

MINUTES of the Regular
Meeting of the City Council of the City of Rye
held in City Hall on January 20, 1999 at 8:00
P.M.

PRESENT:

STEVEN OTIS, Mayor
CAROLYN CUNNINGHAM
ROBERTA DOWNING
ROBERT H. HUTCHINGS
ROSAMOND LARR
ARTHUR STAMPLEMAN
KATHLEEN E. WALSH
Councilmen

Councilman Stampleman made a motion, seconded by Councilwoman Larr and unanimously carried, to adjourn into executive session to discuss personnel and Home Depot litigation at 7:00 P.M.

The Council reconvened at 8:00 P.M.

1. Pledge of Allegiance

Mayor Otis invited the audience to join the Council in the Pledge of Allegiance.

2. Roll Call

Mayor Otis called the meeting to order; a quorum was present to conduct official City business.

3. Resolution honoring Daniel E. Balls

Mayor Otis said that the City of Rye is saddened by the loss of Daniel E. Balls, a volunteer firefighter, who dedicated sixty-eight years to the service of the Rye City Fire Department. The Mayor acknowledged the presence of several firemen who were present and expressed appreciation for their attending this meeting. The Mayor noted that it is the City's intention to honor Mr. Balls by dedicating the Fire Monument Island to him.

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

On this day, January 20, 1999, the Rye City Council pauses in its deliberations to share a sense of loss for our good friend Daniel E. Balls who passed away on January 10th of this year.

WHEREAS, Daniel E. Balls, lovingly known to all as Danny, served the City of Rye with devotion and commitment; and

WHEREAS, Danny served as a member of the Poningoe Hook and Ladder Company since 1934 and was noted for his exceptional skill in steering the tiller of our hook and ladder truck; and

WHEREAS, his service until his late eighties exemplified his dedication to the City of Rye Fire Department and at the same time represented the depth of commitment of the hundreds of volunteer firefighters who have served the City for generations; and

WHEREAS, Danny's commitment to working with the City of Rye's Fire Department and his concern for the safety and protection of the residents of the City of Rye will be an example to future firefighters; and

WHEREAS, Danny, who loved to tease and banter with his colleagues, will be sorely missed by his friends in the entire Fire Department; and

WHEREAS, Danny regularly attended meetings of the Rye City Council until his beeper sounded; and

WHEREAS; his life has been an inspiration and proof that senior citizens can make a difference; and

WHEREAS; his extraordinary record of service is deserving of the highest commendation; and

WHEREAS; the entire Rye Community is diminished by the loss of his presence and uplifting spirit; now, therefore, be it

RESOLVED, that the Rye City Council commends the dedicated service of Daniel E. Balls whose tireless efforts and love of our community made him a vital part of the City of Rye; and be it further

RESOLVED, that today we celebrate his life of commitment to his family and community, and that he will be sorely missed; and be it further

RESOLVED, that a copy of this Proclamation be transmitted to the family of Daniel E. Balls.

Signed and sealed this 20th day of January, 1999.

Steven Otis
Mayor

SEAL

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

As a resident of the City of Rye, Councilwoman Walsh expressed her appreciation to the City Council and the City staff for their condolences on the recent loss of her mother-in-law, Mrs. Jane Walsh.

5. Public hearing on proposed local law amending Section 53-6 of Chapter 53 of the Rye City Code, concerning signage

Prior to considering the four proposed local laws, agenda items #5 through 8, Mayor Otis recognized Daniel Leary, Esq. of Cuddy & Feder & Worby LLP, representing Rye Ford /Subaru, 1151 Boston Post Road.

Mr. Leary asked the Council to defer action on the proposed adoption of Chapter 165, Sign Regulations. He reviewed the reasons for his request by summarizing his letter which was delivered to the Council just before the meeting. The letter questioned the validity of provisions which provide for the termination of nonconforming signs by the year 2003 and questioned the failure to provide a variance or waiver provision. He argued the law's appeal procedure was inadequate.

Mayor Otis made a motion, seconded by Councilwoman Walsh, to postpone action on the proposed local laws regarding signage for two weeks.

Several arguments against the motion were presented, including the following:

- It would be inappropriate to modify a proposed law only to suit one party,
- Mr. Leary's comments on the proposed law indicated he may not have read the law completely, and
- since Mr. Leary and his client have had several months to review drafts of the law, it was inappropriate to raise their concerns only within hours of the Council's final consideration of the law.

The Mayor indicated that passage of the law would not preclude amendment of the law (if needed when Rye Ford determined their actual signage goals). He also indicated that passage of the law was needed to allow other sign applicants to process applications.

The Council voted on the Mayor's motion.

ROLL CALL:

AYES: Councilmen Cunningham, Hutchings, Walsh

NAYS: Councilman Downing, Larr, Stampleman, and Mayor Otis

ABSENT: None

The motion failed.

Mayor Otis opened the public hearing on proposed local law amending Section 53-6 of Chapter 53 of the Rye City Code, concerning signage.

There was no one wishing to address this proposed local law.

Mayor Otis closed the public hearing.

Councilwoman Cunningham made a motion, seconded by Councilman Stampleman, to adopt following local law:

**CITY OF RYE
LOCAL LAW NO. 1 - 1999**

**A local law amending Section 53-6
of Chapter 53 of the Rye City Code**

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

Section 1. Section 53-6 of Chapter 53 of the Rye City Code is hereby amended as follows:

§ 53-6. Applications for sign; awning, marquee-type awning and canopy permits.

The Board of Architectural Review shall have the power to examine, review and, by majority vote of the total Board, approve or disapprove applications for permits for signs, awnings, marquee-type awnings and canopies affixed to any structure or erected in connection with any structure, pursuant to § 165-2 of the Code of the City of Rye.

Section 2. This local law shall take effect immediately on filing in the office of the Secretary of State.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing,
Hutchings, Larr, Stampleman, and Walsh

NAYS:None

ABSENT: None

The local law was adopted.

6. Public hearing on proposed local law amending Chapter 197 of the Rye City Code by amending Section 197-1, Subsection A; Section 197-11, Subsection B(3) and Section 197-82 by eliminating Subsection E and re -lettering Subsections F, G,H, I, J, K and L, concerning signage

Mayor Otis opened the public hearing.

There was no one wishing to address this proposed local law.

Mayor Otis closed the public hearing.

