

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Marcus Serrano, City Manager

SUBJECT: Enclosures - Council Packet

DATE: August 14, 2015

Enclosed with this memorandum are the following items:

- 8-5 Notice regarding a Public Hearing to be held the Port Chester Board of Trustees on August 27, 2015 and September 8, 2015 at 7:00 p.m. at the Village Justice Courtroom regarding the proposed redevelopment of the United Hospital site.
- 8-6 Legal Department Update from the Corporation Counsel dated August 14, 2015.
- 8-7 Meeting notice for the week of August 17, 2015 is available on the City website [www.ryeny.gov](http://www.ryeny.gov) under Calendar.

## PUBLIC NOTICE

A JOINT PUBLIC HEARING WILL BE HELD BY THE BOARD OF TRUSTEES OF THE VILLAGE OF PORT CHESTER ON AUGUST 27, 2015 AT 7:00 P.M. AND SEPTEMBER 8, 2015 AT 7:00 P.M. AT THE VILLAGE JUSTICE COURTROOM, 350 N. MAIN STREET, PORT CHESTER, NY TO CONSIDER A DRAFT ENVIRONMENTAL IMPACT STATEMENT PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT REGARDING THE PROPOSED REDEVELOPMENT OF 406-408 BOSTON POST ROAD AND 999 HIGH STREET AND TO CONSIDER PROPOSED AMENDMENTS TO THE VILLAGE ZONING CODE AND ZONING MAP FOR A PROPOSED OVERLAY DISTRICT ENCOMPASSING THE EXISTING CD AND PMU ZONING DISTRICTS (SECTION 142.37, BLOCK1, LOT 2; SECTION 142.45, BLOCK 1, LOTS 1,10,11,12,13,14,15,16,17,18,19,4,8,9; SECTION 142.53 BLOCK, 1, LOTS 1, 2; SECTION 142.61, BLOCK 1, LOT 2; SECTION 141.52, BLOCK 1, LOTS 2, 2.1 AND 2.4 ON THE TAX MAP OF THE TOWN OF RYE) AND THE ALTERNATIVE ZONING PROPOSAL TO AMEND THE EXISTING PMU ZONING DISTRICT (CHAPTER 345-62). APPLICANT, PC406 BPR LLC AND PC 999 HIGH STREET CORP., SEEKS REDEVELOPMENT OF THE FORMER UNITED HOSPITAL SITE AT 406-408 BOSTON POST ROAD AND 999 HIGH ST. AS A MIXED, MULTI-FAMILY RESIDENTIAL AND COMMERCIAL PROJECT ON PROPERTY KNOWN AS SECTION 141.52, BLOCK 1, LOTS 2, 2.1 AND 2.4. THE PUBLIC COMMENT PERIOD IS SCHEDULED TO CLOSE ON SEPTEMBER 25, 2015. CONTACT THE VILLAGE OF PORT CHESTER BUILDING DEPT. FOR INFORMATION, 939-5203.

INTERESTED PERSONS ARE INVITED TO ATTEND AND WILL BE AFFORDED THE OPPORTUNITY TO BE HEARD AT THIS TIME. A COPY OF THE DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROPOSED ZONING AMENDMENTS ARE AVAILABLE AT THE VILLAGE CLERK'S OFFICE, PORT CHESTER-RYE BROOK PUBLIC LIBRARY, AND ON THE VILLAGE WEBSITE: [http://www.portchesterny.com/Pages/PortChesterNY\\_Webdocs/projects](http://www.portchesterny.com/Pages/PortChesterNY_Webdocs/projects).

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Rye City Council  
FROM: Kristen K. Wilson, Corporation Counsel  
SUBJECT: Litigation Update  
DATE: August 14, 2015

**CLAIMS**

**A claim was filed by Dr. Wei-Tong Su claiming that his rear two tires and one rim were destroyed when he drove along Purchase Street in front of the Pet Pantry Warehouse.**

**TAX CERTIORARI**

**MICHAEL ROTH v. CITY OF RYE**

Petitioner has served a Notice of Verified Petition and Petition against the City of Rye challenging the Decision of J.H.O. Maher's dated February 20, 2015 which upheld the City Assessor's original assessment. Petitioner alleges that J.H.O Maher's decision is irrational. The return date is August 17, 2015.

**CARROLL v. CITY OF RYE**

The Second Department denied appellant Carroll's motion for leave to reargue or, in the alternative, for leave to appeal to the Court of Appeals.

**THE TOWN OF RYE AND THE RYE TOWN PARK COMMISSION v. THE ASSESSOR and Board of Assessment Review of the CITY OF RYE**

Oral argument took place in front of the following judges: Mastro, J.P., Skelos, Dickerson and LaSalle. We are still waiting for a decision.

**181 NEW ENGLAND SEAFOOD CORP. v. NOREEN WHITTY, et al**

I appeared at a court conference with Judge Tolbert and his law clerk on April 21, 2015. Motions for summary judgment are still pending.

**LITIGATION**

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

The DEC Commissioner rendered a decision in which he partially upheld and partially reversed the ALJ's interim decision. The DEC Commissioner upheld the ALJ's decision finding that the negative declaration was rational and based on the record before it. In addition, the Commissioner reversed the ALJ's decision and found that Harrison's application did meet the standards under the Freshwater Wetland Act.

**BOARD OF MANAGERS OF THE IVES AT RYE v. CITY OF RYE**

The City has served its Answer with Affirmative Defenses.

OMNI CONTRACTING V. CITY OF RYE

The trial has been calendared to commence in November 2015.

RVIN REYES, et al v. CITY OF RYE, RYE GOLF CLUB, RM STAFFING & EVENTS, INC., MORRIS YACHT AND BEACH CLUB, INC. and SCOTT YANDRASEVICH, Jointly and Severally

**The parties appeared before Hon. Nelson Roman. Plaintiffs anticipate making a Rule 23 motion. A motion schedule was established. Next status conference is calendared for November 20, 2015.**

GORDON and MARIA HARGRAVES v. CITY OF RYE ZONING BOARD OF APPEALS, WALTER & MARGARET NELSON, and Robert TALT

The City filed its answer and the Third Certified Record of Proceedings. Co-Respondents filed and served their answering papers.

P. STEPHEN LAMONT v. KRISTEN K. WILSON, et al

Plaintiff has requested a conference to address his request to file a Second Amended Complaint.

CHITTENDEN v. COMPAGNONE

**The non-party deposition of Sergeant Charlie Hunter took place on August 14, 2015. Additional non-party depositions and other outstanding discovery will take place over the next several weeks.**

CITY OF RYE v. TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA

The City served its Complaint on Travelers. Travelers has answered the Complaint and discovery is taking place.

NOTICE OF DANGEROUS CONDITION

The City received a copy of a "Notice of Dangerous Condition" regarding any future bow and arrow or other permitted deer hunting.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson  
Corporation Counsel

KKW/kkw