

**CITY OF RYE  
1051 BOSTON POST ROAD  
RYE, NY 10580  
AGENDA**

**REGULAR MEETING OF THE CITY COUNCIL  
Wednesday, March 27, 2019  
7:30 p.m.**

*Please Note: The Council will convene at 6:30 p.m. and it is expected they will adjourn into Executive Session at 6:31 p.m. to discuss attorney-client privileged matters, personnel matters and labor negotiations.*

1. Pledge of Allegiance.
2. Roll Call
3. General Announcements.
4. Draft unapproved minutes of the Regular Meeting of the City Council held March 13, 2019.
5. Residents may be heard on matters for Council consideration that do not appear on the Agenda.
6. Discussion of the new switchgear building at Rye Playland with Hugh Greechan, the County Public Works and Transportation Commissioner.
7. Open a Public Hearing to adopt a local law which amends Chapter 100, *Floodplain Management*, of the Rye City Code adopting a Letter of Map Revision (LOMR) to the National Flood Insurance Rate Maps for the City.
8. Consideration of a request by the Rye Chamber of Commerce for the use of City streets for the Annual Sidewalk Sale to be held on Thursday, July 25, 2019 through Saturday, July 27, 2019 from 9:00 a.m. to 5:00 p.m.
9. Consideration of a request from Sally Rogol, the superintendent of Rye Recreation, to have a food truck for Summer Camp 2019 at Rye Recreation. The City Council will have to waive § 144-8D and G of the City Code.
10. Consideration of a request from the Milton School PTO to have a food truck for the Parent Social at Rye Town Park on the evening of June 22, 2019. The City Council will have to waive § 144-8D and G of the City Code.
11. Consideration of a request by the Midland School to have two food trucks at the Midland Fair on Saturday, April 27, 2019 from 10:00a.m. to 3:00p.m. The City Council will have to waive § 144-8D and G of the City Code.
12. Consideration of a request by Dr. Eric Byrne to waive parking restrictions at the snow field lot to accommodate the Middle School Expo on April 5, 2019.

13. Appointments to Boards and Commissions, by the Mayor with Council approval.
14. Miscellaneous communications and reports.
15. Old Business/New Business.
16. Adjournment

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The next regular meeting of the City Council will be held on Wednesday, April 10, 2019 at 7:30 p.m. There will be a joint School Board and City Council meeting on Saturday, April 6, 2019 at 9:00 a.m.

\*\* City Council meetings are available live on Cablevision Channel 75, Verizon Channel 39, and on the City Website, indexed by Agenda item, at [www.ryeny.gov](http://www.ryeny.gov) under "RyeTV Live".

**The Mayor and City Council have office hours in the Mayor's Conference Room Annex at Rye City Hall, 1051 Boston Post Road. Attendance by the Mayor and Council Members will vary. The Mayor's Conference Room Annex is located on the 1<sup>st</sup> floor of City Hall adjacent to the Council Chambers. Hours are as follows:**

**Mondays 9:30 a.m. to 11:00 a.m.  
Wednesdays 9:30 a.m. to 11:00 a.m.**

***DRAFT UNAPPROVED MINUTES*** of the  
Regular Meeting of the City Council of the City of  
Rye held in City Hall on March 13, 2019, at 7:30  
P.M.

PRESENT:

JOSH COHN, Mayor  
SARA GODDARD  
EMILY HURD  
RICHARD MECCA  
BENJAMIN STACKS  
DANIELLE TAGGER-EPSTEIN  
Councilmembers

ABSENT:

JULIE SOUZA, Councilmember

The Council convened at 6:30 P.M. Councilman Mecca made a motion, seconded by Councilwoman Hurd, enter into executive session to discuss litigation and personnel matters. At 7:38 P.M., Councilman Mecca made a motion, seconded by Councilwoman Hurd, to exit executive session and commence the regular meeting of the City Council. The meeting began at 7:43 P.M.

1. Pledge of Allegiance.

Mayor Cohn called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call.

Mayor Cohn asked the City Clerk to call the roll; a quorum was present to conduct official City business.

3. General Announcements.

Mayor Cohn called attention to the passing of Lucille Ross, wife of former Mayor Warren Ross, at the age of 92.