Councilman Stampleman made a motion, seconded by Councilwoman Downing, to adopt the following local law:

**CITY OF RYE
LOCAL LAW NO. 2 - 1999**

**A local law amending Chapter 197
of the Rye City Code by amending
Section 197-1, Subsection A;
Section 197-11, Subsection B (3) and
Section 197-82 by eliminating Subsection E
and relettering Subsections F, G, H, I, J, K and L**

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

Section 1. Subsection A of Section 197-1 of Chapter 197 of the Rye City Code is hereby amended as follows:

§ 197-1. Definitions and usage.

A. Definitions. Certain words in this chapter are defined for the purpose thereof as follows:

ACCESSORY USE -- See “use, accessory.”

AREA OF SPECIAL FLOOD HAZARD -- The land in the floodplain within the City of Rye subject to a one-percent or greater chance of flooding in any given year, as shown on the Flood Boundary and Floodway Map as being within the one-hundred -year-flood boundary.

ATTIC -- A half story no part of the floor space of which is used, or designed or intended to be used, as a habitable room or bath or toilet room.

AUTOMOBILE TRAILER or HOUSE CAR -- Any vehicle used or arranged to be used for living or as sleeping quarters, mounted on wheels and movable or propelled either by its own power or drawn by another power vehicle. Self-propelled vehicles used primarily for transportation, less than eighteen (18) feet long and with not more than two (2) axles, shall not be considered a “house car.”

BUILDING -- Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or chattel.

BUILDING, ACCESSORY -- A subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.

BUILDING HEIGHT -- The vertical distance from the average established grade in front of the lot, or from the average natural grade at the building line, if higher, to the average height of the top of the cornice of a flat roof, or to the highest gable or dormer in a pitched or hipped roof, or if there are no gables or dormers, to the midheight of such pitched, hipped or mansard roof.

BUILDING, MAIN OR PRINCIPAL -- A building in which is conducted the main or principal use of the lot on which it is located.

COASTAL ZONE -- That portion of the City of Rye delineated as the “Coastal Zone” on the New York State Coastal Zone Area Map, and as amended.

COURT -- An open, unoccupied space other than a yard, on the same lot with a building or group of buildings and which is bounded on two (2) or more sides by such building or buildings.

COURT HEIGHT -- The height of a court shall be measured from the level of the windowsills of the lowest story it is required to serve.

COURT LENGTH -- The horizontal dimension of a court at right angles to its width.

COURT, OUTER AND INNER -- An "outer court" is one which extends directly to and opens for its full width on a street or other permanent public open space at least twenty (20) feet wide, or on a rear yard as herein required. An "inner court" is any other court.

COURT WIDTH -- The width of an outer court is that horizontal dimension which is substantially parallel to the principal open end of such court. The width of an inner court is its least horizontal dimension.

DWELLING UNIT -- One (1) or more rooms providing living facilities for one (1) family, including equipment for cooking or provisions for the same, and including room or rooms for living, sleeping and eating.

FAMILY -- A single individual living on the premises as a separate housekeeping unit, or a collective body of one (1) or more persons living together on the premises as a single housekeeping unit in a domestic relationship based on birth, marriage or other domestic bond.

FLOOD BOUNDARY AND FLOODWAY MAP -- The official map on which the Federal Insurance Administrator has delineated the areas of special flood hazard and the regulatory floodway in the City of Rye, effective April 1, 1980, and as amended.

FLOOR AREA, GROSS -- The sum of the gross horizontal areas of the several floors of the building, excluding basement and attic floors used only for accessory use. All horizontal dimensions shall be taken from the exterior faces of walls or other outer limits of roofed areas.

HIGHWAY, ARTERIAL -- A street in the City of Rye designated as an arterial highway by the Superintendent of Public Works on the State of New York according to Chapter 543 of the Laws of 1944, as amended.

HOTEL -- A building or part thereof containing six (6) or more rooms, without individual kitchen facilities, occupied or to be occupied primarily by transients for sleeping purposes for compensation, and where there may be a general kitchen, dining room and other public rooms for the use of all guests.

LODGING HOUSE -- A building or part hereof containing more than two (2) but less than six (6) rooms, without individual kitchen facilities, occupied or to be occupied for sleeping purposes for compensation. "Lodging house" shall include "rooming house" and "boarding-house" but not "hotel" or "motel."

LOT -- A parcel of and in the same recorded ownership, devoted or to be devoted to one (1) main building or use or to an integrated group of buildings with its accessory buildings and the required open spaces.

LOT AREA -- The horizontal area of a lot or parcel bound by property lines, not including any area in a public or private street or any watercourse (including any illegally filled-in watercourse), except as provided for in § 197-38.

LOT, CORNER -- Any lot which has an interior angle of more than forty-five degrees (45°) and of less than one hundred thirty-five degrees (135°) at the intersection of two (2) street lot lines.

LOT DEPTH -- The mean horizontal dimension measured from the front or street lot line in the general direction of the side lot lines.

LOT WIDTH (at any point) -- The horizontal dimension at any point measured at right angles to the lot depth.

MOTEL -- A hotel having an outside entrance for each sleeping unit and provided with automobile parking spaces directly accessible to each such unit.

RESTRICTED, MORE AND LESS -- A use district is "more restricted" if it is listed earlier in § 197-2 and "less restricted" if listed later.

ROOM, HABITABLE -- A living, dining or sleeping room, a kitchen or other room in a residential structure which is not a bath or toilet room and not used exclusively for storage or accessory purposes.

STORY -- That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. A mezzanine shall be deemed a full story where it covers more than fifty percent (50%) of the ground story area.

STORY, FIRST, GROUND OR LOWEST -- The story whose floor is not more than three (3) feet below the average ground level at the exterior walls of the building, such ground level to be measured at the top of any areaways, except that any lower story used for residence other than for a janitor or caretaker or his family shall be deemed a ground story.

STORY, HALF -- A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story, when not more than sixty percent (60%) of the floor area is used for rooms, baths or toilets.

STREET LINE -- A line dividing the lot from a street.

STRUCTURE -- An assembly of materials forming a construction framed of component structural parts for occupancy or use, including buildings.

UPLAND -- All that land or area other than wetland above the mean high-tide line.

USE -- The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

USE, ACCESSORY -- A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

USE, NONCONFORMING -- A use of land or a building that does not conform to the use regulations of this chapter for the district in which it is located, which use was in existence and lawful at the time this chapter or amendments thereto became effective.

