

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Frank J. Culross, City Manager

SUBJECT: Enclosures - Council Packet

DATE: December 18, 2009

Enclosed with this memorandum are the following items:

- 12-9 Minutes of the Board of Appeals meeting held on November 19, 2009.
- 12-10 Litigation Update from the Corporation Counsel dated December 18, 2009.
- 12-11 Letter from Lincoln V. Janus, Verizon Franchise Manager, dated December 16, 2009 regarding new packages and rates.
- 12-12 Meeting notice for the week of December 21, 2009.

FJC/emmm
Encs.

MINUTES of the regular meeting of the
Board of Appeals of the City of Rye held in City
Hall on November 19, 2009 at 8:00 P.M.

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

ABSENT: Mrs. Powers

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

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

The Board voted to sustain the decision of the Board of Architectural Review by denying applicant's amended Application #07.123, to construct a retaining wall 4.57 ft. (approximately) to 5.03 ft. (approximately) in height approximately 0.9 feet from the property line at its nearest point to 1.9 feet from the property line at its farthest point, by the following vote: (See Finding & Decision for complete notations)

ROLL CALL:

AYES: Mr. Beechert, Ms. Mitchel, Mr. Nivelle, Mr. Piscionere, Mr. Wiener

NAYS: Mr. Weil

ABSENT: Ms. Powers

#09-56
Emily Nashshen
36 Elizabeth St.
139.19-3-48-2

The Board voted to sustain the decision of the Building Inspector regarding the payment of the administrative fee of \$1000.00 to be paid by the applicant for building (detached garage) without a permit by the following vote: (see Finding and Decision for complete notation)

ROLL CALL:

AYES: Mr. Beechert, Ms. Mitchel, Mr. Nivelles, Mr. Piscione, Mr. Wiener
Mr. Weil

NAYS: None

ABSENT: Ms. Powers

The following applications were withdrawn by the Board:

#09-38	#09-48
John Fallon	David Buckley
122-124 North St.	31 Everett St.
146.10-2-48	153.11-1-10

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

#09-53
Elmwood Avenue Associates LLC
60 Elmwood Avenue
146.19-5-21

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

ROLL CALL:

AYES: Mr. Beechert, Ms. Mitchel, Mr. Nivelles, Mr. Piscione, Mr. Wiener
Mr. Weil

NAYS: None

ABSENT: Ms. Powers

#09-55
Alfred Eberhardt
2 Green Acres Drive
146.15-1-4

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

#09-57
Raymond Viault
10 Boulder Road
146.16-1-5

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

#09-58
John Ulicny
30 Florence Avenue
146.17-2-12

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

ROLL CALL:

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

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

TAX CERTIORARI

City Assessor Noreen Whitty has advised that settlements have been reached in the following tax certiorari proceedings:

THE IVES CONDOMINIUMS – North Street

The Ives is a 21 unit townhouse style condominium complex. The years under review were 2005-2008, when the property was assessed for \$415,340. The settlement calls for reductions in assessment ranging from 23-34%. The tax refunds due under the settlement are: \$57,858 (City); \$77,193 (County) and \$211,788 (School).

RYE CLIFF CONDOMINIUMS – 184 Purchase Street

Rye Cliff is a 16 unit garden style condominium complex. The years under review were 2006-2009, when the property was assessed for \$118,900. The settlement calls for reductions in assessment ranging from 25-28%. The tax refunds due under the settlement are: \$12,412 (City); \$16,510 (County) and \$45,591 (School).

PONDVIEW CLOS CONDOMINIUMS – 50 Pondview Road

Pondview Clos is an eight unit townhouse style condominium complex. The years under review were 2005-2009 when the assessment was \$140,300. The settlement calls for reductions in assessment ranging from 43-45%. The tax refunds due under the settlement are: \$32,164 (City); \$42,948 (County) and \$117,640 (School).

By law, condominiums must be assessed on an income basis as if rental apartments, as opposed to using actual sales, which results in a value substantially lower than the true market value. The assessment on the properties will be frozen for three years in accordance with the law. The School Board has agreed to the settlement.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,

Kevin J. Plunkett

Kevin J. Plunkett
Corporation Counsel

KJP/dfn

Lincoln V. Janus
Franchise Manager
Verizon Video



1415 W 22nd St., Tower Floor
Oak Brook, IL 60523
630-645-3801
lincoln.v.janus@verizon.com

December 16, 2009

City Manager Frank J. Culross
Rye City Hall
1051 Boston Post Road
Rye, NY 10580

Dear City Manager Culross:

This is to inform you that, effective January 17, 2010, Verizon will be introducing several new Verizon FiOS TV for Business packages. These new packages and their corresponding rates are listed in the table below. The channel lineups for the new packages will be available for viewing on Verizon's website when they are available for purchase.

FiOS TV for Business Prime HD	\$64.99
FiOS TV for Business Extreme HD	\$74.99
FiOS TV for Business Ultimate HD	\$89.99
FiOS TV Activation Fee	\$49.99
Cable Card	\$4.99

Please note that these changes do not affect the packages and rates of *existing* FiOS TV for Business customers, i.e., customers subscribing before January 17, 2010. The unaffected packages are: FiOS TV Enhanced for Business; FiOS TV Premier for Business; and the FiOS TV for tavern service. After January 17, 2010, these packages will be grandfathered and therefore no longer available to new customers. Also effective on January 17, 2010 and as a result of increased costs, the activation fee for FiOS TV for Business will rise to \$49.99 from \$29.99, and the cable card fee will rise to \$4.99 from \$3.99.

Verizon appreciates the opportunity to provide TV service in your community. We realize that our customers have other alternatives for entertainment, and Verizon's goal is to offer the best choice and value in the industry. Should you or your staff have any questions, please contact me at 630-645-3801 or email lincoln.v.janus@verizon.com.

Sincerely,

Lincoln V. Janus
Franchise Manager
Verizon Video Solutions

Lincoln V. Janus
Franchise Manager
Verizon Video



1415 W 22nd St., Tower Floor
Oak Brook, IL 60523
630-645-3801
lincoln.v.janus@verizon.com

December 16, 2009

City Manager Frank J. Culross
Rye City Hall
1051 Boston Post Road
Rye, NY 10580

Dear City Manager Culross:

This is to inform you that, effective January 17, 2010, Verizon will be introducing several new Verizon FiOS TV Plans. These new plans and their corresponding rates are listed in the table below. The channel lineups for the new packages will be available for viewing on Verizon's website when they are available for purchase.

FiOS TV Prime HD	\$64.99
FiOS TV Extreme HD	\$74.99
FiOS TV Ultimate HD	\$89.99
Cable Card	\$4.99

Please note that these changes do not affect the plans and rates of *existing* FiOS TV customers, i.e., customers subscribing before January 17, 2010. FiOS TV Premier, FiOS TV Essentials, and FiOS TV Extreme HD as offered before Jan. 17, 2010 will be grandfathered and therefore no longer available to new customers. Although Verizon will have a plan called FiOS TV Extreme HD available for new customers effective January 17, 2010, this is a completely different plan (for both programming and rates) than the grandfathered FiOS TV Extreme HD plan. Also effective on January 17, 2010 and as a result of increased costs, the cable card fee for FiOS TV will rise to \$4.99 from \$3.99.

We realize that our customers have other alternatives for entertainment and our goal is to offer the best choice and value in the industry. Verizon appreciates the opportunity to conduct business in your community. Should you or your staff have any questions, please contact me at 630-645-3801 or email lincoln.v.janus@verizon.com.

Sincerely,

Lincoln V. Janus
Franchise Manager
Verizon Video Solutions

**CITY OF RYE
MEMORANDUM**

TO: Department Heads
FROM: City Clerk's Office
SUBJECT: Weekly Meeting Notice
DATE: December 14, 2009

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

MONDAY, DECEMBER 21, 2009

Board of Architectural Review
8:00 P.M.
Council Chambers
Mayor's Conference Room

cc: News Media
Kerry Donahue