Mayor Cohn also mentioned several issues in the state budget that pertain to municipalities. Westchester Municipal Officials Association (WMOA) and the New York State Conference of Mayors (NYCOM) have also recently focused on these issues. Firstly, the governor wants to make the tax cap permanent. Mayor Cohn said that the tax cap may at times be useful, but it can also be a challenge with the issue of capital needs. School boards are subject to a tax cap, but school boards have the ability to remove capital expenses from the tax cap. Municipalities would like this same concept to apply. Another issue that Mayor Cohn mentioned was the governor's desire to legalize marijuana. His proposal would allow cities with

populations of 100,000 people or more to opt out, or counties. For smaller municipalities such as Rye, there would not be relief without the County's involvement.

Kent Iarocci, 5 Charlotte Street, asked the City Council's position of recreational use of marijuana.

Mayor Cohn responded that there was no position as a Council. He commented that an interesting point of debate is that much of the focus on legalization focuses on racial inequities. However, a part of the debate that has not been a focus is the effect on life within municipalities.

Mr. Iarocci said that he was against the legalization.

4. Draft unapproved minutes of the Regular Meeting of the City Council held February 27, 2019.

Councilwoman Hurd made a motion, seconded by Councilman Mecca and unanimously carried, to adopt the minutes of the Regular Meeting of the City Council held February 27, 2019.

5. Residents may be heard on matters for Council consideration that do not appear on the Agenda.

Kent Iarocci, 5 Charlotte Street, discussed the recent school bond vote that did not pass in the Rye City School District.

Mayor Cohn commented that the school board that has the jurisdiction over the bond issue. The City Council does not have any say in those matters.

6. Discussion of Sidewalk Snow-clearing Responsibilities

Mayor Cohn reminded the community that it was the responsibility of the homeowners to clear the sidewalk within 24 hours of a snow event. It has been observed that those responsibilities have not been followed across the City. Mayor Cohn stated that the City will need to enforce this provision, as it is hazardous for people to traverse these walkways. He asked that people please comply and take care of their walks. The City will also be taking note of those places where people are disabled and might need assistance with their responsibilities.

Councilman Mecca asked that the enforcement mechanisms be clarified.

Corporation Counsel Wilson stated that after 24 hours after the snow event has stopped, if a property owner abutting the public way does not clear the walkway, a violation will be issued. The city could potentially take matters into its own hands and put the cost of remediation as a lien on property.

Councilwoman Tagger-Epstein said that moving forward, it would be beneficial to explore a way to compile a list with the seniors to gauge the need within the community for assistance. Mayor Cohn said that was a great idea.

Councilwoman Tagger-Epstein added that a gentleman visited her in office hours and was concerned about this item on the agenda. He works with the boy scouts who help in this situation.

Councilman Stacks asked how does enforcement actually happened. Corporation Counsel Wilson responded that it was generally complaint driven. She explained that either the police department or the City Engineer has the right under City Code deliver these violations.

Councilwoman Hurd commented that she was hearing that there is an issue near Osborn school. All the school children in that area need to travel on Boston post road. She reminded everyone that the adjacent sidewalks to the homeowners’ properties must be cleared, even if they are behind one’s home.

Councilwoman Goddard agreed with Councilwoman Tagger-Epstein’s point and suggested that there be a seasonal alert on the website, links to organizations that would be available to help clear the sidewalk.

7. Adoption of the 2019 County property tax rates.

By way of background, the City must by law collect the County taxes and remit the collected amount of the tax warrant to the County in two installments: 60% on May 25th and the balance of 40% on October 15th. The County tax rates must be adopted by the City Council in order to provide sufficient lead time for the preparation and mailing of the County tax bills, and to allow sufficient time for property owners to remit their payment within the penalty-free period (the month of May).

Councilwoman Hurd made a motion, seconded by Councilman Stacks, to adopt the following resolution:

**RESOLVED**, that the tax rates for the amounts of Westchester County, Blind Brook Sewer District, Mamaroneck Valley Sewer District and Refuse Disposal District charges for the fiscal year beginning January 1, 2019, shall be as follows:

<u>Westchester County</u>	
Levy	\$29,112,415
Taxable Assessed Value	140,042,818
Taxable Rate per \$1,000 Assessed Value	207.882242
<u>Blind Brook Sewer District</u>	
Levy	\$5,314,891
Taxable Assessed Value	141,409,481
Taxable Rate per \$1,000 Assessed Value	37.585111
<u>Mamaroneck Valley Sewer District</u>	
Levy	\$726,812
Taxable Assessed Value	19,697,359

Taxable Rate per \$1,000 Assessed Value 36.898957

Refuse Disposal District No. 1

Levy \$2,494,855  
Taxable Assessed Value 141,996,190  
Taxable Rate per \$1,000 Assessed Value 17.569873

And be it further

**RESOLVED**, that the Council does hereby certify to the City Comptroller the above stated levies and tax rates for Westchester County, Blind Brook Sewer District, Mamaroneck Valley Sewer District and Refuse Disposal District No. 1 charges, and the City Comptroller is hereby directed to apportion and extend against each taxable property listed upon the assessment roll of the City of Rye for 2019 at the rates specified, the amount of taxes required to produce the total sums certified and to render tax notices for, and receive and collect, the several sums computed and determined, and, it is further

**RESOLVED**, that the tax warrant of Westchester County be signed by the Mayor and directed to the City Comptroller to collect the amount of said taxes with interest as provided by law and any special assessment heretofore authorized and approved.

ROLL CALL

AYES: Mayor Cohn, Councilmembers Goddard, Hurd, Mecca, Stacks, Tagger-Epstein  
NAYS: None  
ABSENT: Councilwoman Souza

8. Authorization for the City Manager to engage attorney Joe R. Dichter, Esq. of Dichter Law LLC to represent the City in the proceedings before the New York Public Service Commission on the petitions of United Water Westchester to raise rates and possibly merge rates within the United Water New Rochelle district at a cost not to exceed \$25,000.  
Roll Call.

The City Manager explained that in 2014, the City retained Joe Dichter when SUEZ asked for a water rate increase. The City of Rye, Village of Port Chester and the Village of Rye Brook are in a separate rate district from the rest of SUEZ Westchester clients. SUEZ had also requested to merge the rates of these municipalities at that time. Our attorney was able to represent all three Municipalities and was able to reduce the proposed increase and, more importantly, keep the three Municipalities in our own districts. We have been approached by the two Villages to join them again in retaining Mr. Dichter's services. His proposal includes a price not to exceed \$25,000. The Two Villages and the City would split the cost evenly.

Councilman Mecca made a motion, seconded by Councilwoman Tagger-Espstein and unanimously carried, to adopt the following resolution:

**RESOLVED**, that the City Manager is authorized to engage attorney Joel R. Dichter, Esq. of Dichter Law LLC to represent the City in the proceedings before the New York Public

Service Commission on the petitions of United Water Westchester to raise rates and possibly merge rates within the United Water New Rochelle district at a cost not to exceed \$25,000.

**ROLL CALL**

AYES: Mayor Cohn, Councilmembers Goddard, Hurd, Mecca, Stacks, Tagger-  
Epstein  
NAYS: None  
ABSENT: Councilwoman Souza

9. Consideration of setting a public hearing on a local law to amend Chapter 100, Floodplain Management, of the Rye City Code adopting a Letter of Map Revision (LOMR) to the National Flood Insurance Rate Maps for the City.

Mayor Cohn explained the proposed action involves the adoption of a local law to amend Chapter 100, Floodplain Management, of the Rye City Code to reflect a Letter of Map Revision (LOMR) amending Flood Insurance Rate Map (FIRM) Panel 36119C0354F. This local law would adopt a new map panel, which corrects a typographical error on the current FIRM map. The map error and map change was identified and initiated by FEMA and involves correcting a flood zone designation shown on the current FIRM map along Milton Harbor south of Barron Place from zone "VE" to zone "AE".

Corporation Counsel Wilson commented that this was a substantive change, and as such required a public hearing and amendment to the local law.

City Manager Serrano stated that this amendment makes the requirements less restrictive. This error has been there since 2007.

Councilman Mecca explained that Zone V is velocity flooding, while Zone A is rising flooding.

Councilwoman Hurd made a motion, seconded by Councilwoman Tagger-Epstein and unanimously carried, to set a public hearing for March 27, 2019, considering a local law to amend Chapter 100, *Floodplain Management*, of the Rye City Code adopting a Letter of Map Revision (LOMR) to the National Flood Insurance Rate Maps for the City.

10. Accept donation from the Chamber of Commerce to partially reimburse the City for the complimentary free parking for the 2018 holiday parking.  
Roll Call.