WATERCOURSE -- Any waterway or other body of fresh, brackish or salt water (the boundaries of which shall be defined by the mean high-tide line if subject to tidal action and the natural bank if not subject to tidal action), including but not limited to a sound, bay, river, creek, rivulet, lake, pond and stream.

WETLAND -- Lands other than watercourse generally covered or intermittently covered with fresh, brackish or salt water, including but not limited to a thatch meadow, salt marsh, salt meadow, marsh, swamp and bog.

YARD -- An open space on the same lot with a main building or group of buildings, extending between the building or group of buildings and the nearest lot line.

YARD, FRONT -- A yard extending across the full width of a lot and lying between a front lot line of the lot and the nearest point of the building.

YARD LINE, FRONT -- A line bounding the required front yard and located parallel to the front line of a lot at a depth equal to the required minimum front yard dimension measured perpendicular to the front lot line.

YARD, REAR -- A yard extending across the full width of a lot and lying between a rear lot line of the lot and the nearest point of the building.

YARD, SIDE -- A yard between a side lot line of a lot and the nearest point of the building and extending from the front yard to the rear yard.

Section 2. Subsection B, of Section 197-11 of Chapter 197, of the Rye City Code is hereby amended as follows:

B. Standards and requirements.

- (1) Access and service roads from existing streets or highways shall properly relate to the public street and highway system so as to avoid unsafe conditions and traffic congestion.
- (2) Parking space shall be provided on the lot in conformity with the provisions of §§ 197-26 to 197-31 inclusive,

except that such parking areas shall be effectively screened from nearby residence districts by walls, fences or landscaping properly maintained and shall be set back at least fifty (50) feet from all street and side and rear lot lines, but between adjoining office building developments, permanent arrangements for a lesser distance than fifty (50) feet may be approved.

- (3) Signs shall be subject to the regulations provided in Chapter 165. There shall be no unshaded light sources, nor shall there be other illumination such as will be detrimental to any nearby residential districts. Necessary safety lighting of roads and buildings and necessary directional signs shall be permitted.
- (4) Laboratories for limited scientific research and testing, consisting of rooms in which are located apparatus for studying or testing of physical or chemical properties of substances only in small quantities, may be permitted as accessory to office uses, provided that such laboratories occupy less than twenty-five percent (25%) of the aggregate floor area of the establishment, involve no more than one-third (1/3) of all persons employed and normally present on the site and do not involve operations or machinery prohibited in a B-6 District.
- (5) The following specific prohibitions shall apply particularly to any uses that may be permitted:
 - (a) No operation or process shall be permitted which creates smoke, dust, dirt, fly ash, noise, glare, heat, odor, gases, vibration, electrical radiation or interference or any other evidence of potential nuisance which is detectable at the property line at levels objectionable or inappropriate in a residential area.
 - (b) No operation or process shall be permitted that makes excessive demands upon the water supply, stormwater drains, sewerage or sewage disposal systems of the community due to character or amount, unless provision is made by the

developer to meet any off-site costs necessary to meet such demands.

- (6) Yard requirements may be reduced or waived for any portion of the site adjoining a railroad or limited access highway right-of-way, and side or rear yards may be reduced to no less than twenty-five (25) feet for any portion of the site adjoining land in B-5 or B-6 Districts or similar districts in an adjoining municipality if the Planning Commission, in its report, finds that such waiver will not be contrary to the general intent of this chapter and will produce a more efficient site plan.

Section 3. Section 197-82 of Chapter 197 of the Rye City Code is hereby amended by eliminating Subsection E and relettering Subsections F, G, H, I, J, K and L as follows:

§ 197-82. Original jurisdiction of Board.

The Board of Appeals may in a specific case, after public notice and hearing and subject to appropriate conditions and safeguards, determine and grant special exceptions to the regulations herein established, in harmony with their general purpose and intent, as follows:

- A. Expansion of a nonconforming use. Permit the expansion of nonconforming uses or buildings upon the land occupied by such uses at the time such uses become nonconforming or on land adjoining, provided that such adjoining land was under the same ownership as the land in question at that time and provided that there has been no substitution of a new use for the original nonconforming use and provided that such extension or extensions of nonconforming uses shall not exceed in all thirty percent (30%) of the floor area of the building containing the nonconforming use at the time it became nonconforming, and the expansion or extension of a nonconforming use shall not exceed in all an increase of thirty percent (30%) in the intensity of the use at the time it became nonconforming, which percentage shall be related to number of employees, hours of operation, number of vehicles or such other characteristics or combination of characteristics as the Board of Appeals determines as the most accurate measure of the intensity of the particular use. In each case, the Board shall give consideration to and make a finding that the following conditions prevail prior to approving a special exemption:
 - (1) The expansion or extension will not have a significant adverse impact on surrounding conforming development.

- (2) Proposed off-street parking complies with the provisions of § 197-26.
 - (3) The use is not a use prohibited by the provisions of § 197-22.
- B. Expansion into a more restricted district. Permit the expansion of a use or building, within the same lot as such lot existed at the time the district boundary was established, into a contiguous more restricted district, but in no case for a distance of more than twenty-five (25) feet into the more restricted district.
 - C. Substitution for a nonconforming use. Permit a substitution for an existing nonconforming use, provided such substitution is in accordance with the provisions of § 197-5A(2).
 - D. Construction of a single-family dwelling on a nonconforming lot. Permit the construction of a single-family dwelling on a lot that does not conform to the requirements of the district in which it is located, subject to the provisions of § 197-37.
 - E. Joint use of parking space. Approve the joint use of parking space as provided in § 197-29.
 - F. Reduction of side yards and waiving of off-street parking requirements. Reduce to not less than eight (8) feet the required side yards for dwelling proposed to be converted for up to four (4) families in RA-1, RA-2, RA-3, RA-4 and B-3 Districts, as provided in Article VIII, and waive off-street parking requirements for such proposed conversions in RA-3 Districts where the Building Inspector finds it impossible to provide the required parking.
 - G. Reduction of yard requirements as authorized under § 197-64.
 - H. Issue permits. Grant a permit wherever it is provided in this chapter that the approval of the Board of Appeals is required.
 - I. Permit the use of floor space in existing buildings in the B-2 Central Business District which is in excess of the maximum permitted in the district on the effective date of this chapter, provided the total usable space in the building will not exceed a floor-area-to-lot-area ratio of two and eighty-hundredths (2.80) and the excess floor space will be used for a use permitted in the district, which shall not include the expansion of a nonconforming use.

- J. Permit reductions in the standards required by § 197-6.1 of this chapter and Chapter 100 of this Code, subject to the requirements of § 197-37.1 of this chapter.
- K. Permit the filming of movies, commercials, documentaries, serials, shows, performances or other similar events and activities, including still photography in excess of filming permitted as an accessory use, subject to the following requirements and limitations:
- (1) Such filming shall also be subject to the requirements of Chapter 93 of this Code.
 - (2) The Board shall deny any application for a special exception which in its judgment will be detrimental to the neighborhood because of anticipated excessive noise, illumination or other effect caused by the proposed filming.

Section 4. This local law shall take effect immediately on filing in the office of the Secretary of State.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing,
Hutchings, Larr, Stampleman, and Walsh

NAYS: None

ABSENT: None

The local law was adopted.

7. Public hearing on proposed local law amending Chapter 197 of the Rye City Code by REPEALING Sections 197-15, 197-16, 197-17, 197-18, 197-19 and 197-20, concerning signage

Mayor Otis opened the public hearing.

There was no one wishing to address this proposed local law.

Mayor Otis closed the public hearing.

Councilwoman Larr made a motion, seconded by Councilman Stampleman, to adopt the following local law:

**CITY OF RYE
LOCAL LAW NO. 3 - 1999**

**A local law amending Chapter 197
of the Rye City Code by REPEALING
Sections 197-15, 197-16, 197-17,
197-18, 197-19 and 197-20**

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

**Section 1. Chapter 197 of the Rye City Code is hereby amended as follows:
Sections 197-15, 197-16, 197-17, 197-18, 197-19 and 197-20 are REPEALED
in their entirety.**

**Section 2. This local law shall take effect immediately on filing in the office of the
Secretary of State.**

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing,
Hutchings, Larr, Stampleman, and Walsh

NAYS: None

ABSENT: None

The local law was adopted.

8. Discussion of proposed local law amending the Code of the City of Rye by creating a new chapter, Chapter 165, Sign Regulations

Mayor Otis opened the public hearing.

There was no one wishing to address this proposed local law.

Mayor Otis closed the public hearing.

Councilman Stampleman made a motion, seconded by Councilwoman Cunningham, to adopt the following local law:

**CITY OF RYE
LOCAL LAW NO. 4 - 1999**

A local law amending the

**Code of the City of Rye by
creating a new chapter,
Chapter 165, Sign Regulations**

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

Section 1. A new chapter, Chapter 165, of the Rye City Code is hereby created to read as follows:

**CHAPTER 165
SIGN REGULATIONS**

- § 165-1. Purpose.
- § 165-2. Board of Architectural Review.
- § 165-3. Enforcement.
- § 165-4. Zoning Districts: Definitions.
- § 165-5. Signs: Definitions and Restrictions.
 - Sign
 - Area of Sign
 - Awning (Retractable, Marquee, Canopy)
 - Business Identification
 - Free-Standing Sign (Monument, Pole, Post & Arm)
 - Height
 - Identification Sign
 - Illuminated Sign
 - Informational Sign
 - Primary and Secondary Signs
 - Projecting Sign
 - Real Estate Sign
 - Temporary Sign
 - Wall Sign
 - Window Sign
- § 165-6. Prohibited Signs in all Districts.
- § 165-7. Signs in Residential Districts.

§165-8. Signs in Neighborhood Business Districts.

§ 165-9. Signs in Central Business District.

§ 165-10. Severability.

§ 165-1. Purpose.

The purpose of this Chapter is to establish regulations for the design, construction, installation and maintenance of signs in the City of Rye in order to maintain and protect the attractive and harmonious visual image of the community; permit effective identification of businesses to encourage economic prosperity; protect the aesthetic environment from the unrestricted proliferation of signs and visual clutter; protect property values, and protect the public health, safety and welfare.

§ 165-2. Board of Architectural Review Approval.

A. Signs requiring a Sign Permit shall be erected, constructed, reconstructed, altered or maintained only after approval by the Board of Architectural Review as to design, colors, materials, illumination, location and size, and:

- (1) When granted a Sign Permit from the Building Inspector.
- (2) Upon payment of the required fee as established by the City Council.

B. The Board may approve signs, provided that such action shall be by majority vote of the entire Board.

C. The Board, as a condition of approval may recommend changes that are more restrictive than the limits of this Chapter.

D. If a sign permit application is disapproved, the applicant may appeal the decision pursuant to Chapter 53-10. The applicant shall request written findings based upon the evidence presented to the Board that the sign would, if erected, constructed, reconstructed, altered or maintained, be contrary to the purposes of this Chapter as set forth in § 165-1 by reason of, but not limited to any of the following:

- (1) Design distinctly out of character with store units in the same building; existing development in the affected vicinity or adjacent residential neighborhoods, landmarked buildings or districts.
- (2) Colors that appear inappropriate because they cover too large

an area of the sign or are in conflict with the colors of the subject building or surrounding buildings.

- (3) Material that detracts from the surrounding architectural elements.
- (4) Illumination that is inappropriate due to intensity, color and/or glare.
- (5) Location and/or size inconsistent with that of other signs and awnings on the same building or surrounding buildings or the architectural detail of the subject building or surrounding buildings.
- (6) A design which conflicts with other applicable City regulations.

§ 165-3. Enforcement.

- A. No Sign Permit shall be issued by the Building Inspector until approval has been granted by the Board of Architectural Review.
- B. The Property Owner is responsible for all signs displayed or erected on his property, is responsible for properly maintaining such signs, and is responsible for removal of signs if no Sign Permit has been obtained.
- C. The Building Inspector will notify the property owner of failure to properly maintain signs. Failure to comply with the Building Inspector's order to repair or refurbish a sign is a violation of this Chapter.
- D. Any sign requiring approval which has been erected, constructed, altered, reconstructed or maintained without a sign permit must be removed at the property owner's expense. In addition, such action or other failure to comply with the provisions of this chapter is a violation subject to the following quasi-criminal and/or civil penalties:
 - (1) Any person who violates any provision in this chapter shall, upon conviction thereof, be guilty of a violation and shall be punished, for each offense, by a fine of not more than two hundred fifty dollars (\$250.00) or by imprisonment for not more than 15 days, or both. Each week of a continuing violation constitutes a separate violation subject to the above penalties.
 - (2) Any person who violates any provision of this chapter or order to remove pursuant to subsection (B) below shall be liable for a civil penalty

of not more than one thousand, five hundred dollars (\$1,500.00) for each such violation. Each week of continuing violation constitutes a separate violation subject to the above penalty.

E. This chapter shall be enforced by the Building Inspector in keeping with its provisions and the Building Inspector's rules and regulations.

(1) The Building Inspector shall send written notification of violation of this chapter by certified mail, return receipt requested, in the following manner:

(a) To the tenant and property owner of a building displaying a non-approved sign.

(b) To the property owner of an unoccupied building or property displaying an illegal sign.

(2) The property owner or tenant shall remove the sign within two (2) weeks of the date on which the violation notification was postmarked.

§ 165-4. Zoning Districts: Definitions.

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

CENTRAL BUSINESS DISTRICT -- are those properties located in the "A" or "B" Parking Districts of the City of Rye, those properties located in Business Districts on the Boston Post Road between Peck Avenue and Central Avenue, and those in Business Districts on Theodore Fremd Avenue between Locust Avenue and Purchase Street. (see accompanying MAP.)

NEIGHBORHOOD BUSINESS DISTRICTS -- are those properties located in a B-1, B-3, B-4, B-5, B-6 or MC Zoning District and properties containing the following Institutions: churches, schools, hospitals, senior housing, parks and wildlife reservations, unless located in the Central Business District as defined in this Chapter.

RESIDENTIAL DISTRICTS -- are all areas not defined in this Chapter as being in the Central Business District or in Neighborhood Business Districts.

§ 165-5. Signs: Definitions and Restrictions.

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

- A. SIGN -- is any material, structure, device or part thereof containing any advertisement, announcement, notice, graphic symbol, illustration, insignia, picture, or representation intended or arranged to be seen from any point outside of the property on which it is located.
- B. AREA OF SIGN --
- (1) For signs painted on or applied to a building wall, window or awning: the smallest rectangle that encompasses all the lettering and graphic symbol, or the lettering and graphic symbol together with any background of a different color or material from the natural color or material of the surface on which it is painted or applied.
- (2) For free-standing and projecting signs: the smallest rectangle that encompasses the face of the sign, exclusive of the pole, post or base. Each face with signage is counted into the aggregate area allowed.
- (3) Restrictions: for all wall, window, awning and free-standing signs on a single property:
- (a) Maximum aggregate area: seventy (70) square feet.
- (b) Maximum number: three (3).
- C. AWNING -- is a structure made of any fabric material or one incorporated into a frame, attached to a building and projecting over a sidewalk or over the property on which the building is situated. An awning with lettering and/or graphic symbol may be a primary or secondary sign.
- (1) Types of awnings:
- (a) Retractable awning is any awning supported solely by the wall of a building which can be raised to position flat against the building when not in use.
- (b) Marquee is any non-retractable awning supported solely by the wall of a building.
- (c) Canopy is any awning attached to a building, carried by a frame supported by the ground or pavement.

- (2) Restrictions:
- (a) Awnings may not project over a street or right of way other than sidewalk.
 - (b) Lettering or graphic symbol shall be either on the front or on the sides of awning.
 - (c) Primary sign - maximum height of letters and graphic symbol: eight (8") inches.
 - (d) Secondary sign - maximum height of letters and graphic symbol: three (3") inches.
 - (e) Retractable awning - minimum vertical clearance above the sidewalk: seven (7') feet; minimum horizontal clearance to curb line: eighteen (18") inches.
 - (f) Marquee - minimum vertical clearance above the sidewalk: eight (8') feet; minimum horizontal clearance to curb line: four (4') feet.
 - (g) Canopy - minimum vertical clearance to grade at entrance: eight (8') feet; no projection over a sidewalk or right of way; limitation: one (1) per building lot; prohibited on Purchase Street.

D. BUSINESS IDENTIFICATION --

- (1) Name of Business is the common, formal or legal name by which the permitted business occupant wishes to be known (Scott's, Scott Pharmacy, Scott Pharmacy, Inc.).
- (2) Name of Franchise is the name used under license by the business occupant to identify a brand of goods or services offered (if not selected as name of business) (Sav-a-Lot Supply Cartel).
- (3) Generic Description is the business nature of permitted occupancy (Drugs and Sundries).
- (4) Graphic Symbol is the graphic design not including the name of the business (drawing of a Scottie).

(5) Tag Line is the motto or slogan (“Affordable health care starts here”).

E. FREE-STANDING SIGN is a sign on supports placed on or anchored in the ground and not attached to a building or other structure.

(1) Types of free-standing signs:

(a) Monument sign has a base affixed to the ground or is mounted on short supports.

(b) Pole sign has vertical pole(s) with the sign securely affixed.

(c) Post & Arm sign has a vertical post to which a perpendicular arm is attached and from which the sign hangs.

(2) Restrictions:

(a) One (1) free-standing sign allowed per property.

(b) Maximum size: twenty (20) square feet per face.

(c) Maximum height of Monument Sign: base or supports two (2') feet, top five (5') feet.

(d) Maximum height Pole Sign: ten (10') feet to top of sign.

(e) Maximum height Post & Arm Sign: ten (10') feet to top of sign.

(f) Minimum distance to side or rear property line that does not abut a street: ten (10') feet.

F. HEIGHT

(1) For signs: the vertical distance from the average established grade at the location of the sign to the top of that sign.

(2) For lettering: the height of the capital letter or the height of the “x” lower case letter, whichever is smaller.

G. IDENTIFICATION SIGN in a Residential District may be affixed to the

structure or be free-standing, and identifies:

- (1) A one-, two- or multi-family residence denoting name of resident, permitted professional, home occupation and/or building name.
- (2) A memorial or historic building denoting name or building and/or date of erection.
- (3) A non-conforming use in a Residential District denoting name of use.
- (4) Restrictions:
 - (a) 1-, 2-. or Multi-Family Residence

	<u>affixed to structure</u>	<u>free-standing</u>
maximum number	one/residence (res.)	one
maximum size	1 sf / res.; 20 sf max. whichever is smaller	1 sf/res.; 20 sf max whichever is smaller
maximum height	n / a	3 feet if 15 feet or less from street; 4 feet if more than 15 feet from street
maximum height lettering	3 inches	3 inches

- (b) Memorial or Historic Structure

	<u>affixed to structure</u>	<u>free-standing</u>
construction	cut into masonry surface, constructed of bronze or material	monument or post & arm

	compatible with the structure	
maximum size	n / a	12 square feet
maximum height	n / a	10 feet
maximum height lettering	4 inches	4 inches

(c) Non-Conforming Use

	<u>affixed to structure</u>	<u>free-standing</u>
maximum number	1	one per street frontage providing access to property
maximum size	20 square feet	6 square feet per street frontage
maximum height	n / a	3 feet if 15 feet or less from street; 4 feet if more than 15 feet from street
maximum height lettering	3 inches	3 inches

H. ILLUMINATED SIGN includes two types of illumination:

- (1) Exterior illumination has a light source directed only toward the sign.
- (2) Interior illumination has the light source contained within the sign.
- (3) Restrictions:

- (a) Exterior illumination: only white light with shielded source not visible from street, sidewalk or adjacent property.
 - (b) Interior illumination: illumination shall be confined to lettering of name of business or franchise and this lettering shall appear white when illuminated; none of the background, other lettering or graphic symbol shall be illuminated.
 - (c) Prohibited: unshielded neon; flashing rotating or intermittent illumination, except time and temperature signs.
- I. INFORMATION SIGN may contain, but is not limited to owner's name, phone number and/or hours of operation.
- (1) Restrictions:
 - (a) Only on window or door.
 - (b) Maximum coverage: five (5%) percent of window glass size or overall door size.
 - (c) Maximum height of lettering: two (2") inches.
- J. PRIMARY and SECONDARY SIGNS:
- (1) Primary sign is the establishment's principal sign whether on a wall, window, awning or free-standing, identifying the business to passersby, communicating the most pertinent information.
 - (2) Secondary sign shall provide similar information to the primary sign and shall be smaller in scale.
 - (3) Restrictions:
 - (a) Primary sign shall have a maximum of three of the following five elements: name of business; name of franchise; generic description; graphic symbol; tag line.
 - (b) Secondary sign shall have a maximum of two of the following four elements: name of business; name of

franchise; generic description; graphic symbol.

- (c) One primary sign per property except: corner property (see Wall Sign, Window Sign); symmetrical windows on either side of door (see Window Sign).
- (d) If name of business and name of franchise are both used on sign, one must be significantly smaller than the other.
- (e) All store units in the same building shall have their signs designed so that they shall be compatible and consistent in scale and in placement.
- (f) No more than two different colors shall be used in any lettering.

K. PROJECTING SIGN is a primary sign attached to the facade of a building which can be read from either side.

(1) Restrictions:

- (a) Maximum size: eight (8sf) square feet.
- (b) Maximum projection: four (4') feet.
- (c) Maximum height: fourteen (14') feet.
- (d) Minimum clearance above sidewalk nine (9') feet.
- (e) Limit one (1) per property.
- (f) Each face is counted into aggregate area allowed.
- (g) No internal illumination allowed.
- (h) Projecting signs shall only be allowed in the Central Business District.

L. REAL ESTATE SIGN is a sign used to advertise the sale, lease or rental of real property in Residential, Neighborhood Business or Central Business Districts. Real Estate signs are temporary; however, for the purposes of this Chapter they are considered distinct from Temporary

Signs.

(1) Restrictions for all Districts:

- (a) Real Estate signs are limited to identifying owner or owner's agent and/or phone number and "for sale/lease/rent".
- (b) May not be illuminated.
- (c) Must be removed one week after the sale/lease/rental.
- (d) Allowable colors: single color lettering on white background.

(2) Other restrictions:

	(a) Residential Districts	Neighborhood Businesses and Central Business Districts	Vacant Lots
	_____	_____	_____
maximum number	1	1 per street frontage	1 per street frontage
maximum size	12 inches height x 18 inches width	9 square feet	1 1/2 square feet per potential building lot
maximum height lettering	3 inches	4 inches	4 inches
maximum height, freestanding	3 feet	4 feet	4 feet

M. TEMPORARY SIGN is displayed only for a maximum, specified period of time, is not permanently mounted, and may contain advertising or promotional information related to a permitted occupancy.

(1) Restrictions:

- (a) Prohibited in Residential Districts.

- (b) Only allowed inside a window.
- (c) May not be illuminated.
- (d) Maximum aggregate area: twenty (20%) percent of total window glass area on any given facade.
- (e) Maximum length of time of installation: three (3) weeks.

N. WALL SIGN is painted on or attached to the outside wall of a building.

(1) Restrictions:

- (a) Maximum size for primary facade: two square feet per lineal foot (2sf/LF) of facade; maximum thirty square feet (30 sf).
- (b) Maximum size for side or rear facade; one square foot per lineal foot (1sf/LF) of facade, or forty percent (40%) of area of sign on primary facade, whichever is smaller.
- (c) Maximum height lettering: twelve (12") inches.
- (d) Maximum projection: eight (8") inches.
- (e) Maximum number: two (2).

(2) Exception:

- (a) Allowable size for primary signs on corner property: two signs, each may be half of the sum of sizes allowable for primary and side facades.

O. WINDOW SIGN is lettering or designs affixed to or painted on a window or located inside in such a way as to be visible from the sidewalk or street. Window shall include the entire glassed area within the frame.

(1) Restrictions if Window Sign is Primary Sign:

- (a) Maximum size: twenty (20%) percent of window size.
- (b) Maximum height of lettering: twelve (12") inches.

- (2) Restrictions if Window Sign is Secondary Sign:
 - (a) Maximum size: five (5%) percent of window.
 - (b) Maximum height of lettering: three (3") inches.
- (3) Exceptions if Window Sign is Primary Sign:
 - (a) In corner situation, one window on each facade may have primary signs of equal size within the maximum allowable: twenty (20%) percent of window.
 - (b) In Symmetrical situation, one window on either side of door may have primary signs of equal size within the maximum allowable: twenty (20%) percent of window.

§ 165-6. Prohibited Signs in all Districts.

