

## **CITY OF RYE**

### **NOTICE**

There will be a regular meeting of the City Council of the City of Rye on Wednesday, September 14, 2011, at 8:00 p.m. in the Council Room of City Hall. The meeting will be preceded by a *Storm Response and Recovery Update on Hurricane Irene* beginning at 7:00 p.m.

### **AGENDA**

1. Pledge of Allegiance.
2. Roll Call.
3. General Announcements.
4. Draft unapproved minutes of the regular meeting of the City Council held August 10, 2011.
5. Mayor's Management Report
  - Sustainability Committee Update on potential environmental and energy saving projects for the City
  - Legal Update
6. Continuation of Public Hearing regarding a change to the zoning district designation of the 1051, 1037, and 1031 Boston Post Road properties from the B-1 Neighborhood Business District to the B-2 Central Business District and Change the parking district designation of 1031 Boston Post Road from the "C" to the "A" Parking District.
7. Residents may be heard who have matters to discuss that do not appear on the agenda.
8. Authorization for Harris Beach PLLC to commence an action challenging the Negative Declaration issued by the DEC in the Beaver Swamp Brook Administrative proceeding.  
Roll Call.
9. Authorization for Joseph A. Maria, P.C. to defend the City of Rye in the Article 78 Petition *Runes v. Board of Assessment Review and City Assessor*.  
Roll Call.
10. Authorization for City Manager to make a benefit update to the Administrative Professionals Group (APG) policy.
11. Authorization for City Manager to enter into an Intermunicipal Agreement with the County of Westchester for an Employee Assistance Program.
12. Authorization for transfer of \$38,296 from RCTV fund balance to RCTV budget for the purchase of a digital productions switcher.  
Roll Call.

13. Bid Award for City Hall Digital Production switcher and monitor (Bid # 3-11).  
Roll Call.
14. Authorization of a date change for the regular City Council Meeting from November 7, 2011 to November 9, 2011.
15. Two appointments to the Boat Basin Commission, by the Council, for two-year terms expiring January 1, 2014 and the designation of one member to the Boat Basin Nominating Committee.
16. One appointment to the Finance Committee for a three-year term expiring on January 1, 2014, by the Mayor with Council approval.
17. One appointment to the Rye Town Park Advisory Committee for a two-year term expiring on January 1, 2013, by the Mayor with Council approval.
18. One appointment to the Rye Playland Advisory Committee to fill out a term expiring on January 1, 2013, by the Mayor with Council approval.
19. Consideration of request by the Recreation Department to hold their annual Turkey Run on Thanksgiving Weekend.
20. Miscellaneous communications and reports.
21. Old Business.
22. New Business.
23. Adjournment.

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The next regular meeting of the City Council will be held on Wednesday, October 5, 2011 at 8:00 p.m. A Special Meeting/Workshop of the City Council will be held on September 28, 2011 at 8:00 p.m.

\*\* City Council meetings are available live on Cablevision Channel 75, Verizon Channel 39, and on the City Website, indexed by Agenda item, at [www.ryeny.gov](http://www.ryeny.gov) under "RyeTV Live".

\* Office Hours of the Mayor on 9/14/11 will be held from 6:30 pm to 7:00 pm in the Mayor's Conference Room.



# CITY COUNCIL AGENDA

NO. 4

DEPT.: City Clerk

DATE: September 14, 2011

CONTACT: Dawn F. Nodarse

**AGENDA ITEM** Draft unapproved minutes of the regular meeting of the City Council held August 10, 2011, as attached.

**FOR THE MEETING OF:**

September 14, 2011

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council approve the draft minutes.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

Approve the minutes of the regular meeting of the City Council held August 10, 2011, as attached.

***DRAFT UNAPPROVED MINUTES*** of the  
Regular Meeting of the City Council of the City of  
Rye held in City Hall on August 10, 2011 at 8:00  
P.M.

PRESENT:

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

ABSENT: RICHARD FILIPPI, Councilman

1. Pledge of Allegiance

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

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 application to NYU Capstone in connection with a complete streets planning project has been approved.
- The commuter tax did not advance in the State legislature for 2011 but it may be considered in 2012.
- The traffic improvements to the downtown are taking place this week.

4. Draft unapproved minutes of the regular meeting of the City Council held July 13, 2011

Councilwoman Gamache made a motion, seconded by Councilwoman Keith and carried by a 5-0 vote, to approve the minutes of the regular meeting of the City Council held on July 13, 2011. Councilman Sack recused himself because he had not attended the meeting.

5. Mayor's Management Report

- Summary Report from Rye Town Park Supervisor

Mayor French said that since 1907 when the Rye Town Park Commission was established by the State legislature, the City (then Village) of Rye and Town of Rye have worked together in operating the park. Rye residents pay 39.2% of capital improvements to the park and 48% of any operating loss, but have 100% of the neighborhood impact. Rye Town Supervisor Joe Carvin began by giving an overview of the communities that comprise the Town of Rye and outlined what the Town does. He said the purpose of his presentation on the park was to discuss the future of Rye Town Park and how the two municipalities can work together to insure the quality operation of the park and its infrastructure in coming years. He noted that a study is being done to determine if the Town of Rye government should be eliminated, which would affect the governance of the park. The Rye Town Park Commission consists of six people – two from Rye City, two from Rye Town, and the Mayors of Port Chester and Rye Brook. He said that budgeting for the park is like budgeting for a seasonal business. He outlined changes in park operation that have been instituted in the last four years involving staffing, cash management, renovation projects; parking; resident and non-resident fee structures; and park security. He offered thanks for input from the City Finance Committee, Friends of Rye Town Park, Parking Committee and Rye Town Park Advisory Committee. He said they are trying to increase resident usage of the park and want to work with the stakeholder groups to improve their park experience and get better programs in the park. This year they are focusing on getting all the revenues but must work on managing expenses better. Looking to the future of the park, Mr. Carvin said the Park Commission has to consider such things as year round vs. seasonal use; automated parking and how to fund \$14 Million in capital projects. They are looking into getting grant money and have hired the person who obtained the \$400,000 grant previously received for the park. He suggested creating a committee to seek proposals for park use similar to the one created by the County regarding Playland.

- September 11<sup>th</sup> Ceremony Agenda

Mayor French said the City's remembrance of September 11<sup>th</sup> would involve three things: remembering the families of Rye citizens who were lost; honoring the first responders and treating the day as a community service day. City Manager Pickup said the specifics of the day are developing, but it may include a gathering in the Fire House after the last of the ceremonies.

- Legal update

Corporation Counsel Wilson provided an update on the Beaver Swamp Administrative matter. Two weeks ago the City received a Supplementary Rulings Decision from the Administrative Law Judge (ALJ). It upheld the Department of Environmental Conservation's (DEC) negative declaration issued in March 2011 and authorized all parties to appeal any issues already determined in the May 2009 ruling. Ms. Wilson has asked for an extension of the August 15<sup>th</sup> deadline to respond.

6. Presentation of the 2012-2016 Capital Improvements Program

City Planner Christian Miller presented the Capital Improvements Program, which is the City's plan for identified capital projects or acquisitions for the next five years. It identifies needs and prioritizes projects, and identifies preliminary costs and potential sources of funding.

During budget season the Council will decide if projects should be funded and, if so, how. There are approximately 50 projects identified with a projected cost of \$40 million over a five year period with \$12.6 million for flood mitigation projects; \$17 million for transportation projects; \$5.6 million for recreation projects; \$1.0 million for drainage projects; \$2.8 million for building projects; \$1.0 million for sewer projects and \$4.2 million for vehicles and equipment (\$7.7 million in 2012; \$4.4 million in 2013; \$16.8 million in 2014; \$7.0 million in 2015 and \$4.2 million in 2016). The three funding categories are debt, general revenues, and grants and aid. The largest funding source is projected to be grants and aid of various sources, followed by general revenue funded from the general budget and finally debt. In the current economic situation, only projects identified as high priority were funded for the next two years. Many 2012 projects are carry over projects from previous years. Staff have deferred projects to the maximum time possible. The recommendations of the Shared Roadways Committee are also reflected in this year's CIP including the Boston Post Road retaining wall, the MTA parking lot, the Theodore Fremd/Purdy/Purchase intersection in the Central Business District (CBD), repaving sections of Forest Avenue, and prioritizing the annual paving and sidewalk program. Additional projects suggested have been deferred. Some projects have been removed from the CIP because the projects have been completed; some projects were removed because a condition was resolved and the project is no longer necessary; and some have been removed because the costs associated with fixing a problem have been deemed unreasonable.

High priority projects were highlighted in the following areas:

Sewer improvements

- The Locust Avenue Sewer Siphon replacement is the highest priority in the CIP.
- The Hewlett Avenue Pump Station is a carry-over project. There is an EPA grant that requires a local match.

Building improvements

- A study should be done to evaluate what measures can be taken to renovate the existing Police/Court facility.
- The HVAC system in City Hall needs to be replaced

Central Business District

- Designs for the Theodore Fremd/Purdy/Purchase intersection improvement; Smith/Elm intersection improvement and potential reconstruction of Purchase Street should be funded.

Recreation improvements

- The Recreation Department is looking at enhancements to increase playability for the user groups, such as turfing Recreation Park and Disbrow Park and rehabilitating Nursery Field for better drainage. The Thruway turf project is not longer considered a viable project.

Vehicles and Equipment

- Vehicle needs have been pushed down the line as far as possible but the City must consider that the sanitation fleet must be replaced in 2016.

Mr. Miller said that the City's capital needs are increasing even though City funds for capital projects are decreasing. The City must also consider that there are other entities such as the Golf Club, Boat Basin, Rye Town Park and School District that can impact the City's capital budget. Over time, dependence on grants and aid may become more challenging. The City may have to examine how it uses debt or identify other sources of funding in order to implement the CIP. Mr. Miller said the City could look at public/private partnerships, but must carefully examine the trade offs that may be involved. The City cannot continue to defer capital projects because it is not sustainable. The City must fund its Capital Improvement Plan if it wants to have a Capital Improvement Program.

A suggestion was made to work with the County to receive funding for the Purchase/Purdy/Theodore Fremd intersection, but it was noted that if the County made improvements it would probably turn over ownership and responsibility to the City. A request was made that the Council be provided with a short list of projects that can no longer be deferred as well as projects where money should be spent in order to save money over time. It was also suggested that the Council take a "field trip" to learn more about proposed projects.

7. Public Hearing regarding a request by Avon to amend Local Law Chapter 90, Section 90-10, "Rear or side line fences in business districts" to allow for a fence height of six feet, and Chapter 197, Section 197-86, "Zoning Table B", to clarify the minimum lot size

Seth Mandelbaum, Esq. appeared on behalf of Avon. The Planning Commission has conditionally approved a site plan for the renovation of the Avon facility at 601 Midland Avenue. Avon is seeking two amendments to the Rye City Code, one regarding fence height in the B-5 Zone and the other to change the minimum lot size in the B-5 zone from four acres to three acres. The Planning Commission and Westchester County Planning Board have indicated they do not object to the changes.

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

The only member of the public who commented was *Jim Amico*, who asked for clarification on the location of the fence in question due to site line concerns.

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

Councilman Jovanovich made a motion seconded by Councilwoman Gamache, to adopt the following Resolution:

**RESOLVED**, that the City Council as lead agency, hereby issues a negative declaration under SEQRA and adopts the following local laws:

**LOCAL LAW NO. 4 2011**

**A Local Law Amending Chapter 90 “Fences and Walls”  
of the City of Rye Code by amending Chapter 90-10  
“Rear or side line fences in B-5 Business Districts.”**

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

**Section 1.**

**§ 90-10. “Fences in business districts”**

In all business districts, no fence or freestanding wall which exceeds six feet in height may be erected along a rear or side division line or anywhere on the lot within 35 feet of such line (measured by the shortest distance to such line); except that, if the lot abuts a street, the height of a fence or wall located within 35 feet of the line abutting a street may not exceed four feet; and, if the lot adjoins a lot within a residence district, the height may not exceed the height that would be allowed on the adjoining lot. The foregoing notwithstanding, in the B-5 Interchange Office Building Districts only, a fence or freestanding wall not to exceed six feet in height may be erected within 35 feet of the line abutting a street.

