

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Frank J. Culross, City Manager

SUBJECT: Enclosures - Council Packet

DATE: September 18, 2009

Enclosed with this memorandum are the following items:

- 9-13 Memorandum from Police Commissioner William R. Connors dated September 15, 2009 regarding the Westchester Triathlon scheduled for Sunday, September 27, 2009.
- 9-14 Invitation to the Mayor and City Council to attend the Annual Inspection of the Rye Fire Department on Thursday, October 1, 2009.
- 9-15 Litigation Update from the Corporation Counsel dated September 18, 2009.
- 9-16 Minutes of the Board of Appeals meeting held on July 16, 2009.
- 9-17 Minutes of the Board of Appeals meeting held on September 10, 2009.
- 9-18 Meeting notice for the week of September 21, 2009.

FJC/emmm  
Encs.



William R. Connors  
Police Commissioner

## POLICE DEPARTMENT

City of Rye, New York

21 McCullough Place

Rye, N. Y. 10580

Phone: (914) 967-1234

FAX: (914) 967-8341



# Received

SEP 16 2009

City Manager's Office  
Rye, New York

September 15, 2009

Memorandum for: Frank J. Culross, City Manager

Subject: **REVERSE 911 MESSAGE RE: TRIATHLON**

Attached is the text of a Reverse 911 message I plan to have transmitted to advise residents of the Westchester Triathlon, scheduled for Sunday, September 27, 2009. I anticipate broadcasting the message on or about Thursday, September 24<sup>th</sup>.

I have also attached a copy of an announcement regarding the same subject which I have requested to be posted on the City's website and on Rye TV.

Submitted for your information.

A handwritten signature in black ink, appearing to read "William R. Connors".

WRC/wrc

William R. Connors  
Police Commissioner

cc: Lt. Falk

**REVERSE 911 MESSAGE – TRIATHLON 2009**

This is the City of Rye Police Department calling via the Reverse 911 system with a traffic advisory. The Westchester County Triathlon will be held on Sunday, September 27th, beginning at 7:30 AM and ending around noon. The event starts and ends at Rye Town Park. Although the course of the bicycle and running events will remain open to traffic, some temporary detours and intermittent street closings may be necessary, particularly in the vicinity of Forest Avenue, Grace Church Street, Playland Parkway, and Milton Point. Please allow extra travel time and use caution for runners and bikers in the roadway. Thank you.

**WESTCHESTER TRIATHLON – SEPTEMBER 27, 2009**

The Westchester County Triathlon will be held on Sunday, September 27th, beginning at 7:30 AM and ending around noon. The event starts and ends at Rye Town Park. Although the course of the bicycle and running events will remain open to traffic, some temporary detours and intermittent street closings may be necessary, particularly in the vicinity of Forest Avenue, Grace Church Street, Playland Parkway, and Milton Point. Please allow extra travel time and use caution for runners and bikers in the roadway. Thank you.



## **RYE FIRE DEPARTMENT**

**Locust Avenue**

**Rye, New York 10580**

**Chief**

**George Hogben**

**Peter Cotter**

**1<sup>st</sup> Assistant**

**Anthony Scarfone Jr.**

**2<sup>nd</sup> Assistant**

**You are cordially invited to attend**

**The Annual Inspection of**

**The Rye Fire Department**

**October 1<sup>st</sup> 2009**

**6pm Fire Headquarters**

**Dinner to follow at**

**The American Yacht Club**

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Rye City Council  
FROM: Kevin J. Plunkett, Corporation Counsel  
SUBJECT: Litigation Update  
DATE: September 18, 2009

**CLAIMS**

A Notice of Claim has been filed by Linda Strauss of 76 Highfield Road, Harrison. The notice states that tires on Ms. Strauss's automobile were damaged when she drove on a section of North Street that was being prepared for repaving. The claim has been forwarded to our insurance carrier.

**LITIGATION**

**CHITTENDEN v. CITY OF RYE, et al**

On September 15, 2009, U.S. District Judge Robert P. Patterson, Jr., dismissed all remaining claims in a federal civil rights lawsuit commenced in 2006 by Officer Timothy Chittenden against the City of Rye and Police Commissioner William Connors. Those remaining claims were based on Officer Chittenden's allegations that the City and the Commissioner commenced and pursued a "frivolous" lawsuit (*Falk v. Chittenden*) seeking to disqualify Officer Chittenden's counsel in a pending Police Department disciplinary proceeding. Rejecting those claims, the Federal Judge ruled that the New York Court of Appeals' decision in *Falk v. Chittenden* "disposes of Plaintiff's remaining claims in this action. This case is therefore dismissed." (In October 2006, all of Officer Chittenden's other claims in this lawsuit had been dismissed.)

In *Falk v. Chittenden*, the New York Court of Appeals (New York State's highest Court) had also rejected Officer Chittenden's claim that the lawsuit was "frivolous" and ruled that Officer Chittenden's then-counsel had an ethical conflict in representing Officer Chittenden in the pending disciplinary proceeding because that counsel also represented Lt. Robert Falk who had brought the disciplinary charges against Officer Chittenden.

Following the ruling in *Falk v. Chittenden* in June 2008, the Rye Police Department has attempted to schedule the hearing on the disciplinary charges, but that hearing has been postponed due to Officer Chittenden's repeated requests for adjournments for a variety of reasons. The Hearing Officer has set a final date for the hearing which will proceed on September 22, 2009.

**COLALUCCI v. VILLAGE OF RYE BROOK, et al**

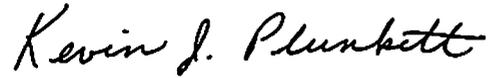
The Motion for an Injunction in the Appellate Division, Second Department has been served and filed. It is scheduled to be submitted for a decision by the Appellate Division on October 9, 2009. You will recall that the Injunction seeks to put a hold on the site work being done by the developer on Bowman Avenue pending the outcome of the appeal of Judge

Bellantoni's Decision on the Article 78 Petition commenced by certain homeowners in Indian Village and the City of Rye.

**CITY COURT**

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kevin J. Plunkett  
Corporation Counsel

KJP/dfn

MINUTES of the regular meeting of the  
Board of Appeals of the City of Rye held in City  
Hall on July 16, 2009 at 8:00 P.M.

PRESENT: ALAN WEIL, CHAIR  
SCOTT BEECHERT  
SERGE NIVELLE  
ANTHONY PISCIONERE  
MAUREEN POWERS  
ALAN WIENER

ABSENT: Ms. Mitchel

Andrew Ball, City Council Liaison, (Present)  
Vincent Tamburro, Building Inspector (Present)

The following application was postponed to the September 10, 2009 meeting:

#00-50 Modified  
Anthony Russo  
110 Oakland Beach Ave.  
153.06-3-30

The following applications were adjourned to the September 10, 2009 meeting:

#09-26  
22 Locust Ave. LLC  
22 Locust Ave.  
146.07-2-10

##09-35  
Andrew Dellipaoli  
110 Glen Oaks Dr.  
146.17-1-47

#09-38  
John Fallon  
122-124 North St.  
146.10-2-48

The following applications were heard at this hearing and a decision was rendered:

#09-28  
Maria Corsaro  
4 Dearborn Ave.  
153.07-2-20

In accordance with the Findings and Decision proposed by Mr. Weil, seconded by Mr. Beechert, the Board voted to adopt the Findings and Decision by the following vote:

**ROLL CALL:**

**AYES:** Mr. Beechert, Mrs. Powers, Mr. Wiener, Mr. Weil  
**NAYS:** Mr. Piscionere and Mr. Nivelle  
**ABSENT:** Ms. Mitchel

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#09-29  
Robert Peterson  
25 Onondaga St.  
139.19-1-46

In accordance with the Findings and Decision proposed by Mr. Nivelle, seconded by Mr. Wiener, the Board voted to adopt the Findings and Decision by the following vote:

**ROLL CALL:**

**AYES:** Mr. Beechert, Mr. Nivelle, Mr. Piscionere, Mrs. Powers, Mr. Wiener, Mr. Weil  
**NAYS:** None  
**ABSENT:** Ms. Mitchel

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#09-34  
Purchase Street Realty  
220-224 Purchase St.  
139.3-44 & 45

In accordance with the Findings and Decision proposed by Mr. Piscionere, seconded by Mr. Weil, the Board voted to adopt the Findings and Decision because the requested use of the space as a Pilates studio fits within the definition of a retail use under the Rye City Code, by the following vote:

**ROLL CALL:**

**AYES:** Mr. Beechert, Mr. Nivelle, Mr. Piscionere, Mrs. Powers, Mr. Wiener, Mr. Weil  
**NAYS:** None  
**ABSENT:** Ms. Mitchel

#09-36  
David Reno  
44 Grace Church St.  
146.11-2-1

In accordance with the Findings and Decision proposed by Mr. Nivelles, seconded by Mr. Piscionere, the Board voted to grant the relief requested

The Findings and Decision were adopted by the following vote:

**ROLL CALL:**

AYES: Mr. Beechert, Mr. Nivelles, Mr. Piscionere, Mrs. Powers, Mr. Wiener, Mr. Weil  
NAYS: None  
ABSENT: Ms. Mitchel

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#09-37  
Paul & Carol Tillotson  
31 Ormond Pl.  
153.7-1-55

In accordance with the Findings and Decision proposed by Mr. Wiener, seconded by Mr. Nivelles, the Board voted to adopt the Findings and Decision by the following vote:

**ROLL CALL:**

AYES: Mr. Beechert, Mr. Nivelles, Mr. Piscionere, Mrs. Powers, Mr. Wiener, Mr. Weil  
NAYS: None  
ABSENT: Ms. Mitchel

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#09-39  
Duen Li Kao  
Theresa McQuade Kao  
45 Fairway Ave.  
153.11-2-51

In accordance with the Findings and Decision proposed by Mr. Wiener, seconded by Mrs. Powers, the Board voted to adopt the Findings and Decision by the following vote:

ROLL CALL:

AYES: Mr. Beechert, Mr. Nivelles, Mr. Piscione, Mrs. Powers, Mr. Wiener, Mr. Weil  
NAYS:  
ABSENT: Ms. Mitchell

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#09-40  
Henrik & Rebecca Strabo  
387 Forest Ave.  
146.19-3-01

In accordance with the Findings and Decision proposed by Mr. Piscione, seconded by Mrs. Powers, the Board voted to adopt the Findings and Decision by the following vote:

ROLL CALL:

AYES: Mr. Beechert, Mr. Nivelles, Mr. Piscione, Mrs. Powers, Mr. Wiener, Mr. Weil  
NAYS:  
ABSENT: Ms. Mitchell

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#09-41  
Becker Estate  
30 Fairway Ave.  
153.11-1-63

In accordance with the Findings and Decision proposed by Mr. Piscione, seconded by Mr. Powers, the Board voted to adopt the Findings and Decision by the following vote:

ROLL CALL:

AYES: Mr. Beechert, Mr. Nivelles, Mr. Piscione, Mrs. Powers, Mr. Wiener, Mr. Weil  
NAYS:  
ABSENT: Ms. Mitchell

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#09-42  
Alberto Brizio  
Rosanna Pezzo  
17 Griffon Pl.  
153.06-3-28

In accordance with the Findings and Decision proposed by Mr. Piscionere, seconded by Mr. Weil, the Board voted to adopt the Findings and Decision by the following vote:

**ROLL CALL:**

**AYES:** Mr. Beechert, Mr. Nivelles, Mr. Piscionere, Mrs. Powers, Mr. Wiener, Mr. Weil

**NAYS:**

**ABSENT:** Ms. Mitchell

Legal notice pertaining to the above stated public hearings was published in the City's official newspapers and notice of said public hearings was mailed to the owners of property in the immediate vicinity of the property of the petitioners.

Said Findings and Decisions, which will be filed with the respective applications, are made a part of these minutes, representing the majority vote of the members of the Board present.

Dawn F. Nodarse  
Secretary,  
Board of Appeals

**TO:** Christian K. Miller, City Planner, e-mail  
Vincenzo Tamburro, Building Inspector, e-mail  
Noreen P. Whitty, City Assessor e-mail

MINUTES of the regular meeting of the  
Board of Appeals of the City of Rye held in City  
Hall on September 10, 2009 at 8:00 P.M.

PRESENT: ALAN WEIL, CHAIR  
SCOTT BEECHERT  
TAMARA MITCHEL  
SERGE NIVELLE  
ANTHONY PISCIONERE  
MAUREEN POWERS  
ALAN WIENER

ABSENT: Scott Beechert, Alan Wiener

Andrew Ball, City Council Liaison, (Present)  
Vincent Tamburro, Building Inspector (Present)

The following applications were adjourned to the October 15, 2009 meeting:

#09-26  
22 Locust Ave, LLC  
22 Locust Ave.  
146.07-2-10

#09-35  
Andrew Dellipaoli  
110 Glen Oaks Dr.  
146.17-1-47 (adjourned by  
attorney

#09-38  
John Fallon  
122-124 North St.  
146.10-2-48

#09-48  
David Buckley  
31 Everett Ave.  
153.11-1-10

The following applications were heard at this hearing and a decision was rendered:

#00-50 Modified  
Anthony & Karen Russo  
110 Oakland Beach Avé.  
153.10-3-30

In accordance with the Findings and Decision proposed by Mr. Piscionere, seconded by Mr. Weil, the Board voted to adopt the Findings and Decision by the following vote:

ROLL CALL:

AYES: Ms. Mitchel, Mr. Nivelles, Mr. Piscione, Mrs. Powers, Mr. Weil  
NAYS: None  
ABSENT: Mr. Beechert, Mr. Wiener

#09-44  
Adam Bozek  
8 Hayward Pl.  
146.19-6-62

In accordance with the Findings and Decision proposed by Mr. Weil, seconded by Mr. Piscione, the Board voted to adopt the Findings and Decision by the following vote:

ROLL CALL:

AYES: Ms. Mitchel, Mr. Nivelles, Mr. Piscione, Mrs. Powers, Mr. Weil  
NAYS: None  
ABSENT: Mr. Beechert, Mr. Wiener

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#09-45  
Frank Metzger  
16 Norman Dr.  
152.16-1-39

In accordance with the Findings and Decision proposed by Mr. Nivelles, seconded by Mr. Piscione, the Board voted to adopt the Findings and Decision by the following vote:

ROLL CALL:

AYES: Ms. Mitchel, Mr. Nivelles, Mr. Piscione, Mrs. Powers, Mr. Weil  
NAYS: None  
ABSENT: Mr. Beechert, Mr. Wiener

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#09-46  
Anthony Lombardo  
21 Hill St.  
146.19-6-75

In accordance with the Findings and Decision proposed by Mr. Piscione, seconded by Mr. Weil, the Board voted to adopt the Findings and Decision by the following vote:

**ROLL CALL:**

**AYES:** Ms. Mitchel, Mr. Nivelles, Mr. Piscionere, Mrs. Powers, Mr. Weil  
**NAYS:** None  
**ABSENT:** Mr. Beechert, Mr. Wiener

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#09-47  
Mark Rice  
19 Helen Ave.  
153.6-3-69

In accordance with the Findings and Decision proposed by Mr. Weil, seconded by Mr. Piscionere, the Board voted to adopt the Findings and Decision by the following vote:

**ROLL CALL:**

**AYES:** Ms. Mitchel, Mr. Nivelles, Mr. Piscionere, Mrs. Powers, Mr. Weil  
**NAYS:** None  
**ABSENT:** Mr. Beechert, Mr. Wiener

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#09-49  
David Mayo  
30 Lindbergh Ave.  
153.06-2-38

In accordance with the Findings and Decision proposed by Mr. Piscionere, seconded by Mr. Weil, the Board voted to adopt the Findings and Decision by the following vote:

**ROLL CALL:**

**AYES:** Ms. Mitchel, Mr. Nivelles, Mr. Piscionere, Mrs. Powers, Mr. Weil  
**NAYS:** None  
**ABSENT:** Mr. Beechert, Mr. Wiener

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#09-50  
John Franco  
41 Crescent Ave.  
146.18-2-58

In accordance with the Findings and Decision proposed by Mr. Weil, seconded by Mr. Piscionere, the Board voted to adopt the Findings and Decision by the following vote:

**ROLL CALL:**

**AYES:** Ms. Mitchel, Mr. Nivelles, Mr. Piscionere, Mrs. Powers, Mr. Weil

**NAYS:** None

**ABSENT:** Mr. Beechert, Mr. Wiener

Legal notice pertaining to the above stated public hearings was published in the City's official newspapers and notice of said public hearings was mailed to the owners of property in the immediate vicinity of the property of the petitioners.

Said Findings and Decisions, which will be filed with the respective applications, are made a part of these minutes, representing the majority vote of the members of the Board present.

Dawn F. Nodarse  
Secretary,  
Board of Appeals

**TO:** Christian K. Miller, City Planner, e-mail  
Vincenzo Tamburro, Building Inspector, e-mail  
Noreen P. Whitty, City Assessor e-mail

**CITY OF RYE  
MEMORANDUM**

**TO:** Department Heads  
**FROM:** City Clerk's Office  
**SUBJECT:** **Weekly Meeting Notice**  
**DATE:** September 11, 2009

Meetings scheduled to be held during the week of **September 21, 2009.**

**WEDNESDAY, SEPTEMBER 23, 2009**

*Landmarks Advisory Committee*  
8:00 P.M.  
Mayor's Conference Room

**THURSDAY, SEPTEMBER 24, 2009**

*Human Rights Commission*  
7:30 P.M.  
Mayor's Conference Room

*Boat Basin Commission*  
7:30 P.M.  
Employee Lounge

**cc:** News Media  
Kerry Donahue