- A. All signs not specifically permitted are prohibited. Prohibited signs include but are not limited to:
- (1) Off-premises signs or signs not related to the use of the premises upon which signs are located.
 - (2) Signs in a public right of way.
 - (3) Signs mounted to extend above a parapet wall.
 - (4) Signs mounted or painted on a roof.
 - (5) Billboards.
 - (6) Portable signs, sandwich boards, wheel-mounted signs.
 - (7) Construction, contractor and/or professional signs at construction sites.
 - (8) Signs mounted on or otherwise affixed to any tree, stone or other natural object.
 - (9) Signs mounted on or otherwise affixed to utility poles or fences.

(10) Signs in motion: promotional decorations, banners, pennants, ribbons, balloons, streamers, spinners or similar moving, fluttering, revolving or noise-making devices.

(11) Signs that may be confused with or obstruct the view of any traffic sign or signal, or obstruct a sight distance at any street intersection.

B. Existing signs which do not meet the requirements of this Chapter must be brought into conformance and approved by the Board of Architectural Review by December 31, 2003.

C. For other signs prohibited in Residential Districts, see § 165-7.

D. For other signs prohibited in Neighborhood Business Districts, see § 165-8.

E. For other signs prohibited in the Central Business District, see § 165-9.

§ 165-7. Signs in Residential Districts.

A. Permitted without a sign permit. The following signs are exempt from Sign Permit requirements under this Chapter:

(1) Identification sign affixed to structure for: one, two or multi-family residence, memorial or historic structure.

(2) Identification sign that is a free-standing monument sign or post & arm sign are for one or two family residence.

(3) Real estate sign.

B. Permitted with sign permit. The following signs must be approved by the Board of Architectural Review and must have a Sign Permit from the Building Department:

(1) Identification sign that is a free-standing monument sign or post & arm sign for: multi-family residence, memorial or historic structure or non-conforming use.

(2) Identification sign affixed to structure for: non-conforming use.

C. Prohibited:

- (1) Wall signs.
- (2) Window signs.
- (3) Projecting signs.
- (4) Free-standing pole signs.
- (5) Signs with interior illumination.
- (6) Temporary signs.
- (7) Awnings except retractable; lettering prohibited.

§ 165-8. Signs in Neighborhood Business Districts.

A. Permitted without sign permit. The following signs are exempt from the sign permit requirements under this Chapter.

- (1) Signs permitted without Sign Permit in Residential Districts, see §165-7 A.
- (2) Temporary signs.
- (3) Informational signs.

Any sign that is not in A. (1), (2), or (3) above requires approval by the Board of Architectural Review and must have a sign permit from the Building Department.

B. Permitted with sign permit. The following signs must be approved by the Board of Architectural Review and must have a sign permit from the Building Department:

- (1) Signs permitted with sign permit in Residential Districts, see § 165-7 B.
- (2) Awnings.
- (3) Business identification signs.
- (4) Free-standing signs.

- (5) Wall signs.
- (6) Window signs.
- (7) Illumination for signs.

C. Prohibited.

- (1) Projecting signs.

§ 165-9. Signs in Central Business District.

A. Permitted without sign permit. The following signs are exempt from sign permit requirements under this Chapter:

- (1) Signs permitted without sign permit in Residential Districts, see §165-7 A.
- (2) Signs permitted without sign permit in Neighborhood Business Districts, see §165-8 A.

Any sign that is not in A. (1) or (2) above requires approval by the Board of Architectural Review and must have a sign permit from the Building Department.

B. Permitted with sign permit. The following signs must be approved by the Board of Architectural Review and must have a sign permit from the Building Department:

- (1) Signs permitted with sign permit in Residential Districts, see §165-7 B.
- (2) Signs permitted with sign permit in Neighborhood Business Districts, see §165-8 B.
- (3) Projecting signs.

C. Prohibited.

- (1) Canopy facing onto Purchase Street.

§ 165-10. Severability.

If any phrase, sentence, part, section, subsection, or other portion of this local law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any

reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this local law, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

Section 2. This local law shall take effect immediately on filing in the office of the Secretary of State.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing,
Hutchings, Larr, Stampleman, and Walsh

NAYS:None

ABSENT: None

The local law was adopted.

9. One appointment to the Board of Architectural Review for a three-year term, by the Mayor with Council approval

Councilwoman Cunningham made a motion, seconded by Councilwoman Downing, to approve the appointment of Mr. Otto Spaeth for a three-year term expiring January 1, 2002.

ROLL CALL:

AYES: Councilmen Cunningham, Downing, Hutchings, Larr, Stampleman,
Walsh and Mayor Otis.

NAYS:None

ABSENT: None

The motion carried.

10. Authorization to pay the balance of Union Free School District taxes as of December 31, 1998

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr, to adopt the following resolution:

RESOLVED, that the City Comptroller be, and is hereby authorized to pay the Treasurer of the Rye Neck Union Free School District the amount of \$95,735.44, which represents the balance of the

unpaid taxes as of December 31, 1998, in accordance with Section 22.9 of the Rye City Charter.

ROLL CALL:

AYES: Councilmen Cunningham, Downing, Hutchings, Larr, Stampleman,
Walsh and Mayor Otis.

NAYS:None

ABSENT: None

The resolution passed.

11. Consideration of the request of the Cystic Fibrosis Foundation to use city streets for their Great Strides Walk on Sunday, May 23, 1999

Councilwoman Downing made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the request of the Cystic Fibrosis Foundation use city streets for their Great Strides Walk on Sunday, May 23, 1999.

12. Bids for Whitby Castle Demolition

Mayor Otis acknowledged the January 13, 1999 memo from City Engineer Mottarella, recommending that Lorono Construction, the low bidder, be awarded the bid for Whitby Castle Demolition.

The following bids were received:

CONTRACT #9901
DEMOLITION OF WHITBY CASTLE

NAME OF BIDDER	SECURITY	AMOUNT BID
Stephen Garito 791 Nepperhan Avenue Yonkers, NY 10703	Bid Bond	\$59,750.00
Etre 531 Fayette Avenue Mamaroneck, NY 10543	Bid Bond	\$57,777.00

Joken Development 9 Belway Place White Plains, NY 10601	Bid Bond	\$91,600.00
Lorono Construction Nursery Lane Rye, NY 10580	Certified Check \$2,550.00	\$51,000.00
N. Picco and Sons 154 E. Boston Post Road Mamaroneck, NY 10543	Bid Bond	\$87,900.00
Wayne Peekskill	Certified Check \$5,000.00	\$72,000.00
Mark Schwab 25 Chelsea Rd. New Rochelle, NY 10805	Bid Bond	\$96,490.00
Sal Pennelle Rosamilia Landscaping 23 Wampus Lake Rd. Armonk, NY 10504	Bid Bond	\$36,000.00
Delvito Cont. 615 Fenimore Rd. Mamaroneck, NY 10543	Bid Bond	\$67,440.00

Councilwoman Cunningham made a motion, seconded by Councilwoman Downing, to adopt the following resolution:

RESOLVED, that Contract No. 9901, for the Demolition of Whitby Castle be and is hereby awarded to Lorono Construction, the lowest bidder meeting specifications in the amount of \$51,000.00.