**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.

**CITY OF RYE  
LOCAL LAW NO. 5 2011**

**A Local Law Amending Chapter 197 “Zoning,”  
of the City of Rye Code by amending Table B:  
B-5 Business Districts Area, Yard, Height and  
Miscellaneous Regulations of Chapter 197**

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

**Section 1.**

Table B: Business Districts Area, Yard, Height and Miscellaneous Regulations of Chapter 197 of the City of Rye Code is hereby amended by replacing the 4 acre minimum lot area in Column 5

for office buildings in the B-5 District with a 3 acre minimum lot area requirement. All other provisions of Column 5 of Table B, including note references shall remain the same.

**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 Gamache, Jovanovich, Keith,  
                              Parker and Sack  
NAYS:                   None  
ABSENT:                Councilman Filippi

The Resolution was adopted by a 6-0 vote

8.     Resolution authorizing an additional three-month extension of the PILOT Agreement between Avon Capital Corporation and the Westchester County IDA

Councilman Jovanovich made a motion, seconded by Councilwoman Gamache, to adopt the following Resolution:

**RESOLVED**, that the City Council of the City of Rye hereby authorizes an additional three-month extension of the PILOT Agreement between Avon Capital Corporation and the Westchester County I.D.A. until December 31, 2011.

ROLL CALL:

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

The Resolution was adopted by a 6-0 vote.

9.     Public Hearing regarding a change to the zoning district designation of the 1051, 1037, and 1031 Boston Post Road properties from the B-1 Neighborhood Business District to

the B-2 Central Business District and Change the parking district designation of 1031 Boston Post Road from the “C” to the “A” Parking District

City Planner Miller noted that the City Council had designated itself lead agency under SEQRA in June. The draft local law was referred to the Westchester County Department of Planning as required by law and additionally to the City Planning Commission, although not required by law. Comments have been received from both Boards. A full Environmental Assessment Form has also been completed and made available to the public.

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

The only member of the public who commented on the proposed local law was *Mitchell Palais, 70 Grace Church Street*. He said that the proposed changes could allow for 60 units of housing to be placed on the location. He said he believed a facility that large could have an impact on already over-crowded schools as well as the overall tax base of the City. He also expressed concern about the public hearing being held in August when many residents are on vacation. City Planner Miller pointed out that any proposed use for the property would require planning review and the City Council can set perimeters in the terms of a sale.

The Council discussed holding the public hearing open until the September meeting in order to allow for more public comment.

Councilman Jovanovich made a motion, seconded by Councilwoman Gamache and unanimously carried, to hold the public hearing open until the September meeting.

Agenda Item 11 was taken out of order.

10. Discussion on the City of Rye No Distracted Driving Pledge for Traffic and Pedestrian Safety

Councilwoman Keith said that the idea of doing a community pledge on distracted driving and walking came up after the Distracted Driving and Walking event held in April. The pledge is based upon the Oprah Winfrey “No phone zone pledge”. She said the pledge asks people not to text while driving and to be alert while working around City streets and crosswalks. She said she wanted to know the thoughts of the Council. Suggested changes will be made and the revised pledge will be circulated in a packet for the next meeting.

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

*Jim Amico, 350 Midland Avenue*, inquired about his request to have a stop sign put up on Midland Avenue near Palisade Road. City Manager Pickup said that since changes have been made to the intersection in the last five years, it requires professional input and recommendations before a decision can be made.

*Charmain Neary, 393 Midland Avenue*, said there is more housing going up in her neighborhood and she is concerned that more and more parking will be taken away. She added that there are many accidents in the area and she has difficulty getting out of her driveway due to site line issues.

*Jordan Glass, Esq., representing HealtheHarbor*, read a letter from engineer James Carnicelli regarding public health and safety issues on Hen Island, which recommends a municipal land line connection from the mainland to Hen Island for sanitary waste and potable water.

*Ray Tartaglione* referred to a *Journal News* article on West Nile Virus in Westchester and said the City was not protecting its residents. City Manager Pickup said that the County runs the mosquito control process in Westchester.

12. Authorization for City Manager to enter into Intermunicipal Agreement with the County of Westchester Department of Transportation for Provision of Bus Shelters

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

**RESOLVED**, that the City Manager is hereby authorized to enter into an Intermunicipal Agreement with the County of Westchester Department of Transportation for the Provision of Bus Shelters for a five-year term commencing on April 1, 2011 and expiring on March 31, 2016.

ROLL CALL:

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

The Resolution was adopted by a 6-0 vote.

13. Authorization for transfer of \$15,600 from RCTV fund balance to RCTV budget for Engineering Consultants

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

**RESOLVED**, that the City Comptroller is hereby authorized to transfer \$15,600 from the RCTV fund balance to the RCTV budget for Engineering Consultants.

ROLL CALL:

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

The Resolution was adopted by a 6-0 vote.

14. Adoption of the 2011/2012 tax levy and tax rate for the Rye Neck Union Free School District  
Roll Call.

Councilman Jovanovich made a motion, seconded by Councilwoman Gamache, to adopt the following Resolution:

**WHEREAS**, the Rye Neck Union Free School District (District) has certified to the City of Rye Comptroller taxes in the amount of \$9,854,570 to be raised on property within the District located in the City of Rye, with the established tax rates of \$696.644313 per \$1,000 of taxable assessed value on homestead property and \$878.851489 per \$1,000 taxable assessed value on non-homestead property, for the fiscal year beginning July 1, 2011 and ending June 30, 2012, now, therefore, be it

**RESOLVED**, that in accordance with the provisions of the City Charter, the City Comptroller is commanded to levy and collect said taxes, subject to any further amendments or approvals required by the Rye Neck Union Free School District.

ROLL CALL:

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

The Resolution was adopted by a 6-0 vote.

14A. Resolution to declare certain equipment and vehicles as surplus

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

**WHEREAS**, The City has been provided with a list of City equipment and vehicles identified as being obsolete or will become obsolete during 2011, and

**WHEREAS**, these Departments have recommended that said equipment and vehicles be declared surplus, now, therefore, be it

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

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

1996 Ford Pickup F150, Vin #1FTEF14N4TLB18619, Mileage 74,383 (Rye Golf Club)  
1995 Tymo 4700, Vin #1HTSCABN1SH634178, Mileage 50, 868 (DPW)  
1999 Ford Crown Vic. Vin #2FAFP1W9XX185748, Mileage 60,105 (Police Dept.)  
2007 Ford Crown Vic. Vin #2FAHP71W77X114301, Mileage 74,617 (Police Dept.)  
2008 Ford Crown Vic. Vin #2FAHP71W77X114301, Mileage 68,963 (Police Dept.)  
2009 Ford Crown Vic. Vin #2FAFP71VX9X103870, Mileage 71,356 (Police Dept.)  
1999 Cadillac Deville, Vin #1G6KF5493XU795211, Mileage 133,466 (Police Dept.)  
2002 GEM (electric), Vin #5ASAJ27462F021226 (Police Dept.)  
Miscellaneous: radio equipment, Gas Detectors, pagers and chargers (Fire Dept.)

ROLL CALL:

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

The Resolution was adopted by a 6-0 vote.

15. Two appointments to the Rye Cable and Communications Committee for a three-year term expiring on January 1, 2014, by the Mayor with Council approval

Mayor French made a motion, seconded by Councilwoman Gamache and unanimously carried, to appoint Suzy Allman and Paula Amsterdam Fung to the Rye Cable and Communications Committee for three-year terms expiring on January 1, 2014.

16. Consideration of request for permission to close a section of Purchase Street for the 59<sup>th</sup> annual celebration of the Halloween Window Painting Contest

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

**RESOLVED**, the City Council hereby approves the request of the Recreation Department for permission to close a section of Purchase Street for the 59<sup>th</sup> Annual Halloween Window Painting

Contest on Sunday October 23, 2011 (rain date October 30) from 8:00 A.M. to 3:00 P.M.

17. Miscellaneous Communications and Reports

Councilwoman Keith said that the Shared Roadways Committee was scheduled to make a presentation at the September meeting but asked if there might be conflicts for some people due to “back to school nights”. City Manager Pickup suggested that since there are timing issues it is better not to postpone the presentation. Ms. Keith also reported that the Sustainability Committee had a table out at the Sidewalk Sales and spoke to the public about the work they are doing. She added that there will be a movie shown at the library in September called “Gasland” about fracking.

Mayor French reported that the County Playland Committee is finalizing their draft report.

18. Old Business

City Manager Pickup reported that the Kuder Island Colony shareholders approved Resolutions to incorporate new composting toilets and water coverings for all water collection systems. They are working with the City Building Department and the County to implement the process. He believes it is a positive step forward in answer to a complaint the City received.

Councilwoman Keith asked for an update on the Planet Pizza site and the new development at the Black Bass Grill property City Manager Pickup said there is a site plan application before the Planning Commission for the Black Bass site. The Planet Pizza site has been approved and is in the last stages of finishing out their building permit.

19. New Business

Councilman Sack asked Corporation Counsel Wilson to look into setting up a process for civil action to be taken against scofflaws who ignore violations brought against them in City Court.

Councilwoman Gamache asked if a category could be added for Nixel alerts to let residents know about disturbances on streets caused by work being done by utility companies. Ms. Gamache also asked if the Council meeting packets could be delivered to the Council members homes again.

20. Adjournment

There being no further business to discuss Councilman Jovanovich made a motion, seconded by Councilwoman Gamache and unanimously carried, to adjourn the meeting at 11:49 p.m.

Respectfully submitted,

Dawn F. Nodarse  
City Clerk



# CITY COUNCIL AGENDA

NO. 5

DEPT.: City Council

DATE: September 14, 2011

CONTACT: Mayor Douglas French

**AGENDA ITEM:** Mayor's Management Report

**FOR THE MEETING OF:**

September 14, 2011

**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:

- Sustainability Committee Update on potential environmental and energy saving projects for the City
- Legal Update



# CITY COUNCIL AGENDA

NO. 6

DEPT.: Planning

DATE: September 14, 2011

CONTACT: Christian K. Miller, AICP, City Planner

**AGENDA ITEM:** Continuation of Public Hearing regarding a change to the zoning district designation of the 1051, 1037, and 1031 Boston Post Road properties from the B-1 Neighborhood Business District to the B-2 Central Business District and change the parking district designation of 1031 Boston Post Road from the "C" to the "A" Parking District.

**FOR THE MEETING OF:**

September 14, 2011

**RYE CITY CODE:**

CHAPTER  
SECTION

**RECOMMENDATION:** Continue the required Public Hearing and consider adoption of the proposed local law.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** At its June 15, 2011 meeting the City Council referred the proposed zoning amendment to the Rye City Planning Commission and Westchester County Dept. of Planning and declared the City Council's intent to be Lead Agency under SEQRA. Attached are the comments of the Planning Commission and Westchester County Department of Planning.

The draft local law changes the zoning district designation of three contiguous properties at 1051 (City Hall), 1037, and 1031 Boston Post Road from the B-1 District to the B-2 District. The draft local law also changes the parking district designation of 1031 Boston Post Road to the "A" parking district and amends the B-2 District to allow multi-family units on the first floor for properties in the B-2 District having frontage on Boston Post Road. The attached full Environmental Assessment Form (EAF) provides a more complete description of the action and the planning rationale for the proposed change in zoning.

