

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: December 16, 2011

Enclosed with this memorandum are the following items:

- 12-8 Notification from New York State regarding the grant award of \$250,600 to the *Committee to Save the Bird Homestead* for the rehabilitation of the Bird Homestead and the Meeting House properties.
- 12-9 Letter from City Planner Christian K. Miller dated December 14, 2011 to the Westchester County Department of Planning regarding the implementation of planning and development standards.
- 12-10 Fact Sheet from Con Edison regarding the remedial investigation at the former Rye Gas Works site located at 178 Theodore Fremd Avenue.
- 12-11 Legal Department Update from the Corporation Counsel dated December 16, 2011.
- 12-12 Notice of a Rye Town Park Commission Meeting to be held on Tuesday, December 20, 2011 at 6:00 p.m. at Rye Town Hall in Port Chester.
- 12-13 Letter from Margo G. Bailey, Mayor of the Town of Chestertown, MD dated December 7, 2011 in support of the plastic bag ban instituted by the City of Rye.
- 12-14 Letter from Robert Hoch, Cablevision Director of Government Affairs, dated December 13, 2011 regarding 2012 cable rates.
- 12-15 Letter from Lincoln Janus, Verizon Communications, regarding programming changes for customers.
- 12-16 Meeting notice for the week of December 19, 2011 is available on the City website [www.ryeny.gov](http://www.ryeny.gov) under Calendar.

# New York History

Historical News and Views From The Empire State

Thursday, December 8, 2011

## History Projects Get Development Monies

*By Editorial Staff*



Governor Andrew Cuomo has announced the recipients of \$785 million in economic development funding awarded through his Regional Economic Development Council initiative, an effort designed to drive economic growth and create jobs. A number of projects with significance for New York State history were included and are listed below.

### **Westchester County**

#### *Tarrytown Music Hall Restoration (\$400,000)*

The Friends of Mozartina Musical Arts Conservatory rehabilitate and restore the Tarrytown Music Hall, a highly distinctive 1885 Queen Anne-style local, state, and federal landmark. The project will include the replacement of deteriorated foundations, restoration and repair of walls and windows, rehabilitation of the roof, and restoration of exterior soft stucco and paint finishes and interior lobby plaster and paint finishes.

#### *Bird Homestead Meeting House Rehabilitation (\$250,600)*

The Committee to Save the Bird Homestead will replace the roofs of the Bird Homestead's three buildings, make drainage systems and foundation repairs, replace the main roof and restore of the clerestory for the Meeting House. The Bird Homestead contains an 1835 Greek Revival house, a 19th-century barn and a woodworker's shop with attached henhouse and woodshed, and the project will help preserve historic structures that retain a high degree of authenticity, but suffer from long deferred maintenance.

## Mid-Hudson

Region	County	Applicant	Project Title	Description	Agency	Total CFA Award
Mid-Hudson	Westchester	Committee to Save the Bird Homestead, Inc.	Bird Homestead Meeting House Rehabilitation	The Committee to Save the Bird Homestead will replace the roofs of the Bird Homestead's three buildings, make drainage systems and foundation repairs, replace the main roof and restore of the clerestory for the Meeting House. The Bird Homestead contains an 1835 Greek Revival house, a 19th-century barn and a woodworker's shop with attached henhouse and woodshed, and the project will help preserve historic structures that retain a high degree of authenticity, but suffer from long-deferred maintenance.	OPRHP	\$250,600.00
Mid-Hudson	Westchester	Southern Westchester Board of Cooperative Educational Services	Allied Health Career Training	Southern Westchester BOCES (SWBOCES) will provide 80 unemployed workers with training in Nurse Assistant and Pharmacy Technician programs offered under the Allied Health Career Training.	DOL	\$50,000.00
Mid-Hudson	Westchester	New York Medical College	IHA Training Grant	NYMC will construct a biotech incubator (iBio) from an existing lab facility. iBio will have a shared resources facility for drug development including wet lab facilities, business formation and development assistance, equipment, and vivarium space.	ESD	\$4,000,000.00
Mid-Hudson	Westchester	Greater Centennial Community Development Corp.	Zion Court	Rehabilitation of 28 family rental units and four storefronts in the City of Mt. Vernon.	HCR	\$570,507.00
Mid-Hudson	Westchester	New Rochelle Business Improvement District	New Rochelle BID Main Street 2011	Rehabilitate and revitalize 54 commercial units in 20 mixed-use buildings in the City of New Rochelle.	HCR	\$500,000.00
Mid-Hudson	Westchester	Housing Action Council	Townhomes at Cockren Commons	New construction of 10 single-family townhouse condominiums in the Hamlet of Armonk within the town of North Castle.	HCR	\$400,000.00
Mid-Hudson	Westchester	Housing Action Council	HAC NYS AHC 445 North State Road Project	New construction of 14 residential condominium units in a mixed-use development containing four office spaces in the Village of Briarcliff Manor within the Town of Ossining.	HCR	\$560,000.00
Mid-Hudson	Westchester	Village of Sleepy Hollow	Horsemans Pier	The Village of Sleepy Hollow will study the rehabilitation of the former industrial pier at the Castle Oil waterfront site for public recreational use, and will prepare schematic designs and cost estimates.	DOS	\$37,000.00
Mid-Hudson	Westchester	City of Mount Vernon	Hutchinson River Revitalization Plan	The City of Mount Vernon will prepare a Hutchinson River Revitalization Plan to establish regional strategies for community and waterfront revitalization, and include preliminary planning for watershed management and a water trail.	DOS	\$92,937.00
Mid-Hudson	Westchester	Village of Dobbs Ferry	Waterfront Park Fishing Pier	The Village of Dobbs Ferry will design and construct a fishing pier at Waterfront Park, which will include features for small watercraft tie-up.	DOS	\$322,000.00
Mid-Hudson	Westchester	Village of Ossining	Harbor Square Promenade Park	The Village of Ossining will construct Harbor Square Promenade Park, a 1.6 acre park with 850 linear feet of Hudson River shoreline. The public park will be located adjacent to an approved \$100 million mixed-use waterfront redevelopment to include walkways, benches, lighting, fencing, a kayak launch, public art, and beach and lawn areas.	DOS	\$485,000.00

Christian K. Miller, AICP  
City Planner  
1051 Boston Post Road  
Rye, New York 10580



Tel: (914) 967-7167  
Fax: (914) 967-7185  
E-mail: [cmiller@ryeny.gov](mailto:cmiller@ryeny.gov)  
<http://www.ryeny.gov>

**CITY OF RYE**  
**Department of Planning**

**VIA EMAIL**

December 14, 2011

Robert Doscher  
Westchester County Department of Planning  
White Plains, New York 10601-4704

**Subject: Implementation of Westchester County Planning and Development Standards**

Dear Rob:

Thank you for your November 30, 2011 letter regarding the City's compliance with Westchester County's planning and development standards. The City proposes to implement the planning and development standards as follows:

- The City has an approved Hazard Mitigation Plan, which is available on the City's website. This requirement has therefore been satisfied.
- The City will be amending its stormwater regulations to specifically reference the following guidance documents on sustainable development, including:

"Low Impact Development Design Strategies: An Integrated Design Approach" (1999), by the Prince George's County (Maryland) Department of Environmental Resources, at: [www.epa.gov/owow/nps/lid/lidnatl.pdf](http://www.epa.gov/owow/nps/lid/lidnatl.pdf);

"Low Impact Development: Urban Design Tools" Website, by the Low Impact Development Center, at: [www.lid-stormwater.net](http://www.lid-stormwater.net);

"Polluted Runoff (Nonpoint Source Pollution): Low Impact Development (LID)" Website, by U.S. Environmental Protection Agency, at: [www.epa.gov/nps/lid](http://www.epa.gov/nps/lid).

- With respect to item 5 of the development and planning standards the City acknowledges the recommendations of the Task Force regarding the "general

Robert Doscher  
December 14, 2011  
Page 2 of 2

principals in regard to flood mitigation projects". These recommendations do not require specific amendments or adoptions of local laws by the City. It is noted that the City's existing stormwater regulations and Wetlands and Watercourses Law provide extensive regulation of impervious areas and land disturbing activities within 100 feet of "streams, lakes and other watercourses and water bodies."

- The City Engineering Department is requesting that the City not adopt the County's stormwater development standards. The concern is that the County's standards rely on the New York State Stormwater Management Design Manual, which includes specific criteria and requirements for redevelopment projects that are *less* restrictive than the City's current stormwater management requirements. As an established community most of the applications involve redevelopment of property and would potentially avoid our currently more restrictive design standards and requirements. The City requires permits for activities that result in a 300 square-foot increase in impervious area, which is much less than the 1,000 square-foot impervious standard required by the County. The City also currently requires a rainfall design for the 25-year storm event and an additional 100-year design in certain watersheds or circumstances. The County's stormwater design standards would be less effective in managing the stormwater runoff concerns of the City.

Please let me know that the City can advance the implementation of the County's planning and design standards consistent with the discussion above.

Sincerely,



Christian K. Miller, AICP  
City Planner

cc: Ed Buroughs, Commissioner  
Scott Pickup, City Manager  
Christopher Tallarini, Assistant City Engineer



In conjunction with



# Fact Sheet

December 2011

Rye Gas Works, Site No. V00571 Westchester County

## Start of Remedial Investigation

### Dear Interested Citizen:

This fact sheet is to inform you of the site characterization planned for the former Rye Gas Works site.

If you have questions or would like more information, please contact:

Jim O'Toole  
Con Edison  
511 Theodore Fremd  
Rye, NY 10580  
Toll-free (877) 602-6633

For site-related environmental questions, please contact:

Randy Whitcher  
Project Manager  
NYSDEC  
625 Broadway  
Albany, NY 12233  
(518) 402-9662

For site-related health questions, please contact:

Anthony C. Perretta  
NYSDOH  
547 River Street  
Troy, NY 12180-2216  
(518) 402-7880

## Introduction

Consolidated Edison Company of New York, Inc. (Con Edison), together with the New York State Department of Environmental Conservation (NYSDEC) and the New York State Department of Health (NYSDOH), is providing this fact sheet on activities planned for the former Rye Gas Works, a historic manufactured gas plant site. The purpose of these activities is to investigate the presence and extent of the potential contamination associated with the past manufactured gas operations at this site. The site is located at 178 Theodore Fremd Avenue in the City of Rye, Westchester County, New York. The site encompasses approximately 9 acres.

Con Edison has entered into a Voluntary Cleanup Agreement with the NYSDEC to identify, investigate and remediate, if necessary, this and other sites that were previously operated by Con Edison or its corporate predecessors as manufactured gas plants or manufactured gas holder stations.

## What are former MGPs?

Manufactured gas plants (MGPs) have a long history in New York State. The first (1826) was a small demonstration plant in New York City that produced gas from whale oil. From this arose a vast network of MGP plants designed to convert coal and oil into gas for heating, lighting and cooking.

Originally, MGP plants supplied small amounts of gas for street lighting. During the 'gaslight era' of the 1880s and 1890s, gas was widely used for lighting, heating, and cooking. Because large amounts of water were required in their production process, most MGPs were built along waterways.

Most towns in New York with populations over 5000 had at least one gas plant. To date, over 240 MGP sites have been identified in New York State. A trend toward regional consolidation in the 1930s led to the closing of MGP sites in small towns. As World War II approached, longer interstate pipelines made cheaper natural gas from the Midwest more available. Most New York MGP plants were closed by the 1950s but a few remained in operation on standby status. The last active MGP plant in New York State closed in 1972.

Byproducts of this early production process included contaminants such as tar and purifier wastes. Tar is a dark, viscous fluid with a distinctive acrid odor. Purifier wastes are materials formed during removal of other unwanted chemicals from the gas before it was sent out to customers. The substances of concern related to the MGP operations include benzene, toluene, ethylbenzene and xylene (BTEX) compounds, polycyclic aromatic hydrocarbons (PAHs), and metals.

BTEX compounds are volatile hydrocarbons found in MGP byproducts and in most petroleum products such as gasoline. Similarly, PAHs are found in MGP byproducts and in petroleum products, such as asphalt.

## Project Status and Schedule

Initial investigation activities included collection and compilation of historic information and air sampling at the Con Edison facility. Based on historical information and current conditions at the site, Con Edison performed a Site Characterization Study (SCS) that was approved by the NYSDEC and NYSDOH. The SCS included the excavation of small trenches and the installation of soil borings and monitoring wells within the Con Edison facility followed by analyses of the soil, groundwater, soil vapor and air samples. The results of the work indicated that there were MGP impacts in the soil, bedrock and groundwater under the Con Ed facility but no soil gas or indoor air impacts. The MGP impacts are mostly deep in the bedrock. Based on these results NYSDEC and NYSDOH is requiring a Remedial Investigation to determine the extent of impacts both on the Con Edison property and off-site locations where MGP impacts may have migrated. This work will include additional soil borings and bedrock wells (Figure 4-1). The work will start in December 2011 and take approximately 3 months.

## Site History and Background

The former Rye Gas Works was operated from the early 1880s until around 1926 by one of Con Edison's corporate predecessors to produce and distribute manufactured gas. It included a coal house, gas generators, exhausters, a purifying room, other structures and a 3,000,000- cubic foot gas storage holder. After the gas plant was closed, the site was used by Con Edison for natural gas storage and a service center. The 3,000,000 cubic foot gas holder was demolished in 1974.

The site has previously had environmental investigations conducted for underground storage tanks that contained oil and gasoline. Those investigations have identified soil and groundwater impacts associated with spills and leaks from those tanks.

The primary goal of the Remedial Investigation is to determine the nature and extent of potential contaminants released to the environment from the historical gas operation at the site. These operations ended more than 80 years ago. Any potential contamination released from the works is likely to be located below the ground surface. Most of the site is currently covered with either buildings or an asphalt parking lot. The area is serviced with municipal water. During the Remedial Investigation, a community health and safety plan will be implemented to ensure that the community is not exposed to any contamination that may be encountered during the investigation.

## Public Involvement

Public understanding and involvement are integral to a successful investigation and remediation program. To provide you with the most up-to-date and accurate information regarding manufactured gas plants, Con Edison has created a series of informational resources including fact sheets, a toll-free hotline, and internet content at [www.coned.com/mgp](http://www.coned.com/mgp). Information can also be found at the NYSDEC website at <http://www.dec.ny.gov/chemical/24904.html>. In addition, a Citizen Participation Plan has been developed that outlines the steps to be taken to provide for public participation in the remedial program for the site. Document repositories for site related documents have been established so that concerned citizens can review available information. The document repositories for this site are:

**Rye Free Reading Room**, 1061 Boston Post Road, Rye, NY 10580, 914-967-0480, Hours : Monday, Wednesday, Thursday, Friday and Saturday 9:30AM – 5:00PM, Tuesday Noon – 8:00PM, Sunday Noon - 4:00PM

**NYSDEC Office- Region 3**, 21 South Putt Corners Road, New Paltz, NY 12561; 845-256-3154; Hours: Monday - Friday 9:00 AM – 4:30 PM

**NYSDEC Central Office**, 625 Broadway Avenue, Albany, NY 12233-7114; 518-402-9564; Hours: Monday - Friday 9:00 AM – 4:30 PM



**CITY OF RYE  
MEMORANDUM**

**TO:** Honorable Mayor and Rye City Council  
**FROM:** Kristen K. Wilson, Corporation Counsel  
**SUBJECT:** Litigation Update  
**DATE:** December 16, 2011

**CLAIMS**

A notice of claim has been filed by Steven and Kim Abbott of 54 Harding Drive. The notice states that the Abbotts' automobile was damaged when a branch from a City tree fell on it as a result of the snow storm in October. The claim has been forwarded to our insurance carrier.

**LITIGATION**

**BEAVER SWAMP BROOK – (DEC Administrative proceeding)**

DEC staff filed a Reply to the City's Appeal of ALJ O'Connell's 2009 Issues Ruling and July 2011 Supplemental Rulings. The Town of Harrison did not file reply papers by the October 14<sup>th</sup> deadline.

**BASSETT v. CITY OF RYE**

The plaintiff has filed a notice of appeal of the decision of Judge Berliner to the Appellate Division, Second Department. The Notice of Appeal was filed within the required time after Notice of Entry was served.

**CASPI v. CITY OF RYE**

A Conference was held before Magistrate Judge Yanthis on October 27<sup>th</sup>. The discovery deadline was extended to February 24, 2012 and dates for the depositions of the individual officers have been scheduled. Defendants were notified that Plaintiff has requested the depositions of non-party police officers.

**DELLI PAOLI V. ZONING BOARD OF APPEALS**

The Board of Appeals reaffirmed the Board of Architectural Review's decision to deny the application at their May meeting.

**SHEW v. CITY OF RYE**

A Notice of Appeal to the Appellate Division, Second Department has been filed on behalf of Paul Shew seeking to overturn the Decision and Order rendered by Hon. Gerald E. Loehr in this case.

**MOLLOY v. PLANNING COMMISSION**

The Appellate Division, Second Department, has returned Petitioner/Appellant's letter request for an enlargement of time and has required Petitioner/Appellant to file a motion for such request. The Motion was filed Friday with the Appellate Division. Petitioner/Appellant is seeking additional time until January 6, 2012 to perfect her appeal.

PANETTA v. PLANNING COMMISSION

Petitioner has filed a Notice of Appeal in connection with the Decision and Order issued by Judge Colangelo on September 12<sup>th</sup>. Petitioner/Appellant has six months to perfect the appeal. Petitioner has requested a preliminary conference with the Supreme Court Judge to discuss his original petition/complaint.

RUNES v. BOARD OF ASSESSMENT REVIEW and CITY ASSESSOR

An Article 78 Petition has been filed by Richard Runes of 3 Kirby Lane North seeking to overturn the April 12, 2011 decision of the small claims hearing officer, JHO Luke M. Charde, Jr. who determined that the assessment on Mr. Runes' property was supported by the evidence put forth by the City.

HIGHLAND TENANTS' ASSOCIATION v. R.A. COHEN, et al

The petitioners' attorney has agreed to sign a stipulation of discontinuance as to the City of Rye, Westchester County and New York State in the above-referenced matter. The Stipulation was filed Tuesday in Westchester County, Supreme Court.

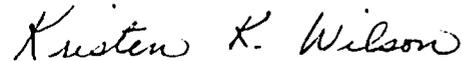
BUTLER v. PLANNING COMMISSION

An Article 78 Proceeding was commenced by Robert and Paula Butler against the City Planning Commission, Daniel Mathisson and Helene Mathisson challenging the Planning Commission's resolution which modified the subdivision map for the Forest Harbor Subdivision. The Petition alleges that: 1) the Planning Commission was without authority to modify front yard setbacks set forth on the subdivision map; 2) the resolution is in violation of Article I, Section 10, Clause 1 of the U.S. Constitution, and 3) the Planning Commission was arbitrary and capricious.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson  
Corporation Counsel

KKW/dfn



*Rye Town Park  
95 Dearborn Ave.  
Rye, NY 10580  
914 967-0965*

## **RYE TOWN PARK COMMISSION** **MEETING NOTICE**

### **Commission Members**

Joseph Carvin-President  
Douglas French, Mayor-City of Rye  
Dennis Pilla, Mayor-Village of Port Chester  
Joan Feinstein, Mayor-Village of Rye Brook  
Benedict Salanitro, Commissioner  
Joseph Sack, Commissioner

**DATE & TIME:      Tuesday, 12/20/2011@ 6:00PM**

**PLACE:                      Rye Town Hall  
                                    10 Pearl Street-3<sup>rd</sup> Floor Courtroom  
                                    Port Chester, New York 10573**

### **Tentative Agenda:**

- 1.      Roll Call**
- 2.      Pledge of Allegiance**
- 3.      Approval of Minutes: 11/15/2011**
- 4.      Comments from the Public**
- 5.      Financial & Manager's Report**
- 6.      Old Business**
  - Memorial Bench Policy**
  - Triathlon Meeting**
- 7.      New Business**

# Town of Chestertown



118 N. Cross Street, Chestertown, MD 21620  
tel: 410-778-0500 fax: 410-778-4378  
email: [office@chestertown.com](mailto:office@chestertown.com)  
url: [www.chestertown.com](http://www.chestertown.com)

Mayor  
Margo G. Bailey  
Council  
James B. Gatto  
Gibson B. Anthony  
Mabel Mumford-Pautz  
Mauritz Stetson  
Town Manager  
William S. Ingersoll

December 7, 2011

The Honorable Douglas H. French  
Rye City Hall  
1041 Boston Post Road  
Rye, NY 10580  
[dfrench@reyny.gov](mailto:dfrench@reyny.gov)

Dear Mr. French:

A number of years ago Chestertown celebrated its 300<sup>th</sup> birthday. As we all proudly patted ourselves on the back extolling our wisdom in retaining the beauty of our historic buildings something began to scratch in my brain making me vaguely uneasy. It was a while later as I was retelling the story of why Chestertown was founded that it smacked me in the face. We were founded as a river port town for the benefit of the State. As I was sitting by the river, I recalled the opening passage of Mitchner's *Chesapeake* that contained such a powerful description of the beauty of the Chesapeake watershed, when a plastic bag came floating by. I could feel a low growl starting deep in my chest and those plastic bags and I have been in a fight to the death since.

Drama aside, that was a wake-up call for many of us who soon after formed a Green Team to bring sustainability back into our Town with the hopes that our citizens would understand and join our efforts to make ourselves less dependent on non-renewable resources and also improve the quality of our natural environment.

We have worked successfully on many projects from our rain barrel and rain garden programs to our winter environmental lecture series to our current project of building a solar field for all our municipal needs. I mention these other projects to assure you that I am not a lunatic focused on only plastic bags, although Styrofoam is creeping into my view finder.

You have heard and read of all the reasons you must and should ban this invasive species of plastic. It has no natural predators so we must take the action necessary to free ourselves from this plastic invasion. My tiny community uses 4.5 million bags a year. That is crazy and so unnecessary. Life will go on without these bags as it did before 1974. We, as elected officials, are called upon to do the right thing. It may be hard and not very popular but that is our job. We must look past the moment and into the futures of our community and decide how we want our future to play out. What is it going to be? Sustainable and healthy or greedily gobbling up our resources and tossing away this planet's future.

Businesses will not close, dog droppings will be picked up, and we will get our groceries home in a more intelligent way. I urge you to join the growing number of towns that are committed to a more sustainable and viable future.

Respectfully,

  
Margo G. Bailey  
Mayor

MGB/jmm  
cc: Sara Goddard



ROBERT HOCH, DIRECTOR  
GOVERNMENT AFFAIRS  
(914) 378-4515 PHONE  
(914) 909-2123 FAX  
[RHOCH@CABLEVISION.COM](mailto:RHOCH@CABLEVISION.COM)

December 13, 2011

The Honorable Douglas French, Mayor  
City of Rye  
1051 Boston Post Road  
Rye, New York 10580-2996

Re: 2012 One-time Charge Rate Change

Dear Mayor French:

I am pleased to report that *for the ninth consecutive year Cablevision's Optimum Online high-speed Internet service and Optimum Voice digital phone service will remain at their current rates.* These top-rated products continue to win customer satisfaction awards and lead the nation in consumer acceptance.

I am also pleased to report that for *2012 our cable television programming packages and equipment charges will remain at their current rate with no increase.*

Please let this service notice that effective June 1, 2012 there will be a modest increase in "one-time charges" of \$5.00. One-time charges include service, equipment and additional outlet installations, relocations, service calls, hourly charges, and collection charges. Most customers will not be affected by this modification.

Customers are being notified of the one-time charge change through bill messaging. Customers can always find the most current rate information on Cablevision's consumer website [www.optimum.com](http://www.optimum.com).

As always, if you have any questions please feel free to call me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert Hoch". The signature is fluid and cursive, written over a light blue horizontal line.

Robert Hoch

CABLEVISION

Six Executive Plaza, Yonkers, NY 10701



Dear Municipal Official:

This is to inform you of programming-related changes to Verizon's FiOS TV service. We've just been notified by the content provider WNBC that as of January 1, 2012, the Universal Sports Channel on channel 464 will no longer be available.

We apologize for any inconvenience this may cause. Remember that you have 24/7 access to your channel lineup by visiting us online at [verizon.com/fiostvchannels](http://verizon.com/fiostvchannels).

Customers have 24/7 access to channel lineups by visiting us online at [verizon.com/fiostvchannels](http://verizon.com/fiostvchannels).

Sincerely,

Lincoln Janus  
Verizon Communications  
205 North Michigan Ave.  
Office 7018E  
Chicago, IL. 60601