ROLL CALL:

AYES: Councilmen Cunningham, Downing, Hutchings, Larr, Stampleman,
Walsh and Mayor Otis.

NAYS:None

ABSENT: None

The resolution passed.

13. Bids for One (1) Cab, Chassis with Combination Body & 11 Foot Snowplow and One (1) Cab & Chassis Only

Mayor Otis acknowledged the January 14, 1999 memo from City Engineer Mottarella, recommending that Gabrielli Mack, the sole bidder, be awarded the bid for one cab, chassis with combination body and 11 foot snowplow and one cab and chassis only.

The only bid received:

Bid #1-99
One (1) Cab, Chassis with combination body
and
11' Snowplow and One (1) Cab, and Chassis only

NAME OF BIDDER	SECURITY	AMOUNT BID
Gabrielli Truck Sales Ltd 3333 Conner Street Bronx, NY 10475	Bid Bond	\$167,135.00

Councilwoman Cunningham made a motion, seconded by Councilwoman Downing, to adopt the following resolution:

RESOLVED, that Bid #1-99, for one cab, chassis with combination body and 11 foot snowplow and one cab and chassis only be and is hereby awarded to Gabrielli Mack, the sole bidder meeting specifications in the amount of \$167,135.00.

ROLL CALL:

AYES: Councilmen Cunningham, Downing, Hutchings, Larr, Stampleman,
Walsh and Mayor Otis.

NAYS:None

ABSENT: None

The resolution passed.

14. Bids for One (1) Heavy Duty Dump Body, Central Hydraulics and 11 Foot Snowplow

Mayor Otis acknowledged the January 14, 1999 memo from City Engineer Mottarella, recommending that Advanced Equipment, the low bidder, be awarded the bid for one heavy duty dump body, central hydraulics and 11 foot snowplow.

The following bids were received:

Bid #2-99
One (1) Heavy Duty Dump Body, Central Hydraulics
and
11 Foot Snowplow

NAME OF BIDDER	SECURITY	AMOUNT BID
Vasso Systems, Inc. 159 Cook Street Brooklyn, New York 11206	Certified Check \$1,166.25	\$23,325.00
Bristol-Donald Co. Inc. 50 Roanoke Avenue Newark, NJ	Bid Bond	\$27,994.00
Advanced Equipment 75 Cedarhurst Avenue Medford, NY 11763	Certified Check \$1,600.00	\$23,800.02

Councilman Stampleman made a motion, seconded by Councilwoman Downing, to adopt the following resolution:

RESOLVED, that Bid #2-99, for one heavy duty dump body, central hydraulics and 11 foot snowplow be and is hereby awarded to Advanced Equipment, the lowest bidder meeting specifications in the amount of \$23,800.02.

ROLL CALL:

AYES: Councilmen Cunningham, Downing, Hutchings, Larr, Stampleman,
Walsh and Mayor Otis.

NAYS:None

ABSENT: None

The resolution passed.

15. Draft unapproved minutes of the regular meeting of the City Council held January 6, 1999

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the minutes of the regular meeting of the City Council of January 6, 1999 as amended.

16. Miscellaneous communications and reports

A. Councilman Hutchings acknowledged receiving a communication from Mr. Patrick McCarthy regarding the new policy of having only one license plate per commuter parking decal.

City Manager Culross explained that the procedure was adopted on the advice of City Court Judges and the Police Department since some people were abusing the system of having two license plates on one decal. He noted that this procedure will be reviewed in a year. He also explained that residents can use an alternate car by obtaining a temporary permit from the Police Station.

B. Councilwoman Cunningham acknowledged receiving a communication from Leslie Hughes asking for groups to sign onto a letter that would urge the County Board of Legislators to vote a positive declaration of significance at this time on the recently proposed and then withdrawn GE hangar application at the Westchester County Airport. Councilwoman Cunningham said it would be useful to have this declaration for future use, but because of some legal questions and uncertainties, she did not urge the Council to take immediate action on this matter.

C. Councilman Hutchings reported that the Rye Cable TV Committee is pleased that the City Council passed the resolution to begin televising meetings in the Council Chambers. In an effort to anticipate and identify any problems, the committee is planning to meet with other communities who have had the experience of televising Council meetings. The Committee has requested to be on the agenda for a future Council meeting.

D. Councilman Stampleman reminded the Council that he is scheduled to meet with the senior citizens on February 3, 1999. He asked the Council members to forward any additional comments regarding the senior citizens questionnaire to him or to Christopher Bradbury, assistant to City Manager.

E. Councilwoman Downing commended the Mayor, Mr. Jeffrey Stonehill, administrative assistant, and the City staff for the excellent meeting on *Project Impact*.

F. Councilman Stampleman questioned if the *Journal News* had published an article on hate crime legislation. He invited everyone to attend a press conference of the Westchester Association Against Hate Crimes on February 3, 1999.

G. Councilwoman Cunningham acknowledged the swearing in ceremony of the new Police Officers, and their photograph which appeared in the *Journal News*.

H. City Manager Culross reported that the document, "Retaining Wall Alternatives", has been distributed and will be discussed at the next Council meeting.

I. In response to Councilwoman Larr, City Manager Culross said that the traffic light at the intersection of Apawamis Avenue and Forest Avenue has been converted to a flashing light.

17. Old Business

There was no old business discussed.

18. New Business

There was no new business discussed.

19. Adjournment

Councilman Stampleman made a motion, seconded by Councilwoman Cunningham and unanimously carried, to adjourn to executive session at 9:35 P.M. to discuss Home Depot litigation.

The Council reconvened at 10:20 P.M.

There being no further business to discuss, Councilman Stampleman made a motion, seconded by Councilwoman Walsh and unanimously carried, to adjourn the meeting at 10:25 P.M.

Respectfully submitted,

Alice K. Conrad
City Clerk