Nick Everett, Chairman  
Martha Monserrate, Vice Chair  
Barbara Cummings  
Carolyn Cunningham  
Hugh Greechan  
Peter Jovanovich  
Peter Larr



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## **CITY OF RYE Planning Commission**

### **Memorandum**

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To: Rye City Council

From: Rye City Planning Commission

cc: Scott Pickup, City Manager  
Kristen K. Wilson, Esq., Corporation Counsel

Date: July 26, 2011

Subject: **Advisory Recommendation Regarding a Local Law to amend the “Parking Districts Map” and the “Zoning Map” of the City of Rye, New York for the Purpose of Expanding the “A” Parking District and the “B-2” Central Business District and to Amend the Table of Permitted Main Uses in the B-2 Central Business District to Allow Dwelling Units of the First Floor for Properties Located on Boston Post Road.**

At its June 21 and July 26 meetings, the Planning Commission reviewed the proposed local law and supporting Full Environmental Assessment Form (EAF) prepared in connection with the above-referenced matter.

The Commission supports the proposed changes in land use to increase development potential in the City’s Central Business District. The proposed change in zoning is consistent with surrounding zoning and land uses and prior planning studies. The proposed local law will afford new opportunities for multi-family housing, retail and commercial development that will be supportive of existing businesses in the City’s Central Business District.

### **Future Development Considerations**

The 1037 BPR property is approximately 30,000 square feet and is improved with an existing one-story 9,800 square-foot building and 45 parking spaces. The adjacent 1031 BPR property is approximately 6,100 square feet and is improved with an existing two-story 2,400 square-foot building and eight parking spaces.

## Planning Commission Advisory Recommendation B-2 District

July 26, 2011

Page 2 of 3

The combined development potential of these two properties would quadruple from approximately 18,000 square feet under current B-1 District zoning to 72,000 square feet under the proposed B-2 District. It is likely that future development would consist of retail, multi-family housing, office or some combination thereof. It is reasonable to assume that future development at the full 72,000 square foot development potential would consist of three stories with each floor having 24,000 square feet of floor area, which is roughly double the combined building footprint that exists today on the combined properties. Based on these assumptions future development might consist of one of the following scenarios:

### Housing

The proposed local law would allow for multi-family development on all floors. It is estimated that 72,000 square feet in a three-story building could yield approximately 60 units (i.e. 24,000 square feet and 20 units per floor), though the number of units could vary depending on unit size. Under the requirements of the "A" Parking District 68 parking spaces would be required<sup>1</sup>. Parking would be provided on the lowest level, which would be located under the building but at the same level of the existing grade at the rear of the building<sup>2</sup>. It is estimated that the maximum number of parking spaces that could be constructed on the site with a building located above is between 65 and 75 spaces.

### Retail/Housing

As permitted by current zoning, the proposed local law would allow for mixed-used development consisting of retail on the first floor and residential above. Another possible full development scenario for the use of the site would consist of 24,000 square feet of retail on the first floor with 40 units on the second and third floors (i.e. 24,000 square feet and 20 units per floor). Under the requirements of the "A" Parking District 28 parking spaces would be required, though more would likely be provided given the needs of the future users<sup>3</sup>. Just as with the first development scenario, parking would likely be provided under the building.

### Retail/Office

A third possible development scenario under the proposed local law would include retail on the first floor with office on the second and third floors. Office is not permitted on the first floor in the "A" Parking District. A total of 72 parking

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<sup>1</sup> "A" Parking District requires 2 spaces/unit on the first floor and 0.7 spaces/unit on the floors above.

<sup>2</sup> The rear portion of the site is located in a FEMA-designated flood zone, which requires the first floor of the building to be elevated. Parking is permitted under the building.

<sup>3</sup> "A" Parking District requires 0 spaces for retail and 0.7 spaces/unit on the second and third floors.

## Planning Commission Advisory Recommendation B-2 District

July 26, 2011

Page 3 of 3

spaces would be required<sup>4</sup>. Parking would need to be located under the building to meet City parking requirements.

### Retail/Office/Housing

Another development scenario under the proposed local law would include retail on the first floor, office on one floor and housing on another floor. Assuming a 72,000 square foot building (i.e. 24,000 square per floor) it is estimated that 50 parking spaces would be required and could be accommodated on the site<sup>5</sup>.

## Summary

The Planning Commission supports the proposed local law, but would be more supportive of future development that would include a greater residential rather than office use. Parking and traffic demands for office use can be high, which may be problematic at this site. In-town housing is desired from a planning perspective since it would support CBD businesses. The proximity of these units to the Rye Train Station and the parking characteristics of multi-family housing typically result in lower day-time parking demands. This creates day-time shared parking opportunities for City Hall and Rye Free Reading Room users or first floor retail users.

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<sup>4</sup> "A" Parking District requires 0 spaces for retail and 0.7 spaces/200 square feet of gross floor area of office space on the second and third floors.

<sup>5</sup> "A" Parking District requires 0 spaces for retail, 0.7 spaces/200 square feet of gross floor area of office space on the second floor and 0.7 spaces/unit on the third floor.

Robert P. Astorino  
County Executive

County Planning Board

August 4, 2011

Christian K. Miller, City Planner  
Rye City Planning Department  
City of Rye  
1051 Boston Post Road  
Rye, NY 10580-2996

Subject: **Referral File No. RYC 11-002– B-2 Zoning and “A” Parking District Amendments**

Dear Mr. Miller:

The Westchester County Planning Board has received a copy of a proposed local law to change the zoning district designation of three contiguous properties at 1051 (City Hall), 1037 and 1031 Boston Post Road from the B-1 Neighborhood Business District to the B-2 Central Business District and change the parking district designation of 1031 Boston Post Road from the “C” to the “A” Parking District, to be consistent with the other two properties. The draft law also amends the regulations of the B-2 District to allow multi-family units on the first floor (in addition to upper floors) for properties in the B-2 District having frontage on Boston Post Road.

We have reviewed this matter under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code and offer the following comments:

**1. Consistency with County Planning Board and City policies.** The proposed zoning amendments are consistent with the County Planning Board’s long-range planning policies and strategies set forth in *Westchester 2025—Context for County and Municipal Planning and Policies to Guide County Planning*, adopted by the County Planning Board on May 6, 2008, and amended January 5, 2010, as well as the strategies of *Patterns for Westchester*, adopted by the Board December 4, 1995, as it will help to expand development and housing opportunities in the existing downtown center of Rye. This action also appears to be consistent with the City’s Central Business District Plan (CDB), which recommends expanding housing and office space in the downtown, with a housing as the first preference.

**2. Affordable affirmatively furthering fair housing.** The proposed zoning changes will also provide for additional potential to develop affordable affirmatively furthering fair housing (AFFH) units in this location. The subject area is suitable for affordable AFFH housing due to its access to transportation and commercial areas.

As you are aware, Westchester County has prepared Model Ordinance Provisions that promote development of affordable affirmatively furthering fair housing (AFFH) units. These Provisions are included in the *Westchester County Fair and Affordable Housing Implementation Plan* (dated August 9, 2010). A key recommendation of the Model Ordinance Provisions is that developments of five or more units be required to include no less than 10% of the total number of units as affordable units, consistent with County definitions. We recommend that the City review the full text of the Model Ordinance Provisions as included in the *Implementation Plan* to identify changes or additions to the Zoning Ordinance that will further help create affordable AFFH units. County Planning Department staff is available to assist in this review.

Thank you for calling this matter to our attention.

Respectfully,  
WESTCHESTER COUNTY PLANNING BOARD

For:  
By:



Edward Buroughs, AICP  
Commissioner

EEB/KE

**A LOCAL LAW TO AMEND THE “PARKING DISTRICTS MAP”  
AND THE “ZONING MAP OF THE CITY OF RYE, NEW YORK”  
FOR THE PURPOSE OF EXPANDING THE “A” PARKING DISTRICT  
AND “B-2” CENTRAL BUSINESS DISTRICT**

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

**Section 1.** The “Zoning Map of the City of Rye, New York” is hereby amended to change the classification to the B-2, *Central Business*, District three (3) contiguous properties known on the Rye City Tax Map as Section 146.07, Block 2, Lot 31; Section 146.11, Block 1, Lot 4; Section 146.11, Block 1, Lot 5 and to the centerline of the portion of Boston Post Road where such lots have frontage on said road.

**Section 2.** The “Parking Districts Map” of the City of Rye is hereby amended to change the classification to the “A” Parking District one (1) property known on the Rye City Tax Map as Section 146.11, Block 1, Lot 5 and to the centerline of the portion of Boston Post Road where such lots have frontage on said road.

**Section 3.** Section 197-86, Table of Regulations: Table B, Business Districts-Use Regulations, Column 1, Permitted Main Uses, B-2 Central Business Districts, of the Code of the City of Rye, New York is hereby amended to amend subsection (3) to read as follows<sup>1</sup>:

(3) Dwelling units. Any number of dwelling units. Dwelling units are not permitted, except on the first floor, except as follows:

(a) -Properties having frontage on Boston Post Road.

(b) unless the Planning Commission finds that ~~the first-floor~~ The first-floor units are in an existing building currently with first-floor dwelling units; located on Purchase Street; in the A Parking District; and at least 55 feet from Purchase Street; and provided that a structure with six or more dwelling units shall be subject to the requirements of §197-7.

<sup>1</sup> Additions are shown in underline and deletions are shown in ~~strikethrough~~.

**Section 4. 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 5. Effective Date.**

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

Rev. 6/10/2011

617.20  
Appendix A  
State Environmental Quality Review  
FULL ENVIRONMENTAL ASSESSMENT FORM

**Purpose:** The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

**Full EAF Components:** The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially large, then Part 3 is used to evaluate whether or not the impact is actually important.

**DETERMINATION OF SIGNIFICANCE – Type 1 and Unlisted Actions**

**Identify the Portions of EAF completed for this project:**       Part 1       Part 2       Part 3

Upon review of the information recorded on this EAF (Parts 1, 2 and 3, if appropriate), and any other supporting information, and considering both the magnitude and important of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact(s) and, therefore, is one which **will not have a significant impact on the environment, therefore a negative declaration will be prepared.**
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED negative declaration will be prepared.\***
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore **a positive declaration will be prepared.**

\* A Conditioned Negative Declaration is only valid for Unlisted Actions

**A local law to Amend the “Parking Districts Map” and the “Zoning Map of the City of Rye, New York” for the Purpose of Expanding the “A” Parking District and B-2 Central Business District**

\_\_\_\_\_  
Name of Action

\_\_\_\_\_  
Rye City Council  
Name of Lead Agency

\_\_\_\_\_  
Douglas H. French  
Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
Mayor  
Title of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
  
Signature of Preparer (If different from responsible officer)  
Christian K. Miller, AICP, Rye City Planner

\_\_\_\_\_  
June 8, 2011  
Date

## PART 1 – PROJECT INFORMATION

### Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

NAME OF ACTION		
<b>A local law to Amend the “Parking Districts Map” and the “Zoning Map of the City of Rye, New York” for the Purpose of Expanding the “A” Parking District and B-2 Central Business District</b>		
LOCATION OF ACTION (Include Street Address, Municipality and County)		
1051, 1037 and 1031 Boston Post Road		
NAME OF APPLICANT/SPONSOR		BUSINESS TELEPHONE
Rye City Council		(914) 967-7167
ADDRESS		
1051 Boston Post Road		
CITY/PO	STATE	ZIP CODE
Rye	New York	10580
NAME OF OWNER (if different)		BUSINESS TELEPHONE
N/A		( )
ADDRESS		
CITY/PO	STATE	ZIP CODE
DESCRIPTION OF ACTION		
The proposed action involves adopting a local law to amend the City Zoning Code to amend the City of Rye Parking and Zoning Maps to expand the “A” Parking District and “B-2” Central Business District. The proposed local law would impact approximately 2.3-acres of contiguous land, which consists of one privately held property and two City-owned properties at 1031, 1037 and 1051 Boston Post Road. There is no specific development proposal in connection with the proposed action. Please see attachment to this EAF.		

