

***APPROVED MINUTES*** of the Regular Meeting of the City Council of the City of Rye held in City Hall on October 18, 2017, at 8:00 P.M.

PRESENT:

JOSEPH A. SACK Mayor  
KIRSTIN BUCCI  
EMILY HURD  
JULIE KILLIAN  
TERRENCE McCARTNEY  
RICHARD MECCA  
DANIELLE TAGGER-EPSTEIN  
Councilmembers

ABSENT:

None

The Council convened into executive session at 7:30 to discuss attorney/client matters. Councilman Mecca made a motion, seconded by Councilman McCartney to adjourn the executive session and convene to the regular meeting of the City Council at 7:30 P.M.

1. Pledge of Allegiance.

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

2. Roll Call.

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

3. General Announcements.

Mayor Sack announced that Rye resident Andy Bodnar has been organizing an effort for victims of the recent hurricanes, called the "Rock to Rebuild." A music fundraiser will be held at the Shenorock Shore Club from 1:00-5:00 P.M. on October 22, 2017. The cost is \$10 per student and \$40 for adults. Mayor Sack encouraged all to attend. He also announced that the Scare Fair will be held at Osborn School on October 28, 2017.

Councilwoman Tagger-Epstein reminded everyone that Rye Sustainability is encouraging the community to recycle wine corks during its "Put a Cork in It" program. Corks can be recycled at any of the participating restaurants on Purchase Street. Councilwoman Tagger-Epstein said that Rosemary & Vine had a record number of corks. She also announced that there will be a leaf mulching event at Rye Nature Center on November 3, 2017, and landscaping forum at the Jay Heritage Center on November 18, 2017. She also announced that on November 17, 2017, Rye Country Day School will be hosting a free Green Screen event, with a film called "Wasted" that will tackle the issue of food wastefulness.

Councilman McCartney was happy to announce that the Annual Halloween Window Painting event, held on October 15, 2017, was a success. There were over 1,000 children registered. He thanked the Women's Club of Rye for sponsoring the event. Councilman McCartney also announced that the annual Turkey Run will be held on Saturday of Thanksgiving weekend. There will be four different events to choose from and encouraged all to sign up. On the Rye Golf Club front, the Closing Scramble will take place on October 22, 2017. Councilman McCartney confirmed that the upcoming Glow Golf event is open to members only, but there will be music following the event available to anyone in attendance. Lastly, he said that there will be upcoming golf course improvement work, scheduled to begin promptly on Monday morning, October 23, 2017, continuing until Thanksgiving.

Councilwoman Killian announced that the Rye Town Park Commission will have its next meeting at Rye City Hall on Wednesday, October 25, 2017. The Commission has been working hard on securing a new restaurant for the park, and there are three finalists who have submitted proposals. Councilwoman Killian said she excited to see what happens.

Councilwoman Bucci announced that the Rye Free Reading Room would be hosting a Halloween Maze event from October 26 to October, 2017.

Councilwoman Hurd reported that on behalf of the Chamber of Commerce, there was a scarecrow-making activity at the Farmer's Market in coordination with the Halloween Window Painting. In addition, the upcoming Farmer's Market would feature a small petting zoo and Councilwoman Tagger-Epstein, who will be reading a story. Councilwoman Hurd was happy to announce that new businesses are opening in the Rye downtown area, including Wine at 5, which has opened in the old Smoke Shop storefront. She also stated that representatives of the Landmarks Committee would present to the Council on proposed landmarked areas. Councilwoman Hurd announced that the Jay Heritage Center would be celebrating its 25<sup>th</sup> anniversary with a Zebra Soiree on October 21, 2017. Councilwoman Hurd thanked Rosemary Zahringer and Wendy Roland, among others, for their role in preserving the Jay Heritage Center. She also reported that the Rye Nature Center had its annual Oktoberfest, which was a success. She asked City Manager Serrano to follow up on the latest New York Rising report. Councilwoman Hurd lastly stated that the Boat Basin held elections to fill two vacancies. Further, she said that the Boat Basin Commission was requesting an extension to keep boats in the water, as the weather has been mild this season.

City Clerk D'Andrea announced that the deadline to renew Rye Commuter Parking Permits was October 31, 2017. She then encouraged the community to take the survey at [www.ryeny.gov](http://www.ryeny.gov) concerning the new website.

8. Consideration to set a Public Hearing for November 8, 2017 to amend local law Chapter 117, Landmarks Preservation, of the Rye City Code by amending Section §117-5, "Designation of Preservation Districts or Protected Sites and Structures", Subsection E, to add (10) Protected site and structures: the Milton Cemetery, Milton Road (Section 146-18, Block 4, Lot 51), the Purdy Cemetery, Milton Road (Section 146-18, Block 4, Lot 76), and Baird Square, Boston Post Road and Milton Road, as landmarks.

Jack Zahringer and Maurio Sax, Rye Residents and Chairs of the Landmarks Committee, addressed the Council. Mr. Zahringer said that the Committee was looking to landmark the Milton Cemetery, Purdy Cemetery and Baird Square. Margot Clark-Junkins, Landmarks Committee, asked the Council to set the Public Hearing.

Mayor Sack made a motion, seconded Councilwoman Hurd and unanimously carried, to set the Public Hearing for November 8, 2017 to amend local law Chapter 117, Landmarks Preservation, of the Rye City Code by amending Section §117-5, "Designation of Preservation Districts or Protected Sites and Structures", Subsection E, to add (10) Protected site and structures: the Milton Cemetery, Milton Road (Section 146-18, Block 4, Lot 51), the Purdy Cemetery, Milton Road (Section 146-18, Block 4, Lot 76), and Baird Square, Boston Post Road and Milton Road, as landmarks.

6. Continuation of the Public Hearing to amend the Rye City Code: (a) local law Chapter 133, "Noise", by amending Section §133-4, "Points and method for measuring intensity of sound" to regulate placement and noise of telecommunication devices; (b) local law Chapter 167, "Streets and Sidewalks", to add a new 196, "Wireless Telecommunications Facilities", by amending Sections §196-3 through §196-8, §196-14, §196-17, §196-18, and §196-22 to regulate wireless facilities and structures regarding size, visual impact and permit process.

Mayor Sack made a motion, seconded by Councilman Mecca and unanimously carried, to adjourn this item to the next City Council meeting, scheduled for November 8, 2017.

7. Resolution to adopt a Final Scoping Document on the Crown Castle application pursuant to the New York State Environmental Quality Review Act (SEQRA).

Mayor Sack stated that the Public Hearing and record on this item had been closed at the last City Council meeting, but that he would be happy to hear comments.

Christine Groves, 195 Grace Church Street, asked the Council to delay voting of the draft document to perform a more thorough review of the draft. She said that the document should be made clear that all comments be made part of the SEQRA record.

Samantha Tollinchi, 7 Ellis Court, asked the Council to put off voting on the scoping document to allow additional public comment and consideration.

Mayor Sack asked Corporation Counsel Wilson if the comments from the public were considered in the scoping document draft. Corporation Counsel confirmed that 90 to 95% of public comments were included in the draft. She reminded the Council that it passed a resolution with a positive declaration in April 2017 regarding the SEQRA issue. The first step in that process was creating a scoping document. Although not required, Corporation Counsel Wilson had recommended the Council hold a public hearing due to heavy public interest. This document is essentially is a Table of Contents for the Draft Environmental Impact Statement. Approving the scoping document would allow the City to move forward with the actual environmental study.

Councilwoman Tagger-Epstein asked why it would be important to do this now. Corporation Counsel Wilson responded that the City cannot move forward with the environmental study until the scoping document is adopted.

There was general discussion over comments being incorporated into the scoping document. Councilwoman Hurd confirmed with Corporation Counsel Wilson that all comments included in the scoping document would apply to the actual application before the Council. Corporation Counsel Wilson further confirmed that the document can be made clear that it would consider each individual proposed site, as well as a cumulative noise effect.

Mayor Sack said that to recap, this has been an optional process but the Council wanted to get feedback from the public, in which 95% of comments were incorporated. Mayor Sack felt that this was a very good document that would allow the City to move forward to do the more intensive work associated with an environmental study. He thanked Corporation Counsel Wilson and the Council to getting to this point. He said that this has been a good and fair process which will continue going forward.

Councilman McCartney made a motion, seconded by Councilman Mecca, to adopt the Final Scoping Document on the Crown Castle application pursuant to the New York State Environmental Quality Review Act (SEQRA):

**FINAL SCOPING DOCUMENT FOR THE PREPARATION OF A DRAFT  
ENVIRONMENTAL IMPACT STATEMENT**

**PROPOSED ACTION:**

Crown Castle's Request To Amend the Existing Right-of-Way Use Agreement and install Approximately 64 new nodes throughout the City of Rye on Existing Utility Poles and Other City Owned Infrastructure.

**PROJECT LOCATION:**

City of Rye, New York 10580

**SEQRA CLASSIFICATION:**

Unlisted

**LEAD AGENCY AND CONTACT:**

Rye City Council  
Marcus Serrano, City Manager  
Rye City Hall  
1051 Boston Post Road  
Rye, New York 10580

**PROJECT SPONSOR/APPLICANT:**

Crown Castle NG East, LLC

Description of Proposed Action:

Crown Castle NG East, LLC (“Crown” or the “Applicant”) seeks to install an additional sixty plus DAS nodes throughout the City of Rye on existing Consolidated Edison owned utility poles and other City owned infrastructure. The proposal includes an amendment to the existing Right of Way Use Agreement (“RUA”) to allow for a different size equipment box to house ions provided by the Applicant and/or the Applicant’s wireless client. In addition to the equipment box, an antenna will be located on the top or within the “communication zone” of the utility poles/infrastructure.

SEQR Process:

The basic purposes of the State Environmental Quality Review Act (SEQR) is to incorporate the consideration of environmental facts into the existing planning, review and decision-making processes of state, regional and local government agencies at the earliest possible time. To accomplish this goal, SEQR requires a determination of whether a proposed action may have a significant impact on the environment, and if it is determined that the action may have a significant adverse impact, prepare an Environmental Impact Statement (EIS). It is not intention of SEQR that environmental factors be the sole consideration in decision-making.

The public will have an opportunity to comment on the draft environmental impact statement (the “DEIS”) and all the substantive comments will be responded to as part of the final environmental impact statement (the “FEIS”). Once the FEIS is accepted as adequate and complete, the City Council, as lead agency, will have to adopt a Findings Statement which must set forth a reasoned elaboration of its determination on the application. Please note, the Findings Statement is not the substantive approval of granting permission to construct/implement the proposed action. Any additional approvals and permits that are required must still be granted by the appropriate boards.

Draft Environmental Impact Statement Content

- Introductory Material – Cover Sheet, list of consultants, Table of Contents
- Executive Summary
- Description of Proposed Action:
  - Location and sites;
  - Project Purpose;
  - Need and Benefits – including the benefit for Rye residents and businesses and an assessment of the potential use of (or inability to use) the system for emergency purposes;
  - Project Description – including, but not limited to, specific reference to sites/properties that currently are, or are eligible for, listing as a federal, state or local designated historic site;
  - Involved Agencies and Required Approvals
- Impact Issues (described below)

Potential Impacts and Mitigation

**I. Areas of Study**

A. Noise

Existing Conditions:

- The DEIS will describe the existing noise levels in areas where no DAS nodes are located and those areas where DAS nodes are currently located.
  - A description of the sounds levels at different existing node locations in the City at different times of the day and at different temperatures;
  - A description or table of the base line ambient noise level for each proposed location (both a.m. and p.m. levels)

Potential Impacts:

- Sound levels greater than those permitted by the City of Rye City Code
  - Single, double and triple ion boxes should be analyzed as part of the description of potential impacts, including the possibility of cumulative impacts resulting from the proximity of node locations for leaf on/leaf off conditions for all four seasons and comparison to permitted levels of noise in City Code.
  - Cumulative impacts associated with future co-location of all size boxes should also be analyzed for leaf on/leaf off conditions for all four seasons.
  - Impact of topography and surrounding structures on sound travel/noise intensity.

Mitigation Measures:

- The DEIS will discuss alternative designs that include potential buffering material that can be used to mitigate the sound from the cooling fans. In addition, cooling equipment, transmission equipment and other advancements in technology should be included as potential mitigation factors.

B. Aesthetic Impacts

Existing Conditions:

- Description of existing visual conditions throughout the City of Rye. Existing conditions will be documented using captioned photographs and an accompanying map.

Potential Impacts:

- Description and analysis of the infrastructure within the surrounding residential context and description of any change in the visual character of the area as a result of the project. This analysis will include photographs and graphic depictions showing the proposed deployments from various vantage points (street view and adjoining property), possible use of balloon tests for visual impact comparison and leaf-on/leaf-off conditions/each of the four seasons.
- Description of the new equipment, illustrating the potential height, design and overall size of the infrastructure.

- Pictorial analysis of nodes, potential co-location, and all other pole “furniture” shall be included (e.g., transmission boxes, LED lights, utility wiring) for each of the proposed locations in leaf-on/leaf off conditions/each of the four seasons.

Mitigation Measures:

- Description of measures undertaken to mitigate impacts to residential neighborhoods, historical properties and other areas of public interest (parks, schools, placement on municipal property, etc.). Discussion will include use of different architectural features, color, materials, stealth concealment techniques, etc.

C. Community Character

Existing Conditions:

- Inventory of existing land uses throughout the various areas of the City and a description of the character of the surrounding community at each potential site.

Potential Impacts:

- Description of the compatibility of the proposed development with adjacent land uses and the effect of the project on the general land use pattern and community character at each potential site within the study area.
- Consideration of the impacts during all four seasons should also be considered.
- Discussion of updated/new Comprehensive Plan.

Mitigation Measures:

- Discussion of any possible measures to mask the appearance of the infrastructure including architectural features, scale, color and use of materials.

D. Construction

- Description of extent of construction activities, including overall schedule, equipment that would be used to install infrastructure.
  - Estimate of installation time for equipment at each site.
  - Discussion of possible construction limitations during peak days/hours and proximity to sensitive locations (schools, religious institutions, etc.)

E. Socioeconomic Impacts/ Conditions

Existing Conditions:

- Describe the existing demographic and economic conditions that currently exist in the City site by site. Include the current real property valuation.

Potential Impacts

- Provide expanded information on the impact on property values for residential properties.

Mitigation Measures

- Describe any mitigation measures to address any negative economic impact on the neighborhood or specific residential properties

**II. Alternatives**

SEQRA mandates that environmental impact statements analyze a “range of reasonable alternatives,” including the No Action alternative, to a proposed action that are feasible, considering the objectives and capabilities of the project sponsor (6 NYCRR Part 6717.9(5)(v)).

The alternatives analysis section of the DEIS will examine a number of alternatives for the deployment of DAS, small cells, macro sites (roof top sites and towers) and other forms of infrastructure to provide capacity and coverage of wireless service within the City of Rye. Specifically, the DEIS will examine the following alternatives:

- A. No Action – no new deployments of any infrastructure takes place.
  
- B. DAS – Plan A deployment as submitted by Crown – with single, double and triple ion equipment boxes and any additional associated equipment.
  - a. With Co-Location impacts, including aggregation of impacts from equipment and any additional associated equipment
  
- C. DAS – Plan B deployment as submitted by Crown – with single, double and triple ion equipment boxes and any additional associated equipment.
  - a. With Co-Location impacts, including aggregation of impacts from equipment and any additional associated equipment
  
- D. DAS – Plan C deployment as submitted by Crown – with single, double and triple ion equipment boxes, including aggregation of impacts from equipment and any additional associated equipment.
  - a. With Co-Location impacts
  
- E. Single monopole alternatives (100’ or taller)
  - Publicly owned land
    - Disbrow Park
    - Rye Golf Club
    - Other municipally owned land (possible MTA location)
  
- F. Macro-site alternatives –
  - Publicly owned structures (roof top)
  - Privately owned structures (roof top)

- G. Stealth monopole alternatives (less than 100') – including scale and architectural designs (flag pole, spire, or other architectural feature)
- H. Stealth monopole alternatives (less than 70') - – including scale and architectural designs (flag pole, spire, or other architectural feature)
- I. Other alternatives: Alternatives consistent with the tariff under which Crown or its customers for which it is building the facilities claims status under New York law, which alternatives would be deemed sufficient if they show the coverage that could be obtained through placement of facilities at: the proposed monopole at the Rye MTA station.
- J. Other alternatives developed during environmental review process

**III. Mitigation**

This section will include a summary of all proposed mitigation for significant impacts identified in the DEIS. Because these measures, if practicable, will become part of the Proposed Action, their formulation and analysis of their effectiveness will be undertaken in coordination with the lead agency, if necessary. Any mitigation measure which the Applicant will not either undertake directly or fund should be clearly identified as such.

**IV. Unavoidable Adverse Impacts**

Significant adverse environmental impacts identified in the DEIS that cannot be mitigated will be designated as unavoidable environmental impacts and summarized in this section. Such impacts may be either short-term or long-term in nature.

**V. Additional Impact Evaluations/Cumulative Impacts**

The DEIS will include analyses of additional potential effects of the Proposed Action on:

- Growth Inducing and Cumulative Aspects – potential impacts related to the growth of the infrastructure in physical dimension and number. This analysis will include how these facilities can expand under the Telecommunications Act without any further approval or review from the City.

**VI. Appendices to Accompany DEIS**

The following elements will be included in the Appendices to the DEIS

All SEQRA documentation – including, but not limited to, all written submissions to the City of Rye during the review of the application, including a video of the public meetings, and all oral and written comments received during public hearings on the draft scoping document.

References

Maps

Studies

Reports

**ROLL CALL**

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian, McCartney, Mecca and  
Tagger-Epstein  
NAYS: None  
ABSENT: None

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

Greg Gavlick, Boat Basin Commission, asked the City council to approve the deadline extension at the Rye Marina to take the boats out of the water to December 1, 2017. Penalties would not be enforced for those wishing to keep their boats in the water until after that date.

Mayor Sack made a motion, seconded by Councilman McCartney and unanimously carried, to amend the 2017 Adopted Fees and Charges for the Rye Boat Basin Enterprise Fund, extending the deadline to remove boats from the water to December 1, 2017.

Mr. Gavlick read a letter into the record concerning the longevity and maintenance of the Boat Basin. The letter discussed funding for capital projects, repairs and dredging.

Mayor Sack stated that the Golf Club and Boat Basin are both run on enterprise funds, sustained by membership dues instead of taxpayer funds. There was discussion about meeting in the future at a public workshop so that an enterprise fund model could be continued.

Hurd suggested that the Council create a committee on Boat Basin issues, as more residents have become involved with the future of the Boat Basin operations.

Mayor Sack recommended that the Commission submit a proposal so that a public workshop could be scheduled. Councilwoman Killian asked that neighbors of the Boat Basin be noticed of any future workshop.

Councilwoman Tagger-Epstein expressed concern over longevity and maintenance with the current funds available to the Boat Basin.

Mr. Gavlick confirmed that the Commission would have a proposal together at the next Boat Basin Commission meeting.

Michael Rollman 151 Purchase Street, expressed concern over the condition of the building located at 151 Purchase Street. He explained that there had been a fire that occurred in the summer of 2017, and there were still outstanding issues regarding safety covered under City Code and the Property Maintenance Code. He reported that the roof is in disrepair and the apartments have not been repaired, resulting in mold growing. He said he had seen animals and insects in the building due to the hole in the roof. He said that the basement windows and back door to the building has been left open. He asked the City to formally step in and help the situation, as the landlord has not fixed the issue.

Corporation Counsel Wilson reported that the landlords have been in City Court pursuant to City Code violations issued to them for the building disrepair. She stated that the landlords are required to put money aside in escrow and show that the building is safe. Further, she said that they were due in court on October 19, 2017, and that the landlord's attorney was to bring an electrical inspector to perform the work. Corporation Counsel Wilson thanked Mr. Rollman for his comments and update.

4. Draft unapproved minutes of the special meeting of the City Council held September 28, 2017 and the regular meeting of the City Council held October 4, 2017.

Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried, to adopt the minutes of the special meeting of the City Council held September 28, 2017 and the regular meeting of the City Council held October 4, 2017.

5. Issues Update/Old Business.

Councilman McCartney reported on the Recreation Commission and the recent Disbrow Park Master Plan issues. He stated that the Commission met and discussed the various options proposed by the City's consultant, Stantec. While the Commission is still in discussion and not prepared to give a formal recommendation to the Council at this time, the consensus is they favor the options in which DPW remains in Disbrow Park. He then stated that on the Thruway property issues, he has approached Rye Country Day School about the shared use agreement required in the legislation. A response will likely be forthcoming after the Rye Country Day School Board meets, which will be in November.

There was discussion of the Council concerning correspondence between the City and Rye Country Day School.

10. Resolution to transfer \$80,000 from the Contingency account to the Assessor Appraiser and Legal Services accounts to fund small claims assessment review (SCAR) proceedings.  
Roll Call.

City Manager Serrano stated that since the last City Council meeting, there had been discussion with the City Assessor about possible risk without an appraiser's services. He stated that there are several risky and complex properties that would require further analysis, aside from the fact that the volume of petitions has doubled in the last year. It had been the sense of the City that utilizing extra services would help with a strong defense.

Corporation Counsel Wilson stated that if this item was approved, her firm would be overseeing the process. There was discussion over the appraiser's roles, doing work in the field and possibly testifying in court.

Mayor Sack made a motion, seconded by Councilwoman Bucci, to transfer \$80,000 from the Contingency account to the Assessor Appraiser and Legal Services accounts to fund small claims assessment review (SCAR) proceedings.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian, McCartney, Mecca and  
Tagger-Epstein  
NAYS: None  
ABSENT: None

11. Resolution to authorize expenditure of police donation funds for the purchase of police boots or shoes.  
Roll Call.

City Manager Serrano stated that the Police Department received some donations, and the Council is required to approve the expenditure of these donations. The Department has reported that it is in need of police boots and shoes.

Mayor Sack made a motion, seconded by Councilman McCartney, to adopt the following resolution:

**WHEREAS**, the City Manager and the Commissioner of Public Safety have approved a request of the Rye Police Association (“RPA”) dated October 2, 2017 to purchase dress boots/shoes in the amount of \$4,200 for the Rye Police Department with funds available in the police donations account, and,

**WHEREAS**, sufficient funds exist in the police donations account to comply with the aforementioned request of the RPA; now therefore be it,

**RESOLVED**, that the City Comptroller is authorized to transfer \$4,200.00 from the police donations account to increase 2017 General Fund appropriations for Police uniforms.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian, McCartney, Mecca and  
Tagger-Epstein  
NAYS: None  
ABSENT: None

12. Miscellaneous communications and reports.  
Nothing was discussed under this agenda item.
13. New Business.

Nothing was discussed under this agenda item.

14. Adjournment.

There being no further business to discuss, at 9:49 P.M., Councilman Mecca made a motion, seconded by Councilwoman Killian, to adjourn the regular meeting of the City Council.

Respectfully submitted,

Carolyn E. D'Andrea  
City Clerk