a meeting at the earliest possible time.

Thank you for your assistance in this matter. Please call us at 921-1133 if you have any questions.

Very truly yours,



Gregory Ressa



Margo Ressa



CITY COUNCIL AGENDA

NO. 9

DEPT.: Finance

DATE: May19, 2010

CONTACT: Jean Gribbins, City Comptroller

AGENDA ITEM: Resolution to transfer \$25,000 from Capital Projects Forest Avenue to the Boston Post Road project and discussion of Boston Post Road Diet recommendation.

FOR THE MEETING OF:
May 19, 2010

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, the City Council has authorized the implementation of the Boston Post Road Diet changes at Sonn Drive,

WHEREAS, the funds previously earmarked for the Forest Avenue Capital Project will be repurposed for this new project,

RESOLVED, that the City Comptroller is authorized to transfer \$25,000 from Capital Projects to the Engineering Department for the Boston Post Road Diet/ Sonn Drive project.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:



CITY COUNCIL AGENDA

NO. 10

DEPT.: City Mayor

DATE: May 19, 2010

CONTACT: Mayor Douglas French

AGENDA ITEM: Discussion of 151 Purchase Street Associates, LLC and tenancy lease terms.

FOR THE MEETING OF:

May 19, 2010

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Council discuss the proposed settlement agreement between 151 Purchase Street Associates, LLC and the City of Rye.

IMPACT: Environmental Fiscal Neighborhood x Other:

BACKGROUND: 151 Purchase Street Associates filed an amended complaint against the City of Rye. There is a possible settlement of the matter and the City Council must review the terms of same and authorize the City Manager to sign the resultant Memorandum of Understanding between 151 Purchase Street Associates, LLC and the City of Rye.



CITY COUNCIL AGENDA

NO. 11

DEPT.: City Council

DATE: May 19, 2010

CONTACT: Mayor Douglas French

AGENDA ITEM: Discussion of Resolution to establish a Rye Town Park Advisory Committee.

FOR THE MEETING OF:

May 19, 2010

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the Council consider adopting the attached Resolution to establish a Rye Town Park Advisory Committee.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

See attached Resolution.

DRAFT

RESOLUTION OF THE CITY OF RYE CITY COUNCIL ESTABLISHING THE RYE TOWN PARK ADVISORY COMMITTEE

WHEREAS, the volunteer committees in the City of Rye (“City”) perform a critical function in the City by advising the City Council on important issues that are relevant to the daily operations of the assets within and near the City of Rye; and

WHEREAS, the City of Rye and Town of Rye share ownership and operating responsibility of Rye Town Park; and

WHEREAS, residents of the City of Rye and Rye Town visit Rye Town Park regularly and enjoy its location and participate in the events and activities that take place; and

WHEREAS, the Rye Town Park Commission is a representative body of the City of Rye and Rye Town which includes the Village of Port Chester, Village of Rye Brook and the Rye Neck section of the Village of Mamaroneck; and

WHEREAS, activities, policies, events and practices at Rye Town Park impact the both the City and Town of Rye Residents; and

WHEREAS, the City would like to establish the Rye Town Park Citizens Advisory Committee to, among other duties, assist the City and Rye Town Park Commission in identifying areas that can be improved, advise on important issues, and inform on upcoming events;

NOW, THEREFORE, BE IT RESOLVED, that the Rye Town Park Advisory Committee is hereby established; and be it further

RESOLVED, that the Committee shall consist of no more than nine (9) members, (5) residents of the City: (3) residents of Rye Town (1 member from Port Chester, 1 from Rye Brook and 1 from Rye Neck); and (1) member from the Friends of Rye Town Park.

The initial appointments shall be staggered with three one-year terms, three two-year terms, and three three-year terms; and be it further

RESOLVED, that members of the Rye Town Park Advisory Committee shall be appointed by the Mayors/Supervisors of their respective jurisdictions, with the approval of the Rye City Council and Rye Town Park Commission. The Committee shall designate its own Chairperson; and be it further

RESOLVED, that the Rye Town Park Advisory Committee shall have the following duties and powers:

1. To establish Committee rules and procedures for meetings;
2. To advise the City Council and Rye Town Park Commission on issues relating to the operation and management of Rye Town Park;

DRAFT

3. To identify and review neighborhood issues that arise relating to Rye Town Park; and
4. To recommend to the City Council and Rye Town Park Commission on possible changes to the practices, policies and daily operations of Rye Town Park to better meet the needs of the residents of the City and Rye Town.

DRAFT



CITY COUNCIL AGENDA

NO. 12

DEPT.: City Council

DATE: May 19, 2010

CONTACT: Mayor Douglas French

AGENDA ITEM: One appointment to the Conservation Commission/Advisory Council for a three-year term, and one appointment to fill out a term expiring on January 1, 2011, by the Mayor with Council approval.

FOR THE MEETING OF:

May 19, 2010

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council approve the appointments.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:



CITY COUNCIL AGENDA

NO. 13

DEPT.: City Council

DATE: May 19, 2010

CONTACT: Mayor Douglas French

AGENDA ITEM: Three appointments to the Governmental Policy and Research Committee for three-year terms, two appointments for two-year terms, and two appointments for one-year terms, by the Mayor with Council approval.

FOR THE MEETING OF:

May 19, 2010

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council approve the appointments.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: