

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on March 10, 2010 at 8:00 P.M.

PRESENT:

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

ABSENT: None

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

Mayor French made the following announcements:

- A special meeting of the City Council will be held on March 15th to discuss financial issues.
- Congratulations to Sally Rogol on her 25th anniversary with Rye Recreation.

Councilman Filippi made the following announcements:

- 2010 Census forms will arrive next week. It is important for everyone to fill them out and send them back.
- A storm is heading to the area on Friday and Saturday. People should postpone doing laundry until Sunday, so the storm sewers are not overpowered.
- Daylight savings time begins this weekend. It is time to change batteries for smoke detectors; carbon monoxide sensors should be replaced if they are five years old; and battery packs for central alarm systems should be replaced every four years.
- Call the Department of Public Works to report potholes.

Councilwoman Keith made the following announcements:

- Thanks to those who have started the “Lives in Transition” program. It is a great service for those who are contemplating or experiencing career transitions.
- Remember to turn your clock ahead this weekend.

Councilman Sack had the following announcement:

- Two golf course issues were raised last year concerning the prohibition of golf carts from certain fairways and the closing of the golf course on Monday. He has looked at the issue and spoken to the General Manager of the Golf Club and thinks that a way should be found to allow senior citizens, or those with disabilities, to take golf carts on certain fairways where they are prohibited.

4. Draft unapproved minutes of the regular meeting of the City Council held February 24, 2010

Councilman Sack made a motion, seconded by Councilwoman Parker and unanimously carried, to approve the minutes of the regular meeting of the City Council held on February 24, 2010, as amended.

5. View of the State Report by New York State Assemblyman George Latimer

Assemblyman Latimer gave an overview of the current budget picture in the State. The legislative session in Albany runs from January to the end of June with most of the attention on the budget in the first three months. The State has the earliest state budget adoption date in the Country. The division between the Executive and Legislative branch is profound, as are the divisions between the two Houses of the Legislature. The current State budget being discussed is the Governor’s Executive Budget. It calls for \$133,958,000,000 in spending, which is under 1% in total increased spending. In order to reach a balanced budget at that number, it will take across the board cuts and revenue increases. Most of the State’s revenue comes from personal income tax, not property taxes, and is an estimated number based on economic activity. In the last two years the economic level has dropped dramatically. The proposed budget closes a projected \$7.4 billion gap between projected revenues and projected expenses as of January. Estimates of revenue are continuing to drop, however, so if passed now, the gap between revenues and expenses would be an additional \$1.2 billion. He said there are revenues in the proposed budget that he will have difficulty voting, for such as (1) the “soda tax”, which would raise the tax on soft drinks and other sugared products to produce \$465 million in additional revenue; (2) the proposal to allow people to buy wine in grocery stores, which would increase the cost of liquor licenses for those stores that can currently only sell beer and raise an additional \$250 million. If these proposed revenue increases are not adopted, they have to be replaced with cuts in equal amounts. In the areas of cuts, he has difficulty with the proposed cut in the STAR program to eliminate the STAR benefit for homes that are valued at \$1.5 million or more. He said the budget cuts \$1.1 million in direct aid to school districts, which can affect local school taxes. The budget also calls for cuts in the CUNY, SUNY and Community College systems, cuts TAP aid by \$75 per person; and calls for reductions in public health programs. He said that another major issue is the MTA tax, which pits the suburbs against the city. The original tax has been modified and there is a proposal to adjust the percentages, which would lower the City’s obligations. The City received a 5% or \$65,000 cut in State aid, which reduces the amount it will receive to

\$1.246 million. He concluded by saying that in the next three weeks \$3 billion must be found in revenue increases or cuts.

Council questions and comments included:

- What about the gross receipts tax? (It has a fair chance to pass and would give municipalities the opportunity to levy a gross receipts tax. It is being opposed by the organizations that the tax would hit such as Verizon and Con Edison. It is a way for the State to give local municipalities some resources to keep property taxes down.)
- The State can do things to reduce the cost of government. Is there any possibility of reform in the area of pensions, health benefits, disability laws or union negotiations? (The first sign of this is the passing of the Tier 5 Bill, which controls the level of pension benefits for people hired after January 1 and requires longer service and a longer term of contribution. Progress will be made step by step over time. In order to change pensions the State Constitution must be changed.)

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

Suzanne Clary, 14 Dogwood Lane, spoke about the Jay Heritage Center. The property is a designated National Historic landmark. The Jay Heritage Center (the Center) was designated by the New York State Department of Education as the steward of the entire 23-acre Jay property. There is confusion over ownership of the property and who is responsible for taking care of it. The Center owns 1.5 acres and the remaining 21.5 acres are shared ownership with New York State owning 90% and Westchester County owning 10%. Westchester County manages the property for the State. The Center has invested approximately \$8 million to restore the Jay Mansion and the Carriage House and had hoped that the County would restore the property surrounding it. They are concerned about the dumping the County has done on the property from Playland and have tested the fill, which exceeded levels for both environmentally important and residential sites. The Center is appealing to the City to work with the Center to preserve the legacy of the cooperative agreement with the State and County to preserve the area as usable, unpolluted parkland. People need to understand that the Jay Property is separate from the Marshlands and it needs to be protected. The property is a protected site under the City's Landmarks Preservation Ordinance and the Center wants to work with the City to make sure that the proper archeology, environmental treatments and historical treatment steps are taken. The New York State Office of Parks and Historic Preservation is committed to working with the Center and the City to make sure the property is properly restored. The Heritage Center would like the City to participate in meetings regarding the Cultural Landscape Study in order to make sure the project is maintained. Members of the Council suggested that the Council could adopt a formal Resolution of support for the Center and that issues relating to the Center could be incorporated into the discussions of the Playland Advisory Council.

Michael Clay Johnson, Water's Edge, presented the Council with information relative to inspections which have taken place on Hen Island over the last year. He said there have been four or five inspections within the past six or seven months. All inspections by the Westchester County Health Department with regard to septic, potable water and mosquito infestation have come back with negative results and no violations were cited. The Department of Environmental Conservation also cited no violations when they visited Hen Island. The Westchester Environmental Crimes Unit has also said there are no violations. As of August 22, 2008 the case

was closed. He asked the Council to consider the residents of Hen Island and what they have been going through.

Ray Tartaglione, asked if the City had made a decision about asking the County Health Department to look at Hen Island again. City Manager Culross said the City forwarded Mr. Tartaglione's information but did not make a specific request.

7. Mayor's Management Report

- Report on Recommendations for the City of Rye Law Department.

Former Mayor John Carey said that he and Councilman Sack made the following recommendations for the City Law Department: hire both a Corporation Counsel and Deputy Corporation Counsel who have all the necessary skills to represent the City in practically all the City's legal problems, including litigation. They should not be members of the same firm in order to avoid conflict of interest situations. They should each serve three days a week, with one day overlapping. Councilman Sack said that he believed people should review the document that he and Mayor Carey had prepared. He added that it was a forward looking document in order to determine how things might be done in the Law Department going forward. It was an opportunity to analyze the structure of the Law Department and come up with ways to give Rye the best possible legal representation in the most cost efficient manner. Mayor Carey said that currently more firms are negotiating fixed fee contracts with law firms with respect to billing and he recommended that the City explore this option.

Council comment included:

- The report is on the City website and includes a comparative analysis of what other municipalities pay. (The cost comparison is just a general comparison.)
 - It is difficult to compare with other municipalities because they don't always spend on similar legal matters. (The analysis did not include outside counsel fees, only in-house counsel fees.)
 - The Council should be provided with a detailed chart of 2009 legal spending by category in order to compare forecasts for spending in those categories in 2010.
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- Update on the New York State Thruway Authority Lease for athletic fields.

Mayor French said that the New York State Thruway Authority (the Authority) owns the property across from Rye Country Day School. Last Spring, permission was granted for the Authority to negotiate a lease for the property with the City. There is no lease at this time. Assistant City Manager Pickup said that the Real Estate Division of the Authority has additional requirements that the Council will have to fulfill. State legislation has changed and there is now a Public Authorities Reform Act, which will require the City to show that there is a public benefit to the lease, since it is a below market rate lease, as well as any additional benefits that might accrue. This will be brought back to the Council for approval and then the Authority will use it as a tool in drafting the lease. The parameters of the lease are theoretical because negotiations have not begun. A Rye Recreation sub-committee that is looking at fields in general

has reported that they are still looking at inventory and utilization issues. This may also be a topic for discussion at the joint City Council/Board of Education meeting in April.

Council questions and comments included:

- Does the Recreation sub-committee have a point of view on the Thruway Field? (They are supportive of pursuing any opportunities.)
- The Thruway Field could be a defensive move against development closer to the City.
- The City should try to get more of a solid commitment from the Authority, which will not allow the Authority to cancel it at any time.

Former Councilman Mack Cunningham said it was important for the City to have control of the property and advised the Council, when deliberating on the proposal for a field, to consider the following:

- The New York Thruway Authority “Last Mile Project”, which will be a huge inconvenience to the City. The property might be used by the Authority as a staging area for that project. He said the City Manager should be directed to reach out to the Thruway Authority for information on that project.
- The Tappan Zee Bridge Study suggestion of a bus route in the area. He feels it will either go to downtown Port Chester or to Rye and not behind Kohl’s.

- Rye Town Park Parking Committee update.

Mayor French noted that he and Councilman Sack serve on the Rye Town Park Commission and a subcommittee has been set up to look at parking issues. Kristina Bicher and Caroline Walker presented a report from the subcommittee. The Friends of Rye Town Park addressed this issue in 2002, which was brought before the City Council, and resulted in some changes. The new Rye Town Supervisor, Joe Carvin, offers a new approach to the park, and may represent an opportunity for changes. They highlighted three problems caused by cars parking on the grass: (1) safety; (2) environmental issues caused by idling of cars and trash; and (3) enjoyment, because the park is converted into a parking lot for almost half of the year. Supervisor Carvin invited their group to form a Task Force to examine the issues and they presented their recommendations at the last Town Park Commission meeting. They made three major recommendations:

- Physical barriers should be erected in the park from the northwest corner of the Duck Pond to stone wall on Forest Avenue to control both the number of cars and where they go.
- Parking fees should be raised and differentiated between residents and non-residents.
- Examine alternative methods of parking revenue collection. Automated systems and meters should be considered that would minimize cash, maximize accountability, improve traffic flow and allow for more accurate tracking of parkers.

They hope that these measures can make things better for the neighbors of the park. Alternative methods of transportation should also be encouraged. The Town Park staff has also submitted their plan, but the Parking Committee believes that while some of their suggestions are good, the plan does not go far enough and in some ways goes in the wrong direction. This may take

several years to happen and they hope that the Rye representatives on the Town Park Commission will continue to advance the cause.

Council comment and questions included:

- Everyone on the team is working hard to get Rye Town Park to a point where they can break even financially.
 - The community is galvanized by this issue. Those on the Town Park Commission must decide on the best approach to take.
 - How are the other Town Park Commissioners leaning on the issue? (There is support from the Mayors of Rye Brook and Port Chester on the issue of raising the rates for non-residents. Supervisor Carvin seems to favor a gradual approach that goes in a different direction.)
 - The members of the Commission are in agreement that change needs to happen; the question is how far the change will extend.
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- Park Lane Parking update.

Assistant City Manager Pickup said that a Resolution has been found that was passed by the City Council on February 4, 1976 as a result of requests for parking assistance by residents in the area around the Milton Firehouse. The Council agreed that residents could park with a permit issued by the Clerk's Office in the lot near the Dock Deli. It is staff's recommendation that this solution be continued for the current residents. The Council concurred. Mr. Pickup said he would pass along the information to the concerned residents.

8. Consultant's Report on Rye Meeting House.

Lisa Easton said that she has been working on the Meeting House since 2002 in various aspects, including working to get the property listed on the State National Registry and compiling an Existing Conditions Assessment. A federal grant was received from the Save America's Treasures Program for stabilization of the building. She presented an update on work relative to the stabilization. She and a structural engineer were retained to look at the foundation and the bell tower (Phase I). Last Fall a series of invasive studies were done to investigate what, if any, foundation actually existed. The original structure that was moved to Rye 1867 was 15' by 18' in dimension and was primarily used as a Sunday School for the Episcopal Church. Additions were added between 1870 and 1877. Until 1959 the building had no running water or any services. The building is known as the Rye Meeting House because the time period of the Quaker ownership is one of its most significant periods. The building has survived many storms and floods. The studies done in November observed that there were no footings and the foundation ranges in depth from 18" to 33" and consists of a rubble stone wall with many locations having little or no mortar in the joints. The framing is in poor to fair condition, sized in 2' x 4' wall studs and 2' x 4' roof rafters. It currently has an asphalt shingle roof and at one time had a cedar shake roof. The goal is to stabilize the building so it can be publically used. They are about 50% done with the construction document for the stabilization, which can then go out to bid. The estimate for restoration work on the foundation is approximately \$145,000; structural reinforcement of the tower is approximately \$50,000. Phase II, which would include the exterior of the building, would be \$225,000 and the interior about \$100,000. The total would be about

\$520,000. She urged the Council to leave the funding in place that previous Council's had allocated toward the stabilization, noting that it could be considered match money from the City, which is key in securing grant funding.

Council questions and comments included:

- What period will the building be restored to? (The Grace Chapel period – 1870-1877.)
- The area once known as “Milton Village” was a religious center and it would be a shame if the Meeting House fell down.
- The original business plan for the property called for science programs to be run by the Nature Center, partnering with the Boat Basin and Recreation Commission. The building should be saved, but a new Historic Preservation Plan should be adopted for its use and purpose with a new partner. (There is a movement across the country to make up satellite schools where a facility is used as a training ground to train craftsman.)
- Is Save America's Treasures at risk? (The fund was created during the Clinton Administration and was set aside for properties that have the highest significance in the country. The Obama Administration has voted not to fund the program in 2011.)
- When would the stabilization project start? (The documents on Phase I should be presented to the Council for a decision in May. The building has deteriorated over the years the City has owned it, and the more it deteriorates the more difficult the stabilization process would be.)
- How old are the 2 x 4's that the building is constructed of? (Some are the original construction. The Quakers did some renovations to the foundation, but did not excavate far enough to put in footings.)
- Would the studs have to be brought up to code? (Yes. The new structure would be modern and exposed.)
- What would utilizing the prevailing wage cost? (It would add 20% to 40% to the cost of the job.)
- Has the Landmarks Committee ever looked at the other school house building in the area? (There has been discussion about creating an historic district. The consent of the owner is needed to landmark a structure in Rye. To create an historic district would require the consent of every owner in the district.)

Members of the audience commenting included *Sherry Jordan, Director of the Rye Historical Society; Caroline Cunningham, 18 Soundview Avenue; Sid Burke, 40 Milton Road; Ann Stillman, President of the Save the Bird Homestead and Eugene McGuire, Kirby Lane.* Their comments included:

- The Council should consider restoring this significant historic structure.
- It is very important not to lose the Meeting House. There could be many uses for the property.
- This is an important issue for preserving the character of Rye. It will take a great deal of hard work by many Rye citizens to raise funds.
- It could be a community center or gathering space for those visiting the Bird Homestead.
- There is a relationship between the Meeting House and the Bird Homestead. Part of the Meeting House property was transferred to the Society of Friends from the Bird Family.

The two properties provide a context for each other because of their similarities in period and scale.

- Rye residents are aware of the Meeting House and treasure it.

At the request of Mayor French, Interim Corporation Counsel Wilson outlined the four grants that are pending for the Bird Homestead.

1. New York State Office of Parks and Historic Preservation	\$350,000.00
2. Westchester County	\$200,000.00
3. NYS Strategic Investment Program	\$250,000.00
4. Long Island Stewardship Money	\$200,000.00

Ms. Easton also gave an update on the status of the roof repair at the main Administration Building at Rye Town Park. She said the project is going according to plan with a target deadline for completion of May 1. The project is restoring some of the structures and making the roof water tight, with the idea of obtaining a long-term tenant who could restore the building. All the tar based products are being removed and replaced with more environmentally friendly products.

Agenda items 9 and 10 were addressed simultaneously.

9. Public Hearing to amend Chapter 53, “Architectural Review” of the Code of the City of Rye by amending §53-3 “Meetings and Procedures of Board” regarding noticing requirements for applications and to rescind Chapter 68-8(G) “Building and Demolition Permits”.

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

Members of the public commenting included *Irwin Lefkowitz, 38 Oakwood Avenue; Paul Benowitz, 29 Ellsworth Street, and Nick Everett.* Their comments included:

- Is there a need for notification for the Board of Architectural Review? If someone is doing something on their property “as of right” they should not have to notify their neighbors. The notification requirements for the Board of Architectural Review should be eliminated or the City should make the notification.
- There is a need to notify abutters. They can bring important issues to the Board of Architectural Review that might have been overlooked.
- Requiring a Certificate of Mailing from the Post Office should clear up the recent issues regarding people stating they did not receive notification.
- The architectural community does not object to being the ones who do the notification.
- The applicant should do the notification because it involves them with their neighbors.

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

Council comments and questions included:

- What is new in the proposed local laws under consideration? (The purpose was to codify a Building Department process. It clarifies who is notified and the method of notification and eliminates the requirement for an affidavit. The notification area for all boards is made consistent at 300 feet as well as the number of days prior to a meeting that the notification must be made.)

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

**LOCAL LAW
CITY OF RYE NO. 3 OF 2010**

A Local law to amend Chapter 53 “Architectural Review” by amending §§ 53-3 and 53-10 of the City Code of the City of Rye and rescinding § 68-8 “Building and Demolition Permits” (G) “Notice”.

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

Section 1. Chapter 53 “Architectural Review” is hereby amended by amending Section 53-3 “Meetings and procedures of Board” as follows:

§ 53-3. Meetings and procedures of Board.

C.

Notice. An applicant for a building permit needing Board of Architectural Review approval for any project, except small projects as defined in Chapter 53, shall notify abutting property owners and property owners across the street of the application upon its filing and at least 14 days before the date of any Board of Architectural Review meeting. To facilitate notification of the public, a public notification list shall be prepared by the applicant, using the most current City of Rye Tax Maps and Tax Assessment Roll, showing the Tax Map sheet, block and lot number, the owner's name and owner's mailing address for each property as described by the rules and schedule B of the Building Department. If a property within the notification area is a multi-family dwelling, apartment building, cooperative or similar type residential structure, the applicant shall send the notice to the property owner of record. Such notices shall be mailed by first-class mail and the notice shall substantially conform to the model notice in Schedule A. The applicant must obtain a certificate of mailing for every notice mailed. All notices mailed must be sent via certified mail (no return receipt required). All certificates of mailing must be provided to the Building Department at least five (5) days prior to the public hearing.

Section 2. Repeal.

Repeal Section 68-8 "Building and Demolition Permits" (G) Notice.

Section 3. 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 4.

This local law shall take effect as of May 1, 2010.

ROLL CALL:

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

The local law was adopted by a 7-0 vote.

10. Public Hearing to amend the Code of the City of Rye Chapters and Sections: §170-6(F) "Subdivision of Land, Procedures for Tentative Approval of Preliminary Layout"; §170-7(C) "Procedures for Approval of Subdivision Plat"; §197-7 "Zoning, Site Development Plan"; §197-10 "Zoning, Uses Permitted Subject to additional Standards"; §197-81(F) "Zoning Appellate Jurisdiction of Board"; §195-5(C) "Wetlands and Watercourses, Public Hearings and Public Notification by Applicant"; §196-15 "Wireless Communications Facilities, Public Hearings Required", regarding noticing requirements.

This agenda item was discussed simultaneously with Agenda Item 9 above.

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

**LOCAL LAW
CITY OF RYE NO. 4 OF 2010**

A Local law to amend the Code of the City of Rye Chapters and Sections: §170-6(F) "Subdivision of Land, Procedures for Tentative approval of Preliminary Layout"; §170-7(C) "Procedures for Approval of Subdivision Plat"; §197-7 "Zoning, Site Development Plan"; §197-10 "Zoning, Uses Permitted Subject to additional Standards"; §197-81(F) "Zoning Appellate Jurisdiction of Board"; §195-5(C) "Wetlands and Watercourses, Public Hearings and Public Notification by Applicant"; §196-15 "Wireless Communications Facilities, Public Hearings Required", regarding noticing requirements.

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

Section 1. Chapter 170 “Subdivision of Land” is hereby amended by amending Section 170-6 “Procedures for Tentative approval of Preliminary Layout” as follows:

§ 170-6 (F). Procedures for Tentative approval of Preliminary Layout.

F. Informal public hearing and public notification by subdivider. The Planning Commission, at its discretion, may hold an informal public hearing on the preliminary layout, particularly where the layout of the subdivision will affect adjacent properties. In the event that more than one informal public hearing is held, a fee, to be set by the City Council annually by resolution before adoption of the budget, shall be paid for each additional informal public hearing. To facilitate notification of the public, a public notification list shall be prepared by the subdivider, using the most current City of Rye Tax Maps and Tax Assessment Roll, showing the Tax Map sheet, block and lot number, the owner’s name and owner’s mailing address for each property located wholly or partially within 300 feet of the perimeter of the property that is the subject of the application. If a property on the public notification list is also listed as a cooperative or an apartment on a list entitled “Apartment List City of Rye,” maintained by the City Assessor’s office, the notice shall only be mailed to the property owner of record. When an informal public hearing is required by the Planning Commission, the subdivider shall deliver a copy of the public notice provided by the City Planner to all of the property owners contained on the public notification list and shall post a sign on the property in accordance with the following requirements:

- (1) The mailing shall be limited solely to the public notice provided to the applicant by the City Planner.
- (2) The public notice shall be mailed to all property owners by certified mail with certificate of mailing (no return receipt necessary) at a post office or official depository of the Postal Service, at least 10 days prior to the date of the public hearing.
- (3) At least five business days prior to the public hearing, the subdivider shall provide to the City Planner all certificates of mailing.
- (4) At least one week preceding the date of the public hearing at least one sign, a minimum of two feet by three feet in size and carrying a legend prescribed by the Planning Commission announcing the public hearing, shall be posted on the property. The height of the lettering on the sign shall be no less than two inches, except that the words PUBLIC NOTICE appearing at the top of the sign shall have no less than five-inch-high lettering. The sign shall be in full public view from the street and not more than 30 feet therefrom. The sign shall be removed from the property within two days after the public hearing.
- (5) In accordance with General City Law, at least five days prior to the public hearing, the City will publish a notice regarding the public hearing in the official newspaper of the City. The applicant shall be responsible for payment of all fees associated with such publication and any subsequent publication necessary.

Section 2. Chapter 170 “Subdivision of Land” is hereby amended by amending Section 170-7(C) “Procedure for Approval of Subdivision Plat” as follows:

Public hearing and public notification by subdivider. Before the Planning Commission acts on any subdivision plat, it shall hold a public hearing thereon in accordance with the General City Law. To facilitate notification of the public, a public notification list shall be prepared by the subdivider, using the most current City of Rye Tax Maps and Tax Assessment Roll, showing the Tax Map sheet, block and lot number, the owner’s name and owner’s mailing address for each property located wholly or partially within 300 feet of the perimeter of the property that is the subject of the application. If a property on the public notification list is also listed as a cooperative or an apartment on a list entitled “Apartment List City of Rye,” maintained by the City Assessor’s office, the notice shall only be mailed to the property owner of record. When an informal public hearing is required by the Planning Commission, the subdivider shall deliver a copy of the public notice provided by the City Planner to all of the property owners contained on the public notification list and shall post a sign on the property in accordance with the following requirements:

- (1) The mailing shall be limited solely to the public notice provided to the applicant by the City Planner.
- (2) The public notice shall be mailed to all property owners by certified mail with certificate of mailing (no return receipt necessary) at a post office or official depository of the Postal Service, at least 10 days prior to the date of the public hearing.
- (3) At least five business days prior to the public hearing, the subdivider shall provide to the City Planner all certificates of mailing.
- (4) At least one week preceding the date of the public hearing at least one sign, a minimum of two feet by three feet in size and carrying a legend prescribed by the Planning Commission announcing the public hearing, shall be posted on the property. The height of the lettering on the sign shall be no less than two inches, except that the words PUBLIC NOTICE appearing at the top of the sign shall have no less than five-inch-high lettering. The sign shall be in full public view from the street and not more than 30 feet therefrom. The sign shall be removed from the property within two days after the public hearing.
- (5) In accordance with General City Law, at least five days prior to the public hearing, the City will publish a notice regarding the public hearing in the official newspaper of the City. The applicant shall be responsible for payment of all fees associated with such publication and any subsequent publication necessary.

Section 3. Chapter 196-15 “Telecommunications – Public hearing required” is hereby amended by amending Section 196-15(A) “Public hearing and public notification by applicant” as follows:

§ 196-15 Public hearing required.

A.

Public hearing and public notification by applicant. Before the City Council acts on any application, it shall hold a public hearing thereon in accordance with the General City Law. To facilitate notification of the public, a public notification list shall be prepared by the applicant, using the most current City of Rye Tax Maps and Tax Assessment Roll, showing the Tax Map sheet, block and lot number, the owners name and owner's mailing address for each property located wholly or partially within 750 feet of the perimeter of the property that is the subject of the application. If a property on the public notification list is also listed as a cooperative or an apartment on a list entitled "Apartment List City of Rye," maintained by the City Assessor's office, the notice shall only be mailed to the property owner of record. When the public hearing is required by the City Council, the applicant shall deliver a copy of the public notice provided by the City Planner to all of the property owners contained on the public notification list by certified mail with certificate of mailing. The above mailing and posting notice requirements must be performed in accordance with the following requirements:

(1)

The delivery of mailing shall be limited solely to the public notice provided by the City Planner.

(2)

The public notice shall be mailed to all property owners by certified mail with certificate of mailing (no return receipt necessary) at a post office or official depository of the Postal Service, at least 10 days prior to the date of the public hearing.

(3)

At least five business days prior to the public hearing, the applicant shall provide to the City Planner all certificates of mailing.

(4)

At least one week preceding the date of the public hearing, at least one sign, a minimum of two feet by three feet in size and carrying a legend prescribed by the City Council announcing the public hearing, shall be posted on the property. The height of the lettering on the sign shall be no less than two inches, except that the words "PUBLIC NOTICE" appearing at the top of the sign shall have no less than five-inch-high lettering. The sign shall be in full public view from the street and not more than 30 feet therefrom. The sign shall be removed from the property within two days after the public hearing.

Section 4. Chapter 195-5(C) "Permit standards and procedures" is hereby amended by amending Section 195-5(C) "Public hearing and public notification by applicant" as follows:

§ 195-5(C) Public hearings and public notification by applicant.

(1)

When an activity subject to regulation under this chapter also requires Planning Commission approval pursuant to another chapter of the Code of the City of Rye, the requirements for public hearings and public notification by the applicant shall

be the same as required for the other approval. When the only other approval involves Chapter 73, Coastal Zone Management Waterfront Consistency Review, the requirements below shall apply. When an activity subject to regulation under this chapter does not also require Planning Commission approval pursuant to another chapter of the Code of the City of Rye and, in the case of Chapter 73, Coastal Zone Management Waterfront Consistency Review, before the Planning Commission acts on the application, it shall hold a public hearing. The applicant shall provide additional public notification in accordance with the public notification requirements set forth in the Planning Commission's rules and regulations adopted pursuant to this chapter. All public notifications must be mailed via certified mail with a certificate of mailing. At least five (5) days prior to the public hearing, all certificates of mailing must be turned into the Planning Commission.

(2)

Insofar as possible, any public hearing on the application shall be integrated with any public hearing required or otherwise held pursuant to any other law, including the State Environmental Quality Review Act, and only one public notice need be prepared, provided that the notice contains all of the information required for each hearing.

(3)

Any party may present evidence and testimony at the hearing. At the hearing, the applicant shall have the burden of demonstrating that the proposed activity will be in accord with the goals and policies of this chapter and the standards set forth in § 195-5D.

Section 5. Chapter 197-81 "Appellate Jurisdiction of Board" is hereby amended by amending Section 197-81(F) "Public Notification by applicant" as follows:

To facilitate public notification, the applicant shall prepare a public notification list using the most current City of Rye Tax Maps and Tax Assessment Roll, showing the Tax Map sheet, block and lot number, the owner's name and the owner's mailing address for each property located wholly or partially within 300 feet of the perimeter of the property that is the subject of the application. The applicant shall deliver a copy of the public notice provided by the City Clerk to all of the property owners contained on the public notification list by mail in accordance with the following requirements:

- (1) The mailing shall be limited solely to the public notice provided to the applicant by the City Clerk.
- (2) The public notice shall be mailed to all property owners by certified mail with certificate of mailing (no return receipt necessary) at a post office or official depository of the Postal Service, at least 10 days prior to the date of the public hearing.
- (3) At least five business days prior to the public hearing, the applicant shall provide to the City Clerk all certificates of mailing.

- (4) In accordance with General City Law, at least five days prior to the public hearing, the City will publish a notice regarding the public hearing in the official newspaper of the City. The applicant shall be responsible for payment of all fees associated with such publication and any subsequent publication necessary.

Section 6. 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 7.

This local law shall take effect as of May 1, 2010.

ROLL CALL:

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

The local law was adopted by a 7-0 vote.

11. Two appointments to the Finance Committee for a three-year term, by the Mayor with Council approval

Councilwoman Gamache made a motion, seconded by Councilwoman Parker and unanimously carried, to appoint Michael Guarnieri to the Finance Committee for a three-year term expiring on January 1, 2013.

Councilwoman Gamache made a motion, seconded by Councilwoman Parker and unanimously carried, to appoint Paula Schaefer to the Finance Committee for a three-year term expiring on January 1, 2013.

12. Designation of the Chairman of the Rye Playland Advisory Committee by the Mayor

Mayor French appointed Charles Dorn Chairman of the Rye Playland Advisory Committee for a term of one year.

13. Miscellaneous communications and reports

Councilwoman Keith reported that the Joint Board of Education/City Council Task Force walked around Milton School and Midland School to study issues raised as part of the feedback from the joint meeting with the Board of Education held in February. They will be working with

the Safe Routes Committee with a goal of bringing recommendations to the joint meeting of the City Council and Board of Education on April 10. She noted that this, along with the consultant's report on Sonn Drive, would be discussed at the Traffic and Pedestrian Safety Committee Meeting on March 11.

14. Old Business

Councilman Sack asked Interim Corporation Counsel Wilson if the signs at the Golf Course that prohibit sledding could be changed to "Sled at your own risk". Ms. Wilson said they could be changed and was preparing a memorandum for the Council on the liability issue.

Councilwoman Parker asked Ms. Wilson to comment about imposing a vacancy tax on landlords who had let their space go unrented for longer than a year. Ms. Wilson said that a tax is not permitted under New York State law, but added that there are other tools that municipalities have enacted such as creating registers for distressed properties that require a fee to register. Other communities deem any building that is vacant for more than a year a "public nuisance", which allows for action against a property owner for an unsafe building. She added that she is continuing to research what other communities have done. Ms. Parker asked Ms. Wilson to look at what the next steps would be for the "Black Bass Grill" property and property on Wainwright where the owners have not been keeping up on property taxes. Ms. Wilson said she would look into what other municipalities have done based on the authority they have to deal with distressed properties. City Manager Culross pointed out that if a property owner does not pay their taxes, the City obtains a lien against the property. Mayor French said this might be a subject for a Government Relations Committee to look into.

15. New Business

Councilwoman Keith said "Earth Hour" would be coming up on March 27th. Cities throughout the world will turn out their lights for an hour at 8:30 p.m. She referred people to the myearthhour.org website. The Environmental Advocacy Group has suggested that the City of Rye might participate. She asked if this event could be put on the agenda for the March 24th meeting. Ms. Keith also suggested speaking to the Conservation Commission/Advisory Council about working on a Sustainability Plan for the City. She also noted that the City was rated first in the County in recycling.

16. Adjournment

There being no further business to discuss, Councilwoman Keith made a motion, seconded by Councilman Sack and unanimously carried, to adjourn the meeting at 10:55 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk

