

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: January 27, 2012

Enclosed with this memorandum are the following items:

- 1-17 Notice regarding a meeting being held on the Tappan Zee Hudson River Crossing Project on Thursday, March 1, 2012 from 4:00 p.m. to 9:00 p.m. at the Westchester Marriott in White Plains.
- 1-18 Legal Department Update from the Corporation Counsel dated January 27, 2012.
- 1-19 Letter from Lincoln Janus, Verizon Franchise Service Management, dated January 23, 2012 regarding programming-related changes to Verizon's FiOS TV service.
- 1-20 Meeting notice for the week of January 30, 2012 is available on the City website www.ryeny.gov under Calendar.



Tappan Zee Hudson River Crossing Project Environmental Impact Statement

Received

January 23, 2012

JAN 24 2012

City Manager's Office
Rye, New York

RE: Tappan Zee Hudson River Crossing Project –
Draft Environmental Impact Statement

Dear Interested Party:

The purpose of this letter is to advise you that the *Tappan Zee Hudson River Crossing Project Draft Environmental Impact Statement (DEIS)* is available for review. As you are aware, the Federal Highway Administration (FHWA), the New York State Department of Transportation (NYSDOT), and the New York State Thruway Authority (NYSTA) are preparing an Environmental Impact Statement (EIS) for the Project. As part of this process, a DEIS has been produced. Enclosed, you will find a Compact Disc containing the DEIS document for your consideration. The DEIS is also available at the project website: www.tzbsite.com.

The DEIS examines the potential environmental effects of proposed alternatives for the Tappan Zee Hudson River Crossing Project, and where adverse impacts are identified, it discusses measures to mitigate them. The purpose of the project is to maintain a vital link in the regional and national transportation network by providing a new Hudson River crossing between Rockland and Westchester Counties, New York, that addresses the limitations and shortcomings of the existing Tappan Zee Bridge and meets the structural, operational, safety, security, and mobility needs of the Tappan Zee Hudson River Crossing.

In October 2011, scoping meetings were held on this effort to solicit input from the public, as well as from key agencies and officials. Throughout the course of this project, the project team has used a variety of forums to engage and inform elected officials, residents, and other stakeholders about the environmental analysis.

Public hearings will be conducted shortly, to provide an opportunity to reach the public and solicit input in response to the DEIS. We encourage your participation in these hearings. The dates, times and locations for the public hearings are indicated below:

Rockland County

Tuesday, February 28, 2012
Palisades Center
4th Floor Community Rooms
1000 Palisades Center Drive
West Nyack, New York 10994
4:00—9:00 p.m.

Westchester County

Thursday, March 1, 2012
Westchester Marriott
Grand Ballroom
670 White Plains Road
Tarrytown, New York 10591
4:00—9:00 p.m.

In addition to the information available for review at the hearings, there will be a project presentation at 5:00 and repeated again at 7:00 p.m.



Based on the findings of the DEIS and the written and oral comments received during the public hearings, as well as during the DEIS document public comment period (ending on March 15, 2012), FHWA, NYSDOT and NYSTA will prepare a Final Environmental Impact Statement (FEIS). Comments received during the public comment period, including those received at the public hearings, will be addressed in the FEIS.

FHWA, NYSDOT and NYSTA invite interested individuals, organizations, and Federal, State and local agencies to comment on the DEIS. During the public comment period, the DEIS document will be available for public inspection during normal business hours at the locations on the enclosed list. In addition, the document can be downloaded from the project website at www.tzbsite.com. Comments can be submitted at any time during the public comment period. Remember, the period for submitting comments ends on March 15, 2012. There are many ways to provide comments:

- *Verbally or in writing at the public hearings listed above.*
- *Via email: tzbsite@dot.state.ny.us*
- *Via fax: 845-454-7443*
- *Via mail:*

Michael P. Anderson
Tappan Zee Hudson River Crossing Project
New York State Dept. of Transportation
4 Burnett Boulevard
Poughkeepsie, New York 12603
Telephone: 877-892-3685

If you have any questions regarding this information, please feel free to call or email us at the contact information indicated above. Thank you for your interest and participation in the Tappan Zee Hudson River Crossing Project.

Sincerely,



Michael P. Anderson, P.E.

Enclosure

List of locations where the Tappan Zee Hudson River Crossing Project Draft Environmental Impact Statement will be available in hard copy format for public inspection:

WESTCHESTER COUNTY

City of Rye
1051 Boston Post Rd
2nd Floor, Room 21
Rye, NY 10580

City of White Plains
255 Main Street, City Hall
White Plains, NY 10601

Greenberg Public Library
300 Tarrytown Road
Elmsford, NY 10523

The Warner Library
121 N Broadway
Tarrytown, NY 10591-3299

Town of Greenburgh
177 Hillside Avenue
Greenburgh, NY 10607

Town/Village of Harrison
1 Heineman Place, 1st Floor
Harrison, NY 10528

West Harrison Branch Library
2 Madison Street
West Harrison, NY 10604

Westchester County Department of Planning
432 Michaelian Office Building
148 Martine Avenue
White Plains, NY 10601

White Plains Public Library
100 Martine Avenue
White Plains, NY 10601

ALBANY

New York State Library, Cultural Education Center
222 Madison Ave., 6th Floor
Albany, NY 12230

ROCKLAND COUNTY

Nanuet Public Library
149 Church Street
Nanuet, NY 10954

Rockland County Department of Planning
50 Sanitorium Road, Building T
Pomona, NY 10970

Suffern Free Library
210 Lafayette Avenue
Suffern, NY 10901

The Nyack Library
59 South Broadway
Nyack, NY 10960

Town of Clarkstown
10 Maple Ave
Clarkstown Town Hall
New City, NY 10956

Town of Orangetown
26 W Orangeburg Road
Orangeburg, NY 10962

Town of Ramapo
237 Route 59
Suffern, NY 10901

West Nyack Free Library
65 Strawtown Road
West Nyack, NY 10994

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: January 27, 2012

TAX CERTIORARI
CARROLL v. CITY OF RYE

Post-trial briefs have been submitted and the Judge's site visit has occurred.

LITIGATION
BEAVER SWAMP BROOK – (DEC Administrative proceeding)

The City's appeal of ALJ O'Connell's 2009 Issues Ruling and July 2011 Supplemental Rulings is still pending.

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 27th. 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

Petitioner's time to perfect their appeal has expired.

PANETTA v. PLANNING COMMISSION

The Petitioner/Plaintiff filed a motion to amend the Court's Decision and Order of December 16, 2011 to reflect that those causes of action for a declaratory judgment and 42 U.S.C. sec. 1983 were severed.

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.

BUTLER v. PLANNING COMMISSION

The City served and filed the following documents: Certified Record of Proceedings; Verified Answer with Affirmative Defenses; Memo of law in opposition; and affirmation in opposition. The Petitions will have an opportunity to reply to these papers.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson
Corporation Counsel

KKW/dfn



January 23, 2012

Dear Municipal Official:

This is to inform you of programming-related changes to Verizon's FiOS TV service. On or after March 8, 2012, Bridges TV, located on channel 278, and Funimation located on 262, will be removed from the FiOS TV lineup. Please see the attached sample customer notice.

Also, on or after April 25, 2012, The Smithsonian Channel HD (currently located on ch 625) will be moving to channel 634. Please see the attached sample customer notice.

Sincerely,

Lincoln Janus
Franchise Service Management
Verizon Communications
205 North Michigan Ave.
Office 7018E
Chicago, IL. 60601
Office Phone: 312-260-3506
Cell: 847-732-0981



Message Center Notice

FiOS TV Customer:

On or after March 8, 2012, Bridges TV, located on channel 278, and Funimation located on 262, will be removed from the FiOS TV lineup. 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.



Message Center Notice

FiOS TV Customer:

On or after April 25, 2012, The Smithsonian Channel HD (currently located on ch 625) will be moving to channel 634. Remember that you have 24/7 access to your channel lineup by visiting us online at verizon.com/fiostvchannels.