**Please Complete Each Question – Indicate N.A. if not applicable**

#### A. Site Description

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use:       Urban       Industrial       Commercial       Residential (Suburban)  
                                   Forest       Agriculture       Rural (Non-Farm)       Other \_\_\_\_\_

2. Total Acreage of Project Area: 2.3 acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-Agricultural)	<u>0</u> acres	<u>N.A.</u> acres
Forested	<u>0</u> acres	<u>N.A.</u> acres
Agricultural (Includes orchards, cropland, pasture, etc)	<u>0</u> acres	<u>N.A.</u> acres
Wetland (Freshwater or tidal as per Article 24,25 of ECL)	<u>0.1</u> acres	<u>N.A.</u> acres
Water Surface Area	<u>0</u> acres	<u>N.A.</u> acres
Unvegetated (Rock, earth or fill)	<u>0</u> acres	<u>N.A.</u> acres
Roads, buildings & other paved surfaces	<u>1.60</u> acres	<u>N.A.</u> acres
Other (Indicate type): <u>Lawn/Landscape</u>	<u>0.6</u> acres	<u>N.A.</u> acres

3. What is predominant soil type(s) on project site? Uf - Udorthents - loamy (per West. Co. GIS data)

- a. Soil Drainage:  
 Well drained 50% of site       Moderately drained 50% of site       Poorly drained \_\_\_\_\_% of site
- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? \_\_\_\_\_ acres. (See 1 NYCRR 370)

4. Are there bedrock outcroppings on project site?  Yes  No  
 a. What is depth to bedrock? greater than 3 feet (in feet)



2. How much natural material (i.e., rock, earth, etc.) will be removed from the site? \_\_\_\_\_ tons/cubic yards.
3. Will disturbed areas be reclaimed?  Yes  No  N/A
- a. If yes, for what intended purpose is the site being reclaimed? \_\_\_\_\_
- b. Will topsoil be stockpiled for reclamation?  Yes  No
- c. Will upper subsoil be stockpiled for reclamation?  Yes  No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? \_\_\_\_\_ acres.
5. Will any mature forest (over 100 years old) or other locally important vegetation be removed by this project?  Yes  No
6. If single phase project: Anticipated period of construction \_\_\_\_\_ months, (including demolition)
7. If multi-phased:
- a. Total number of phases anticipated \_\_\_\_\_ (number)
- b. Anticipated date of commencement Phase 1 \_\_\_\_\_ month \_\_\_\_\_ year. (Including demolition)
- c. Approximate completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year.
- d. Is Phase 1 functionally dependent on subsequent phase?  Yes  No
8. Will blasting occur during construction?  Yes  No
9. Number of jobs generated: during construction \_\_\_\_\_ after project is complete \_\_\_\_\_
10. Number of jobs eliminated by this project \_\_\_\_\_
11. Will project require relocation of any projects or facilities?  Yes  No  
If yes, explain \_\_\_\_\_
12. Is surface liquid waste disposal involved?  Yes  No
- a. If yes, indicate type of waste (sewage, industrial, etc.) and amount \_\_\_\_\_
- b. Name of water body into which effluent will be discharged \_\_\_\_\_
13. Is subsurface liquid waste disposal involved?  Yes  No Type \_\_\_\_\_
14. Will surface area of an existing water body increase or decrease by proposal?  Yes  No  
Explain \_\_\_\_\_
15. Is project or any portion of project located in a 100 year flood plain?  Yes  No
16. Will the project generate solid waste?  Yes  No
- a. If yes, what is the amount per month \_\_\_\_\_ tons.
- b. If yes, will an existing solid waste facility be used?  Yes  No
- c. If yes, give name \_\_\_\_\_; location \_\_\_\_\_
- d. Will any wastes not go into a sewage disposal system or into a sanitary landfill?  Yes  No
- e. If yes, explain \_\_\_\_\_
17. Will the project involve the disposal of solid waste?  Yes  No
- a. If yes, what is the anticipated rate of disposal? \_\_\_\_\_ tons/month.
- b. If yes, what is the anticipated site life? \_\_\_\_\_ years.
18. Will project use herbicides or pesticides?  Yes  No
19. Will project routinely produce odors (more than one hour per day)?  Yes  No
20. Will project produce operating noise exceeding the local ambient noise levels?  Yes  No
21. Will project result in an increase in energy use?  Yes  No  
If yes, indicate type(s) \_\_\_\_\_
22. If water supply is from wells, indicate pumping capacity \_\_\_\_\_ gallons/minute.
23. Total anticipated water usage per day \_\_\_\_\_ gallons/day.
24. Does project involve Local, State or Federal funding?  Yes  No  
If yes, explain \_\_\_\_\_

25. Approvals Required:

	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Type	Submittal Date
City Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Local Law Adoption	Pending
City Planning Commission	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Advisory Comment on Local Law	Pending
City Health Department	<input type="checkbox"/>	<input type="checkbox"/>		
Other Local Agencies	<input type="checkbox"/>	<input type="checkbox"/>		
Other Regional Agencies	<input type="checkbox"/>	<input type="checkbox"/>		
State Agencies	<input type="checkbox"/>	<input type="checkbox"/>		
Federal Agencies	<input type="checkbox"/>	<input type="checkbox"/>		
Other: <u>West. County Planning</u>	<input type="checkbox"/>	<input type="checkbox"/>	Advisory Review per GML/WCAC Referral	Pending

**C. Zoning and Planning Information**

- Does proposed action involve a planning or zoning decision?  Yes  No  
 If yes, indicate decision required:  
 Resource Management Plan  Zoning Variance  Special Use Permit  Subdivision  
 New/Revision of Master Plan  Zoning Amendment  Site Plan  Other \_\_\_\_\_
- What is the zoning classification(s) of the site? B-1, Neighborhood Business, District
- What is the maximum potential development of the site if developed as permitted by the present zoning?  
Approximately 50,000 square feet (including 1.47-acre City Hall property at 1051 BPR, see attachment)
- What is the proposed zoning of the site? B-2, Central Business, District
- What is the maximum potential development of the site if developed as permitted by the proposed zoning?  
Approximately 200,000 square feet (including 1.47-acre City Hall property at 1051 BPR, see attachment)
- Is the proposed action consistent with the recommended uses in adopted local land use plan?  Yes  No
- What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?  
B-2 and B-1 Business Districts, RA-3 Multi-Family Districts, R-5, R-3 and R-2 Residence Districts
- Is the proposed action compatible with adjoining/surrounding land uses within a ¼ mile?  Yes  No
- If the proposed action is the subdivision of land, how many lots are proposed? N.A.  
 a. What is the minimum lot size proposed? \_\_\_\_\_
- Will proposed action require any authorization(s) for the formation of sewer or water districts?  Yes  No
- Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?  
 Yes  No  
 a. If yes, is existing capacity sufficient to handle projected demand?  Yes  No
- Will the proposed action result in the generation of traffic significantly above present levels?  
 Yes  No  
 a. If yes, is the existing road network adequate to handle the additional traffic?  Yes  No

**D. Informational Details**

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

**E. Verification**

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

Applicant/Sponsor Name \_\_\_\_\_

Date \_\_\_\_\_

Signature 

Title City Planner

Christian K. Miller, AICP

**If the action is in the Coastal Area, and you are a State Agency, complete the Coastal Assessment Form before proceeding with this assessment.**

## PART 2 – PROJECT IMPACTS AND THEIR MAGNITUDE

### Responsibility of Lead Agency

General Information (Read Carefully)

- In completing the form the reviewer should be guided by the question: Have my responses and determinations been **reasonable**? The reviewer is not expected to be an expert environmental analyst.
- The **examples** provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in Column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site, other examples and/or lower thresholds may be appropriate for a Potential Large Impact Response, thus requiring evaluation in Part 3.
- The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- The number of examples per question does not indicate the importance of each question.
- In identifying impacts, consider long term, short term and cumulative effects.

Instructions (Read carefully)

- a. Answer each of the 20 questions in Part 2. Answer Yes if there will be any impact.
- b. Maybe answers should be considered as Yes answers.
- c. If answering Yes to a question then check the appropriate box (column 1 or 2) to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur, but threshold is lower than example, check column 1.
- d. Identifying that an impact will be potentially large (column 2) does not mean that it is also necessarily significant. Any large impact must be evaluated in Part 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- e. If reviewer has doubt about size of the impact, then consider the impact as potentially large and proceed to Part 3.
- f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the Yes box in column 3. No response indicates that such a reduction is not possible. This must be explained in Part 3.

### IMPACT ON LAND

1. Will the proposed action result in a physical change to the project site?  
 Yes  No

**Examples** that would apply to column 2

- Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area.
- Construction on land where the depth to the water table is less than 3 feet.
- Construction of paved parking area for 1,000 or more vehicles.
- Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.
- Construction that will continue for more than 1 year or involve more than one phase or stage.
- Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.
- Construction or expansion of a sanitary landfill.
- Construction in a designated floodway.
- Other impacts \_\_\_\_\_

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)  Yes  No

- Specific land forms: \_\_\_\_\_

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No





- Construction activity would excavate or compact the soil profile of agricultural land.
- The proposed action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.
- The proposed action would disrupt or prevent installation of agricultural land management systems, (e.g. subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff)
- Other impacts \_\_\_\_\_

**IMPACT ON AESTHETIC RESOURCES**

11. Will proposed action affect aesthetic resources?  Yes  No  
(if necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)

**Examples** that would apply to column 2

- Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.
- Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.
- Project components that will result in the elimination or significant screening of scenic views known to be important to the area.
- Other impacts \_\_\_\_\_

**IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES**

12. Will Proposed Action impact any site or structure of historic, pre-historic or paleontological importance?  Yes  No

**Examples** that would apply to column 2

- Proposed action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.
- Any impact to an archaeological site or fossil bed located within the project site.
- Proposed action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.
- Other impacts \_\_\_\_\_

**IMPACT ON OPEN SPACE AND RECREATION**

13.. Will Proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?  Yes  No

**Examples** that would apply to column 2

- The permanent foreclosure of a future recreational opportunity.
- A major reduction of an open space important to the community.
- Other impacts \_\_\_\_\_

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

**IMPACT ON CRITICAL ENVIRONMENTAL AREAS**

14. Will proposed action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision NYCRR 617.14(g)?  Yes  No

List the environmental characteristics that caused the designation of the CEA:

\_\_\_\_\_  
 \_\_\_\_\_

**Examples** that would apply to column 2

- Proposed action to locate within the CEA?
- Proposed action will result in a reduction in the quantity of the resource?
- Proposed action will result in a reduction in the quality of the resource?
- Proposed action will impact the use, function or enjoyment of the resource?
- Other impacts \_\_\_\_\_

**IMPACT ON TRANSPORTATION**

15. Will there be an effect to existing transportation systems?  Yes  No

**Examples** that would apply to column 2

- Alteration of present patterns of movement of people and/or goods.
- Proposed Action will result in major traffic problems.
- Other impacts \_\_\_\_\_

**IMPACT ON ENERGY**

16. Will proposed action affect the community's sources of fuel or energy supply?  Yes  No

**Examples** that would apply to column 2

- Proposed action will cause a greater than 5% increase in the use of any form of energy in the municipality.
- Proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use.
- Other impacts \_\_\_\_\_

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
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**NOISE AND ODOR IMPACTS**

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?  Yes  No

**Examples** that would apply to column 2

- Blasting within 1,500 feet of a hospital, school or other sensitive facility.
- Odors will occur routinely (more than one hour per day).
- Proposed action will produce operating noise exceeding the local ambient noise levels for noise outside of structures.
- Proposed action will remove natural barriers that would act as a noise screen.
- Other impacts \_\_\_\_\_

**IMPACT ON PUBLIC HEALTH**

18. Will Proposed Action affect public health and safety?  Yes  No

**Examples** that would apply to column 2

- Proposed action may cause a risk of explosion or release of hazardous substances (i.e., oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission.
- Proposed action may result in the burial of "hazardous wastes" in any form (i.e., toxic, poisonous, highly reactive, radioactive, irritating infectious, etc.)
- Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids.
- Proposed action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste.
- Other impacts \_\_\_\_\_

**IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD**

19. Will proposed action affect the character of the existing community?

Yes  No

**Examples** that would apply to column 2

The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%.

- The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project.
- Proposed action will conflict with officially adopted plans or goals.
- Proposed action will cause a change in the density of land use.
- Proposed action will replace or eliminate existing facilities, structures or areas of historic importance to the community.
- Development will create a demand for additional community services (e.g., schools, police and fire, etc.)
- Proposed action will set an important precedent for future projects
- Proposed action will create or eliminate employment.
- Other impacts \_\_\_\_\_

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
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20. Is there, or is there likely to be, public controversy related to potential adverse environmental impacts?  Yes  No

If any action in Part 2 is identified as a potential large impact or if you cannot determine the magnitude of impact, proceed to Part 3.

## PART 3 – EVALUATION OF THE IMPORTANCE OF IMPACTS

### Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

#### **Instructions:**

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is important.

To answer the question of importance, consider:

- The probability of the impact occurring
- The duration of the impact
- It's irreversibility, including permanently lost resources of value
- Whether the impact can or will be controlled
- The regional consequence of the impact
- It's potential divergence from local needs and goals
- Whether known objections to the project relate to this impact

(Continue on attachments)

## ATTACHMENT TO FULL EAF

### A local law to Amend the “Parking Districts Map” and the “Zoning Map of the City of Rye, New York” for the Purpose of Expanding the “A” Parking District and B-2 Central Business District

#### Description of the Proposed Action

The proposed action involves the adoption of a local law by the Rye City Council that would amend the City’s Parking Districts Map and Zoning Map for the purpose of expanding the “A” Parking District and B-2 Central Business District (CBD). The proposed action would change the zoning district designation of three contiguous properties located at 1051, 1037 and 1031 Boston Post Road (BPR). These properties have a combined area of approximately 2.3 acres and are currently located in the B-1 Neighborhood Business District. The proposed change would extend the immediately adjacent 27-acre B-2 CBD zoning district further south on the west side of Boston Post Road. The proposed action would also change the parking district designation of the 1031 BPR property from the “C” to “A” District (see Table 1 and map attached hereto).

**TABLE 1**  
**Summary of Zoning and Parking District Changes by Property**

Property	Size (acres)	Zoning District		Parking District	
		Existing	Proposed	Existing	Proposed
1051 BPR	1.47	B-1	B-2	“A”	No Change
1037 BPR	0.69	B-1	B-2	“A”	No Change
1031 BPR	0.14	B-1	B-2	“C”	“C”

The proposed action would not change any of the permitted uses in B-2 District, except that properties having frontage on BPR would be permitted to have dwelling units on the first floor. Only the properties included as part of the proposed zoning district change would be impacted by this proposed amendment. Under the current B-2 District and “A” Parking District restrictions, dwelling units, banks, offices and agencies are not permitted on the first floor.

The proposed action does not include any specific development proposal. The proposed action would increase the range of uses and development potential of the three impacted properties. These changes are being made prior to the City Council’s anticipated listing-for-sale of the 1037 BPR property, which was acquired by the City in 2006. No sale or building changes are proposed for the City-owned 1051 BPR property. This property is currently used as the Rye City Hall, which property and building were gifted to the City approximately 50 years ago.

The City Council proposes this zoning change to increase re-development opportunities in the CBD consistent with City plans and planning policies and enhance the value of the 1037 BPR property prior to the City Council's contemplated sale.

### Development Potential

The proposed action would expand the range of permitted uses and development potential of the properties subject to the proposed zoning district change. Table 2 provides a list of permitted uses and bulk standards of the existing B-1 and proposed B-2 Districts.

**TABLE 2**  
**Use and Bulk Restrictions in the B-1 and B-2 Districts**

	<b>Existing B-1 District</b>	<b>Proposed B-2 District</b>
Permitted Uses	One-Family Residence Two-Family Residence Second Floor Dwellings Retail Office Agency Lodging House Nursery School Religious Uses Service/Contractor Business Social Clubs Garage/Parking Lot	One-Family Residence Two-Family Residence Multi-Family (all floors) Retail Office* Agency* Lodging House Nursery School Religious Uses Service/Contractor Business Social Clubs Garage/Parking Lot Hotel (excluding motels) Bank* Restaurant Transportation Terminal
Max. Floor Area Ratio	0.5	2.0
Max. Building Height	2.5 stories - 35 feet	3.0 stories – 40 feet

\* Use is not permitted on the first floor of a building in the "A" Parking District.

Based on the gross land area of the 2.3 acres of property subject to the zoning district change total development would theoretically increase from 50,000 square feet permitted under the B-1 District to approximately 200,000 square feet under the B-2 District. Currently there is approximately 30,000 square feet of building floor area on the three properties including approximately 18,000 square feet at City Hall, 9,800 square feet of floor area at 1037 BPR and 2,400 square feet of floor area at 1031 BPR.

Achieving a full 200,000 square foot development potential, however is very remote. Most significantly, the sale, expansion or conversion of the 1.47-acre City Hall property is considered highly unlikely. If 1037 and 1031 BPR were redeveloped to their

theoretical maximum, their development potential would increase from approximately 18,100 square feet under existing zoning to approximately 72,000 square feet under proposed zoning. Actual development intensities would likely be less and would vary depending on the type or mix of uses.

Required parking also impacts maximum development potential. The City Hall and 1037 BPR properties are located in the "A" Parking District. Under the proposed action 1031 BPR would also be included in the "A" Parking District. Generally, the "A" District has a lower parking requirement for most uses. The existing "A" Parking District generally applies to properties having frontage on Purchase Street between 1037 BPR and the I-95 overpass. The City Council last amended the parking district map in 2006 to include the City Hall and 1037 BPR properties.

### **Consistency with Adopted Plans**

The proposed expansion of the B-2 District would provide for increased development opportunities in the City's Central Business District. It would encourage the redevelopment of properties at development densities consistent with the mix of surrounding business, commercial, institutional and residential uses. The proposed action is consistent with the widely-accepted planning practice of encouraging redevelopment within a community's higher density commercial core<sup>1</sup>. Future development would take advantage of access to existing pedestrian, vehicular and mass transit opportunities. The property is less than a half mile from the Metro-North Train Station and is within close walking distance to commercial uses and services thereby reducing the need for on-site parking. As discussed more fully below, the proposed action is also consistent with the local zoning and plans.

### City Zoning Code

The proposed action is consistent with area uses, development patterns and zoning district designations. The proposed B-2 District is an extension of the immediately abutting B-2 District. The B-1 Neighborhood Business District is located south of the proposed rezoning area and is currently improved with a gas station to the south and a bank and funeral home to the southeast. RA-3 Apartment District zoning exists opposite the proposed rezoning area on the east side of BPR and to the southwest on the opposite side of Blind Brook. These areas permit multi-family residences at a density of up to 17.4 units per acre and are currently improved with a mix of garden style apartments, one-family, two-family and multi-family residences. West of the rezoning area is the R-5 Single-Family Residence District, which is currently improved with the YMCA and a single-family neighborhood on Mead Place with existing lots having an average lot size of 6,500 square feet (or 6.7 dwelling units to the acre). R-3 (14,520 square-foot minimum lot area) and R-2 (21,780 square-foot minimum lot area) One-Family Residence Districts are located on the east side of BPR.

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<sup>1</sup> *Patterns for Westchester, the Land and the People, Policies and Strategies to Guide Land Use*, prepared by the Westchester County Planning Board (1996) recommends channeling development within existing centers (see p. 5).

### City Development Plan (1985)

The City's *Development Plan* (hereinafter "Development Plan") was published in 1985, which includes a chapter and specific recommendations for the Central Business District. The goals and policies in the CBD Chapter of the plan seek to "maintain the present quality and character of the CBD...", "encourage street level retail uses...", "permit residential uses on the upper stories of the CBD buildings", "improve the parking facilities in the CBD..." and "...improve the general appearance of the CBD through the establishment of design standards..." (Development Plan, p. 19).

The Development Plan also includes specific recommendations including "...maintaining the present boundaries of the CBD...", "...reduce the permitted floor area in the CBD...", "...promoting non-retail commercial uses on the CBD's side streets, in order to most effectively reinforce the retail continuity of Purchase Street...", "prohibit ground floor office uses in the Purchase Street/Purdy Avenue core area..." (Development Plan, p. 24). In short, the Development Plan recommends preserving the character and business vitality of the CBD by restricting retail uses to the Purchase Street/Purdy core area and, to a lesser degree, limiting development opportunities and the boundaries of the CBD. The Development Plan recommends "...encouraging a tightly knit retail center and preserving the present scale of the area..."

### Central Business District Plan (2007)

In 2007, the City completed the *Central Business District Plan* (hereinafter "CDB Plan"). The CBD Plan and Development Plan share similar visions of "... preserve[ing] and enhance[ing] the CBD's aesthetic quality and community character..." (CBD Plan, p. 5). As with the Development Plan, most of the recommendations of the CBD Plan focus on strategies to improve the economic vitality, urban design and parking management of the CBD. The CBD Plan does not specifically recommend expanding the B-2 District on the subject properties, but the proposed action, is clearly consistent with many of the planning concepts and development strategies recommended in the plan.

The CBD Plan, recommends slightly different strategies to advance similar goals considered in the Development Plan. The CBD Plan is considered more relevant since it is more reflective of current economic and business conditions, as well as the most recent consensus of community members who participated in the completion of the CBD Plan. Unlike the Development Plan, the CBD Plan recommends increasing development opportunities and expanding the CBD beyond the "Purchase Street/Purdy Avenue core area" as a means of preserving the economic vitality of the CBD and increasing convenience retail opportunities.

The CBD Plan recommends that the City could attract convenience retail to the CBD by expanding retail opportunities on side streets. Existing rents are high on Purchase Street making it difficult for convenience retailers to compete with other uses (such as restaurants and until recently banks) that can afford higher rents. Parking requirements are high and development opportunities are limited on side streets (i.e. outside the "A"

Parking District) making these locations less viable for retail uses. Limiting retail to Purchase Street through zoning regulation as recommended in the Development Plan may actually be counter-productive given the current economic and rent characteristics of Purchase Street. As noted in the CBD Plan “[a]s rents are the product of supply and demand, they are not likely to change or reflect greater diversity in range without a significant increase in inventory (i.e., growing downtown).” (CBD Plan, p.9). Expanding the B-2 District and “A” Parking District will expand retail and business opportunities consistent with the findings of the CBD Plan.

The CBD Plan also discusses creating additional development opportunities by expanding the CBD as a potential strategy to attract a new retail opportunities. The CBD Plan differs from the containment policies identified in the Development Plan as follows:

*Although Rye has traditionally been anti-commercial/retail sprawl beyond the bounds of the Purchase Street core, increasing the inventory of retail space in downtown is one way to support the attraction of a major convenience retailer. (CBD Plan, p. 10).*

The CBD Plan also suggests allowing higher density mixed-use zoning on suitably sized properties as a strategy to induce the type and scale of development that could attract convenience retail. The plan notes that “[a] convenience retailer will come to Rye provided there is a viable space with low enough rent being offered (i.e. mid-\$20 per square foot). But, such space is not currently available in the CBD. In order to ensure these rents, the City would need to incentivize a developer to offer lower rents by providing a cross-subsidy through luxury upstairs housing...”. The proposed change in zoning to the B-2 District on the 1037 and 1031 BPR properties would advance this recommendation of the CBD Plan. This type of mixed-use, higher density zoning is not possible under the existing B-1 District.

The CBD Plan also recommends expanding housing and office space in the CBD. Office space brings “[d]owntown workers [that] contribute to downtown spending, particularly lunch hour traffic at restaurants and stores.” (CBD Plan, p.13). The plan acknowledges however that “[c]onsidering the anticipated parking and retail impact of such development, downtown housing would be the preferred strategy over office.” The proposed zoning district change advances these recommendations. Current B-1 District zoning does not permit multi-family housing, though it does permit second floor apartments over stores, office and other principally permitted uses. The proposed B-2 District would enhance development potential of the site for office, multi-family and mixed-use development. The proposed action would amend the City Zoning Code to allow for residential uses on the first floor, which would increase potential for future residential development. The CBD plan encourages expanding downtown housing opportunities since “[d]owntown residents help to define and shape the street-life of a downtown.”

### Police and Court Feasibility Study (2009)

At the time of the City's acquisition of 1037 BPR in 2006, the City contemplated potentially using the site for the construction of a police/court facility. The four-year lease/purchase agreement to acquire the property offered the City flexibility and time to evaluate the site and potential municipal use. The adjacency of the site to City Hall gave the City some potential synergies that other potential buyers did not have.

Since the acquisition of the property, the City has not identified any specific municipal use that is needed or any municipal use that can be cost-effectively implemented. Most significantly, the City commissioned the *Police and Court Feasibility Study* in 2009 prepared by JCJ Architecture. That study evaluated the feasibility of using 1037 and 1031 BPR properties and other alternative locations including redevelopment of the existing police/court property. The JCJ study noted concerns with the 1037 and 1031 BPR properties. The flood zone located on the rear of the site would create operational and construction complications for an emergency service use. In addition, the site would not have adequate parking to service the new police/court building and the adjacent Rye City Hall and Rye Free Reading Room.

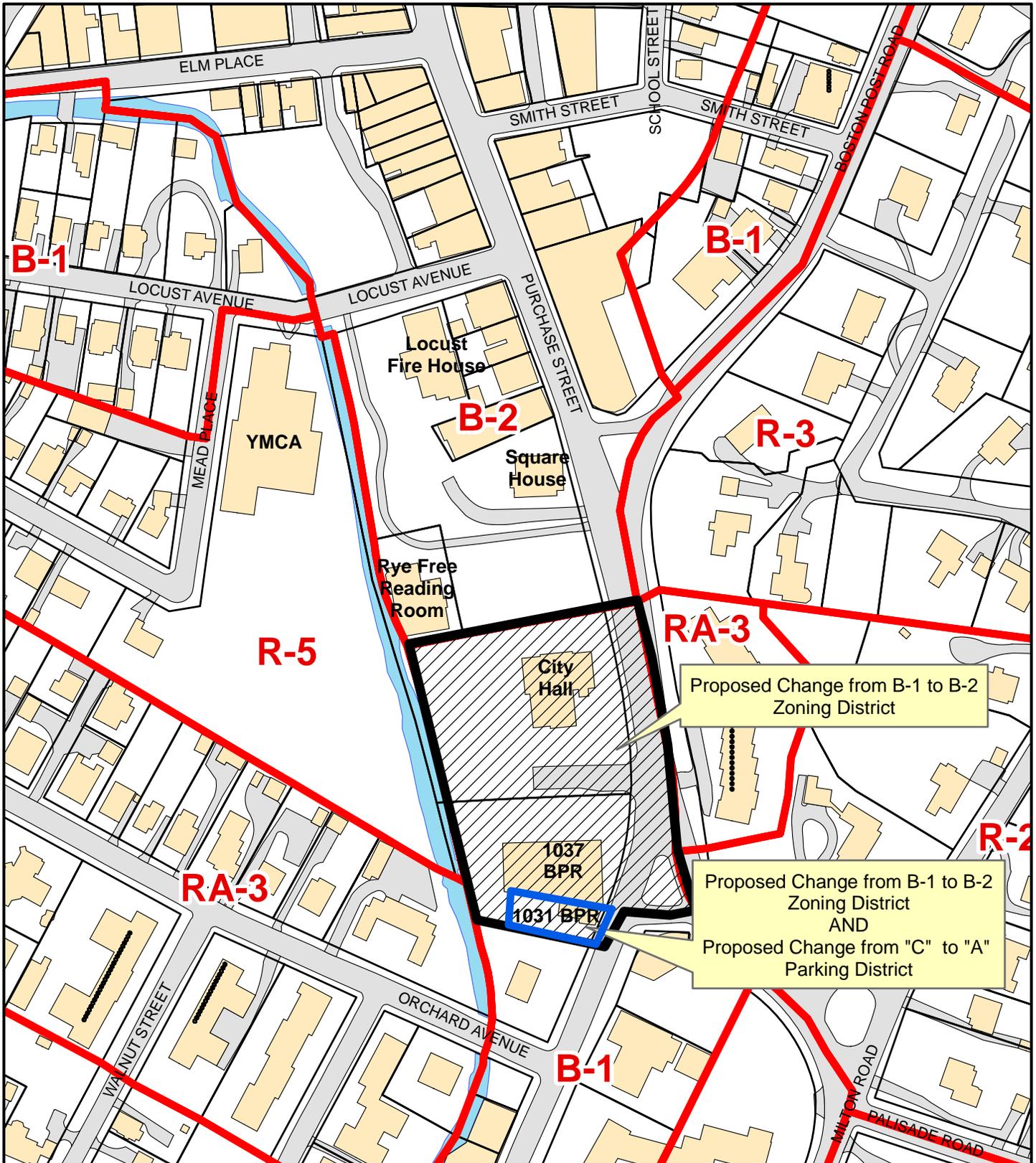
The JCJ study noted that there was greater feasibility of constructing a new police/court facility at the existing police/court location. All alternatives identified a project cost of approximately \$20 Million, which is significantly greater than the City is prepared to spend for the foreseeable future. Since 1037 BPR is not considered a feasible or cost-effective site for a police/court facility or other municipal use the sale of the property will not jeopardize the City's long term needs.

### **Evaluation of Impacts**

The proposed action is a legislative change in the City Zoning Code and does not involve any specific development proposal. The proposed action would increase the range of uses and development potential of the three impacted properties. These changes are being made prior to the City Council's anticipated listing-for-sale of the 1037 BPR property, which was acquired by the City in 2006. No sale or building changes are proposed for the City-owned 1051 BPR City Hall property. This property is currently used as the Rye City Hall, which property and building were gifted to the City approximately 50 years ago. Redevelopment of the City Hall property for private use is considered highly unlikely.

At such time that a specific development proposal is presented a separate environmental review will be required. Potential environmental impacts will vary depending on the specifically proposed use and development intensity.

# City of Rye, New York



## Proposed Changes in the CBD Zoning and Parking Districts

- Zoning District Boundary
- Property Boundary (Approx.)





# CITY COUNCIL AGENDA

NO. 8

DEPT.: City Manager

DATE: September 14, 2011

CONTACT: Scott Pickup, City Manager

**AGENDA ITEM:** Authorization for Harris Beach PLLC to commence an action challenging the Negative Declaration issued by the DEC in the Beaver Swamp Brook Administrative proceeding.

**FOR THE MEETING OF:**

September 14, 2011

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council authorize Harris Beach PLLC to commence the action at a rate of \$215 per hour.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**



# CITY COUNCIL AGENDA

NO. 9

DEPT.: City Manager

DATE: September 14, 2011

CONTACT: Scott Pickup, City Manager

**AGENDA ITEM:** Authorization for Joseph A. Maria, P.C. to defend the City of Rye in the Article 78 Petition *Runes v. Board of Assessment Review and City Assessor*.

**FOR THE MEETING OF:**

September 14, 2011

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council authorize Joseph A. Maria, P.C. to defend the lawsuit at a rate of \$215 per hour.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** On August 11, 2011, the Board of Assessors, as one of three respondents, was served with an Article 78 Petition in which Richard Runes, a sitting Rye City Court Judge, has challenged the hearing officer's decision to uphold our City Assessor's assessment on his property. Due to a conflict of interest, Corporation Counsel Kristen K. Wilson can not defend the case. It is requested that Joseph A. Maria, P.C. defend the Board of Assessors and the City Assessor in this matter.



# CITY COUNCIL AGENDA

NO. 10

DEPT.: City Manager's Office

DATE: September 14, 2011

CONTACT: Scott D. Pickup, City Manager

**AGENDA ITEM:** Authorization for City Manager to make a benefit update to the Administrative Professionals Group (APG) policy.

**FOR THE MEETING OF:**

September 14, 2011

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the City Council authorize the City Manager to update the APG policy.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**



# CITY COUNCIL AGENDA

NO. 11

DEPT.: City Manager

DATE: September 14, 2011

CONTACT: Scott Pickup, City Manager

**AGENDA ITEM:** Authorization for the City Manager to enter into an Intermunicipal Agreement with the County of Westchester for an Employee Assistance Program.

**FOR THE MEETING OF:**

September 14, 2011

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Mayor and Council authorize the City Manager to enter into the agreement.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

The Agreement is for a three-year period commencing January 1, 2010 through December 31, 2014. Under the agreement the County operates an Employee Assistance Program which provides services to various municipalities and school districts within Westchester and Putnam counties.

See attached documentation.

**THIS AGREEMENT** made the      day of \_\_\_\_\_, 2011, by and between

**THE COUNTY OF WESTCHESTER**, a municipal corporation of the State of New York having its principal place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601 (hereinafter referred to as the “County”), acting by and through its Department of Community Mental Health (hereinafter referred to as the “Department”),

and

**City of Rye**, having an office and place of business 1051 Boston Post Road, Rye, New York 10580 (hereinafter referred to as the “Agency”)

**W I T N E S S E T H**

**WHEREAS**, the County and Agency desire to enter into an Inter-Municipal Agreement (“IMA”) to provide services under Article 25 (Funding For Substances Abuse Services) and Article 41 (Local and Unified Services) of the New York Mental Hygiene Law; and

**WHEREAS** pursuant to the provisions of Articles 25 and 41 of the New York Mental Hygiene Law, the County receives funding from the State and local municipalities, among others, for preventive, rehabilitative and treatment service programs for the mentally ill, the mentally retarded, the developmentally disabled and those suffering from alcohol and substance abuse. Pursuant to Article 41, the County also operates an Employee Assistance Program, which provides services to various municipalities and school districts within Westchester and Putnam counties; and

**WHEREAS**, the Agency has indicated it would like to receive these services.

**NOW, THEREFORE**, the parties hereto in consideration of the premises and of the covenants, agreements, terms and conditions herein contained do agree as follows:

**Section 1.** The Department shall provide services under Article 25 (Funding For Substances Abuse Services) and Article 41 (Local and Unified Services) of the New York Mental Hygiene Law to the Agency and shall also render Employee Assistance Program services (hereinafter collectively the "Services") to the Agency as more particularly described in Schedule "A" which is attached hereto and made a part hereof.

**Section 2.** In consideration of the Services to be provided to the Agency by the Department pursuant to Paragraph "1" above, the Agency shall pay to the County a fee of \$35 per employee for years 2010 and 2011; \$40 per employee for the year 2012 and \$45 per employee for years 2013 and 2014 as more fully set forth in Schedule "B" which is attached hereto and made a part hereof.

Payment will be made upon submission of the approved agreement and an invoice submitted by the Department.

**Section 3.** All records compiled by the Department in completing the work described in this Agreement, including but not limited to evaluation, progress notes, written reports, studies, drawings, computer printouts, graphs, charts, and all other similar recorded data, shall become and remain the property of the Department.

**Section 4.** The Inter-Municipal Agreement ("IMA") will be for a term of three years, with two one year options, commencing on January 1, 2010 and shall expire on December 31, 2014.

**Section 5.** The Agency agrees to procure and maintain insurance naming the County as additional insured, as provided and described in Schedule "C", entitled "Standard Insurance Provisions", which is attached hereto and made a part hereof. In addition to, and not in limitation of the insurance provisions contained in Schedule "C", the Agency agrees:

(a) that except for the amount, if any, of damage contributed to, caused by, or resulting from the negligence of the County, the Agency shall indemnify and hold harmless the County, its officers, employees, agents, and elected officials from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorney's fees or loss arising directly or indirectly out of the performance or failure to perform hereunder by the Agency or third parties under the direction or control of the Agency; and

(b) to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of this Agreement and to bear all other costs and expenses related thereto.

**Section 6. Confidentiality of Records:**

(a) The Department and the Agency shall observe and require the observance of applicable Federal and State requirements relating to confidentiality of records and information. The Department and the Agency agree not to allow examination of records or the disclosure of information except as herein set forth or as may be required by applicable Law.

(b) The Department and the Agency shall fully inform their own staff members to observe and require the observance of applicable Federal and State requirements relating to confidentiality of records and information.

(c) The Department and the Agency shall implement the following procedures for the purpose of safeguarding information and ensuring the protection and confidentiality of said information.

- (1) Records containing individually identifiable information shall be marked “confidential” and kept in locked files or in rooms that are locked when the records are not in use.
- (2) When in use, records shall be maintained in such a manner as to prevent exposure of individual identifiable information to anyone other than the authorized party directly utilizing the case record.
- (3) Records shall be transmitted from one location to another in a sealed envelope stamped “confidential” and a receipt shall be obtained documenting delivery of said records. Records may be removed from Department’s work locations only with the prior written permission of the Commissioner.
- (4) Interviews with clients shall be conducted at a location and in a manner which maximizes privacy.
- (5) The Agency consistent with applicable statute and regulation shall have access to the following:
  - All identifiable information released with client’s consent.
  - Information released is usually within the context of a supervisor’s referral.
  - Released information normally includes information regarding compliance with Employee Assistance Program services and treatment and client’s medical clearance to return to work.

**Section 7.** The Agency expressly agrees that neither it nor any contractor, subcontractor, employee, or any other person acting on its behalf shall discriminate against or intimidate any employee or other individual on the basis of race, creed, religion, color, gender, age, national origin, ethnicity, alienage or citizenship status, disability, marital status, sexual orientation, familial status, genetic predisposition or carrier status during the term of or in connection with this Agreement, as those terms may be defined in Chapter 700 of the Laws of Westchester County. The Agency acknowledges and understands that the County maintains a zero

tolerance policy prohibiting all forms of harassment or discrimination against its employees by co-workers, supervisors, vendors, contractors, or others.

**Section 8.** Either party may cancel this Agreement upon ten (10) days prior written notice to the other by certified mail.

**Section 9.** All notices, requests, demands or other communications required or permitted to be given hereunder shall be in writing and shall be deemed given when delivered by hand or mailed postage prepaid, certified mail, return receipt requested, addressed as follows:

To the County:                   Commissioner  
  Westchester County  
  Department of Community Mental Health  
  112 East Post Road - Second Floor  
  White Plains, New York 10601

with copy to:                   County Attorney  
  Michaelian Office Building, Room 600  
  148 Martine Avenue  
  White Plains, New York 10601

To the Agency:                 City of Rye  
  1051 Boston Post Road  
  Rye, NY 10580

**Section 10.** This Agreement may not be assigned by the Agency without the prior written consent of the County.

**Section 11.** This Agreement shall not be enforceable until signed by all parties and approved by the Office of the County Attorney.

**Section 12.** This Agreement shall be construed and enforced in accordance with the Laws of the State of New York.

**IN WITNESS WHEREOF** the parties hereto have hereunto set their hands and seals.

**THE COUNTY OF WESTCHESTER**

BY: \_\_\_\_\_  
Commissioner, Department of Community Mental Health

**MUNICIPALITY**  
City of Rye

BY: \_\_\_\_\_  
Title:

Duly adopted by the Board of Legislators of the County of Westchester on the 18<sup>th</sup> day of October, 2010 by Act No. 137-2010.

Approved by the Board of Acquisition and Contract of the County of Westchester on the 22<sup>nd</sup> day of December, 2010.

Approved as to form and manner of execution:

\_\_\_\_\_  
Assistant County Attorney  
The County of Westchester  
K:O/CMH/Revised EAP agr.doc

**ACKNOWLEDGMENT**

STATE OF NEW YORK            )  
  ) ss.:  
COUNTY OF WESTCHESTER)

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 2011 before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Date: \_\_\_\_\_

\_\_\_\_\_

Notary Public

**CERTIFICATE OF AUTHORITY**

I, \_\_\_\_\_,  
(Officer other than officer signing contract)

certify that I am the \_\_\_\_\_ of the  
(Title)  
\_\_\_\_\_ a corporation  
(Name of Municipality)

duly organized and in good standing under the \_\_\_\_\_  
(Law under which organized, e.g., the New York Business Corporation Law)

named in the foregoing agreement; that \_\_\_\_\_  
(Person executing agreement)

who signed said agreement on behalf of the \_\_\_\_\_  
(Name of Municipality)

was, at the time of execution \_\_\_\_\_  
(Title of such person)

of Rockland and that said agreement was duly signed for and on behalf of said Contractor by authority of its Board of Directors, thereunto duly authorized and that such authority is in full force and effect at the date hereof.

\_\_\_\_\_  
(Signature)

STATE OF NEW YORK        )  
  ) ss.:  
COUNTY OF WESTCHESTER )

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 20\_\_ before me, the undersigned, a Notary Public in and for said State, \_\_\_\_\_ personally appeared, personally known to me or proved to me on the basis of satisfactory evidence to be the officer described in and who executed the above certificate, who being by me duly sworn did depose and say that he/she resides at \_\_\_\_\_, and he/she is an officer of said corporation; that he/she is duly authorized to execute said certificate on behalf of said corporation, and that he/she signed his/her name thereto pursuant to such authority.

Date

\_\_\_\_\_  
Notary Public

## **SCHEDULE "A"**

Page 1 of 2

The local jurisdiction will receive the following services from the Department of Community Mental Health (DCMH) Employee Assistance Program:

1. Program consultation and design including technical assistance for development of policies and procedures.
2. Staff development services:
  - a. Program facilitator(s) training for appropriate jurisdictions;
  - b. Labor/Management orientation and training;
  - c. Supervisory training.
  - d. Employee Orientations
3. Program Administration:
  - a) Data collection;
  - b) Statistical analysis;
  - c) Reporting services for labor and management, as required.
4. Program Maintenance:
  - a) On-going training and education;
  - b) Collection and dissemination of appropriate program data and material;
  - c) On-going training and support for program facilitators;
  - d) Appropriate corrective action for local programs, as required.

**Schedule "A" (continued)**

Page 2 of 2

5. Client Evaluation and Referral:

Upon contact from a supervisor or a self-referred employee, the local Employee Assistance Program coordinator will contact the County Employee Assistance Program;

- a) County Employee Assistance Program staff will make an appointment for the employee and assign a counselor for the contact;
- b) The counselor will interview the employee and complete appropriate assessment and referral services;
- c) County Employee Assistance Program staff will monitor the employee's progress in treatment;
- d) The counselor will provide appropriate follow-up to the local Employee Assistance Program coordinator or other designated supervisory staff.

**Schedule "B"**

**BUDGET**

The Inter-Municipal Agreement ("IMA") will be for a term of three years, with two one year options, commencing on January 1, 2010 and shall expire on December 31, 2014.

The City of Rye shall pay to the County a fee of \$35 per employee for years 2010 and 2011; \$40 per employee for the year 2012 and \$45 per employee for years 2013 and 2014.

For the purpose of this Agreement, The City of Rye represents that as of the date hereof The City of Rye has 160 employees and the total amount for 2010 is \$5,600. The fee for 2010 shall be paid upon acceptance of this agreement. The total amount billed by Westchester County Department of Community Mental Health for years 2011 through 2014 shall be based on a head count supplied by The City of Rye in December of the preceding year and shall be paid in January of each subsequent year.

**SCHEDULE "C"**  
**STANDARD INSURANCE PROVISIONS**

1. Prior to commencing work, the Agency shall obtain at its own cost and expense the required insurance from insurance companies licensed in the State of New York, carrying a Best's financial rating of A or better, and shall provide evidence of such insurance to the County of Westchester, as may be required and approved by the Director of Risk Management of the County. The policies or certificates thereof shall provide that thirty days prior to cancellation or material change in the policy, notices of same shall be given to the Director or Risk Management of the County of Westchester by registered mail, return receipt requested, for all of the following stated insurance policies. All notices shall name the Agency and identify the Agreement.

If at any time any of the policies required herein shall be or become unsatisfactory to the County, as to form or substance, or if a company issuing any such policy shall be or become unsatisfactory to the County, the Agency shall upon notice to that effect from the County, promptly obtain a new policy, submit the same to the Department of Risk Management of the County of Westchester for approval and submit a certificate thereof. Upon failure of the Agency to furnish, deliver and maintain such insurance, the Agreement, at the election of the County, may be declared suspended, discontinued or terminated. Failure of the Agency to take out, maintain, or the taking out or maintenance of any required insurance, shall not relieve the Agency from any liability under the Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the contractual obligations of the Agency concerning indemnification. All property losses shall be made payable to and adjusted with the County.

In the event that claims, for which the County may be liable, in excess of the insured amounts provided herein are filed by reason of any operations under the Agreement, the amount of excess of such claims or any portion thereof, may be withheld from payment due or to become due the Agency until such time as the Agency shall furnish such additional security covering such claims in form satisfactory to the County of Westchester.

2. The Agency shall provide proof of the following coverage (if additional coverage is required for a specific agreement, those requirements will be described in the "Special Conditions" of the contract specifications):

(a) Workers' Compensation. Certificate form C-105.2 (9/07) or State Fund Insurance Company form U-26.3 is required for proof of compliance with the New York State Workers' Compensation Law. State Workers' Compensation Board form DB-120.1 is required for proof of compliance with the New York State Disability Benefits Law. Location of operation shall be "All locations in Westchester County, New York."

Where an applicant claims to not be required to carry either a Workers' Compensation Policy or Disability Benefits Policy, or both, the employer must complete NYS form CE-200, available to download at: [www.wcb.state.ny.us](http://www.wcb.state.ny.us) (click on Employers/Businesses, then Business Permits/Licenses/Contracts to see instruction manual).

If the employer is self-insured for Worker's Compensation, he/she should present a certificate from the New York State Worker's Compensation Board evidencing that fact (Either SI-12, Certificate of Workers' Compensation Self-Insurance, or GSI-105.2, Certificate of Participation in Workers' Compensation Group Self-Insurance).

(b) Employer's Liability with minimum limit of \$100,000.00.

(c) Commercial General Liability Insurance with a minimum limit of liability per occurrence of \$1,000,000.00 for bodily injury and \$100,000.00 for property damage or a combined single limit of \$1,000,000.00 (c.s.l.), naming the County of Westchester as an additional insured. This insurance shall include the following coverages:

- (i) Premises - Operations
- (ii) Broad Form Contractual
- (iii) Independent Contractor and Sub-Contractor
- (iv) Products and Completed Operations

(d) Automobile Liability Insurance with a minimum limit of liability per occurrence of \$1,000,000.00 per occurrence for bodily injury and a minimum limit of \$100,000.00 per occurrence for property damage or a combined single limit of \$1,000,000.00 unless otherwise indicated in the contract specifications. This insurance shall include for bodily injury and property damage the following coverages:

- (i) Owned automobiles.
- (ii) Hired automobiles.
- (iii) Non-owned automobiles.

(e) Professional Liability. The Agency shall provide proof of such insurance (limits of \$1,000,000.00 per occurrence/\$3,000,000.00 aggregate).

3. All policies of the Agency shall be endorsed to contain the following clauses:

- (a) Insurers shall have no right to recovery or subrogation against the County of Westchester (including its employees and other agents and agencies), it being the intention of the parties that the insurance policies so effected shall protect both parties and be primary coverage for any and all losses covered by the above-described insurance.
- (b) The clause "other insurance provisions" in a policy in which the County of Westchester is named as an insured, shall not apply to the County of Westchester.
- (c) The insurance companies issuing the policy or policies shall have no recourse against the County of Westchester (including its agents and agencies as aforesaid) for payment of any premiums or for assessments under any form of policy.
- (d) Any and all deductibles in the above described insurance policies shall be assumed by and be for the account of, and at the sole risk of, the Agency.



# CITY COUNCIL AGENDA

NO. 12

DEPT.: Rye Cable Television

DATE: September 14, 2011

CONTACT: Nicole Levitsky, Access Coordinator

**AGENDA ITEM:** Authorization for transfer of \$38,296 from RCTV fund balance to RCTV budget for the purchase of a digital productions switcher.

**FOR THE MEETING OF:**

September 14, 2011

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That Council allow the transfer of funds from RCTV Fund balance for the purchase of a new digital switcher.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**



# CITY COUNCIL AGENDA

NO. 13      DEPT.: Rye Cable Television      DATE: September 14, 2011  
CONTACT: Nicole Levitsky, Access Coordinator

**AGENDA ITEM:** Bid Award for City Hall Digital Production switcher and monitor (Bid # 3-11).

**FOR THE MEETING OF:**

September 14, 2011

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That Bid #3-11 be awarded to HB Communications for a digital production switcher and monitor in the amount of \$38,296.

**IMPACT:**    Environmental    Fiscal    Neighborhood    Other:

**BACKGROUND:** The Access Coordinator has reviewed the bids for a digital production switcher and monitor and has recommended the bid be awarded to HB Communications which met all bid requirements. The new equipment will be a replacement of the digital production switcher and monitor for City Hall. The bid includes the equipment and installation.



# CITY COUNCIL AGENDA

NO. 14

DEPT.: City Manager's Office

DATE: September 14, 2011

CONTACT: Scott Pickup, City Manager

**ACTION:** Authorization of a date change for the regular City Council Meeting from November 7, 2011 to November 9, 2011.

**FOR THE MEETING OF:**  
September 14, 2011

**RYE CITY CODE,**  
CHAPTER  
SECTION

**RECOMMENDATION:** That the Mayor and City Council revise the date of one of the November City Council meetings.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** The date designated for one of the regular City Council meetings of November is November 7, 2011. This November meeting date for the Budget Presentation needs to be changed due to a conflict with the election. The meeting will now be held on November 9, 2011.



# CITY COUNCIL AGENDA

NO. 15

DEPT.: Boat Basin/

DATE: September 14, 2011

CONTACT: Peter T. Fox, Boat Basin Supervisor

**ACTION:** Three appointments to the Boat Basin Commission by the Council, for two-year terms expiring January 1, 2014 and the designation of one member to the Boat Basin Nominating Committee.

**FOR THE MEETING OF:**  
September 14, 2011  
**RYE CITY CODE,**  
CHAPTER  
SECTION

**RECOMMENDATION:** That the Council designate the individuals elected to serve on the Boat Basin Commission and Nominating Committee.

**IMPACT:**  Environmental  Fiscal  Neighborhood x Other:

## BACKGROUND:

The following individuals were elected to serve on the Boat Basin Commission for two-year terms ending January 1, 2014:

Andrew Bodnar  
George DeFilippo  
Robert Rispoli

The following individual was elected to serve on the Boat Basin Nominating Committee:

Ford Winters

**CITY OF RYE**

**MEMORANDUM**

TO: Scott Pickup, City Manager  
Peter T. Fox, Boat Basin Supervisor

FROM: Dawn F. Nodarse, City Clerk

SUBJECT: De Pauw Municipal Boat Basin Commission  
and Nominating Committee Election

DATE: August 24, 2011

The following are the results of the Boat Basin Election:

Envelopes Received	123
Ballots Cast	114
Invalid Ballots	9

The election results for three representatives to the De Pauw Municipal Boat Basin Commission are (three open seats):

<b>Candidates</b>	<b># of Votes Received</b>
Andrew Bodnar	82
George DeFilippo	86
Robert Rispoli	100
George Szczerba	64

The election results for one member to the Nominating Committee are:

<b>Candidates</b>	<b># of Votes Received</b>
Dominic Vitiello	24
Ford Winters	87



Dawn F. Nodarse  
City Clerk



# CITY COUNCIL AGENDA

NO. 16      DEPT.: City Council      DATE: September 14, 2011  
CONTACT: Mayor French

**AGENDA ITEM:** One appointment to the Finance Committee for a three-year term expiring on January 1, 2014, by the Mayor with Council approval.

**FOR THE MEETING OF:**  
September 14, 2011  
**RYE CITY CODE,**  
CHAPTER  
SECTION

**RECOMMENDATION:** That the Council approve the appointment of John Monaghan.

**IMPACT:**     Environmental     Fiscal     Neighborhood     Other:

<u>Current Committee Members</u>	<u>Expiration Date</u>
David Mullane, Chair	1-1-13
Michael Caponiti	1-1-13
Frederic Dunn	1-1-13
Michael Guarnieri	1-1-13
Warren Keegan	1-1-12
Laura Leach	1-1-14
Norman MacMaster	1-1-11
Stephen Meyers	1-1-14
David Blank	1-1-13
Paula Schaefer	1-1-13
Arthur Stampleman	1-1-12

See attached.

# JOHN MONAGHAN

3 Gypsy Place  
Rye, New York 10580  
[JTMONA@aol.com](mailto:JTMONA@aol.com)  
914-967-9343

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## TEACHING EXPERIENCE

<b>MANHATTAN COLLEGE</b>	<u>Adjunct Professor</u> Money & Banking Financial Statement Analysis Managerial Accounting	<b>2007- Current</b>
<b>MERCY COLLEGE</b>	<u>Adjunct Professor</u> Principles of Business Finance	<b>2007-2009</b>
<b>LORMAN CORPORATION</b>	<u>Executive Trainer</u>	<b>2003-2006</b>

## CORPORATE EXPERIENCE

<b>SOUNDPRINTS CORP</b>		<b>2001 - 2002</b>
<u>Vice President - Finance</u> 10-Q and 10-K submissions, supervised accounts payable/accounts receivable functions, operating plans, monthly cash flow projections, profitability analysis & financial analysis		
<b>YOUNG &amp; RUBICAM</b>		<b>1999 - 2001</b>
<u>Director of Planning and Forecasting</u> Coordinated the budget and forecast process, developed capital spending projections, worked closely with line of business controllers		
<b>QWEST INTERNET SOLUTIONS</b>		<b>1998 - 1999</b>
<u>Director of Planning and Analysis</u> Responsible for budgeting, forecasting and management reporting. Provided financial guidance and support to business unit P&L managers		
<b>PFIZER, INC.</b>		<b>1979 - 1997</b>
<u>Director of Planning and Analysis</u> Responsible for: budgets, operating plans, quarterly forecasts, sales projections, product line financial statements, management reports, expense variances, 5 year plans and new product/business proposals.		

## EDUCATION

**MBA, Finance**, New York University, 1977

**BA, Economics**, Boston College, 1975

## CONFERENCES ATTENDED

The Federal Reserve in the 21<sup>st</sup> Century two day symposium for college professors – held at the Federal Reserve Bank in NY – January, 2008



# CITY COUNCIL AGENDA

NO. 17

DEPT.: City Mayor

DATE: September 14, 2011

CONTACT: Mayor French

**ACTION:** One appointment to the Rye Town Park Advisory Committee for a two-year term expiring on January 1, 2013, by the Mayor with Council approval.

**FOR THE MEETING OF:**

September 14, 2011

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council approve the reappointment of Jason L. Mehler.

**IMPACT:**  Environmental  Fiscal  Neighborhood X Other:

**BACKGROUND:**

<u>Current Committee Members</u>	<u>Expiration Date</u>
Michael Corbett, Chairman	1-1-13
Russell Gold	1-1-12
Dan Mathisson	1-1-13
Ann Moller	1-1-13
Stephanie Vroom	1-1-14
Elinore White	1-1-14

See attached.

Jason L. Mehler  
508 Milton Road  
Rye, New York 10580  
Home: (914) 967-4675  
Cell: (914) 943-6450  
email: JMehler@aol.com  
jason.mehler@randrealty.com

- Rye City resident since 2000
- Fulltime Realtor, Better Homes and Gardens Rand Realty, Rye, NY (8 years) - Licensed Associate Broker
- Married to Carin L. Mehler (4th grade teacher at Osborn School in Rye, NY - Rye City School District)
- 2 Daughters (Emily 9 & Rachel 7) - both currently attend Milton School in Rye, NY

Attended SUNY Plattsburgh, Plattsburgh, NY (BS in Professional Accounting 1988)  
Notary Public, State of New York  
Extensive background in Accounting, Taxation & Finance  
Corporate Controller, NYC - 10 years  
Payroll Tax Manager, NYC - 5 years  
Public Accounting, Auditor - 6 years



# CITY COUNCIL AGENDA

NO. 18

DEPT.: City Mayor

DATE: September 14, 2011

CONTACT: Mayor French

**ACTION:** One appointment to the Rye Playland Advisory Committee to fill out a term expiring on January 1, 2013, by the Mayor with Council approval.

**FOR THE MEETING OF:**

September 14, 2011

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council approve the appointment of Garrick Gelinias.

**IMPACT:**  Environmental  Fiscal  Neighborhood X Other:

**BACKGROUND:**

<u>Current Committee Members</u>	<u>Expiration Date</u>
Charles Dorn, Chair	1-01-13
Jerry Bourkney	1-01-12
Joan Marshall Cresap	1-01-13
Mack Cunningham	1-01-14
Lloyd Emanuel	1-01-14
Bill Meyers	1-01-12
Lucinda McKinnon	1-01-14
Ellen Slater	1-01-14
Vacancy	1-01-13



# CITY COUNCIL AGENDA

NO. 19

DEPT.: City Manager's Office

DATE: September 14, 2011

CONTACT: Scott D. Pickup, City Manager

**AGENDA ITEM:** Consideration of request by the Recreation Department to hold their annual Turkey Run on Thanksgiving Weekend.

**FOR THE MEETING OF:**

September 14, 2011

**RYE CITY CODE,**

CHAPTER

SECTION

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

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** The City Manager's Office received a request from the Recreation Department to hold their annual Turkey Run event on Saturday, November 26, 2011. The race is scheduled to run from 9:00 am to 11:30 am and will start and end at Rye Recreation on Midland Avenue.

See attached.



## CITY OF RYE

Commission Chair  
BART DINARDO

Department of Recreation  
281 Midland Avenue  
Rye, NY 10580  
(914) 967-2535  
Fax (914) 967-5521

Superintendent  
SALLY ROGOL

August 2, 2011

Mr. Scott Pickup, City Manager  
City of Rye  
1051 Boston Post Rd.  
Rye, NY 10580

Dear Mr. Pickup,

Rye Recreation is once again planning on running our annual Turkey Run event on Saturday, November 26, 2011. The Race is scheduled to run from 9- 11:30 AM, and will both start and end at Rye Recreation Park on Midland Avenue. I plan, as always, on working with Rye Police in regards to any assistance we may need from the police in regards to traffic and safety during the event.

We look forward to once again running a successful and safe event; if you have any questions regarding the race, please do not hesitate to contact me at your earliest convenience at 914-967-2125. I thank you for your support.

Sincerely,

*Matt Trainor*

Matt Trainor  
Senior Recreation Leader/ Race Director