Mayor Cohn explained that this reimbursements was a part of the Chamber's request to waive parking fees during the holiday time for shopping in the downtown.

Councilwoman Hurd made a motion, seconded by Councilwoman Goddard and unanimously carried, to accept donation from the Chamber of Commerce to partially reimburse the City for the complimentary free parking for the 2018 holiday parking.

ROLL CALL

AYES: Mayor Cohn, Councilmembers Goddard, Hurd, Mecca, Stacks, Tagger-  
Epstein  
NAYS: None  
ABSENT: Councilwoman Souza

11. Consideration of a request from the Milton School to have a maximum of 5 food trucks, all of which will be parked in the parking lot of Milton school, for the occasion of the Milton Fair to be held on June 8, 2019 from 10:00am – 3:00pm. The City Council will have to waive § 144-8D and G of the City Code.  
Roll Call.

Councilwoman Hurd explained that this annual event was changing its date from March to June, as the weather has not been good in the last few years. The focus of the event will be on the outdoors and being active. The theme for 2019 is “block party.”

Councilwoman Hurd made a motion, seconded by Councilman Stacks and unanimously carried, to waive § 144-8D and G of the City Code and approve a request from the Milton School to have a maximum of five food trucks, all of which will be parked in the parking lot of Milton school, for the occasion of the Milton Fair to be held on June 8, 2019 from 10:00am – 3:00pm.

ROLL CALL

AYES: Mayor Cohn, Councilmembers Goddard, Hurd, Mecca, Stacks, Tagger-  
Epstein  
NAYS: None  
ABSENT: Councilwoman Souza

12. Consideration of a request from the Rye Free Reading room to use the Village Green on Friday, June 28th from 1:00 pm to 5:00 pm for a summer reading kick-off celebration in conjunction with Mad Science of Westchester.

Chris Shoemaker, Rye Free Reading Room, addressed the Council. He explained that the event scheduled for June 28, 2019 is a request to have science experiment event with Mad Science of Westchester. The reading theme is outer space this year. He said it would be a wonderful way to kick off the summer and engage families in the community.

Councilwoman Hurd commended Mr. Shoemaker and the library board for a great annual meeting recently. She congratulated the Rye Free Reading Room on all of the work.

Councilman Mecca made a motion, seconded by Councilwoman Tagger-Epstein and unanimously carried, to approve a request from the Rye Free Reading room to use the Village Green on Friday, June 28th from 1:00 pm to 5:00 pm for a summer reading kick-off celebration in conjunction with Mad Science of Westchester.



13. Consideration of a request from the Rye Free Reading room to use the Village Green on Thursday, July 18th from 3:00 pm – 9:00 pm for a free theater performance in partnership with Lawnchair Theater.

Chris Shoemaker, Rye Free Reading Room, explained that this was the third year in partnership with the Lawnchair Theater, bringing a Shakespeare play to the green.

Councilman Mecca made a motion, seconded by Councilwoman Tagger-Epstein and unanimously carried, to approve a request from the Rye Free Reading room to use the Village Green on Thursday, July 18, 2019 from 3:00 pm – 9:00 pm for a free theater performance in partnership with Lawnchair Theater.

14. Consideration of a request by the Lustgarten Foundation Cancer Research Institute for use of City streets on Sunday, April 28, 2019 from 9:00 a.m. to 12:00 p.m. for their annual Westchester Pancreatic Cancer Research Walk.

Councilwoman Hurd made a motion, seconded by Councilman Mecca and unanimously carried, to approve a request by the Lustgarten Foundation Cancer Research Institute for use of City streets on Sunday, April 28, 2019 from 9:00 a.m. to 12:00 p.m. for their annual Westchester Pancreatic Cancer Research Walk.

15. Consideration of a request from Dr. Eric Byrne to waive parking restrictions at the snow field lot to accommodate the annual budget vote on May 21, 2019.

Councilman Stacks made a motion, seconded by Councilwoman Hurd and unanimously carried, to approve a request to waive parking restrictions at the snow field lot to accommodate the annual budget vote on May 21, 2019.

16. Appointments to Boards and Commissions, by the Mayor with Council approval.

Mayor Cohn announced that Steven Cadenhead has moved out of Rye. He thanked Mr. Cadenhead for his years of service to the City on the Traffic and Pedestrian Safety Committee.

Mayor Cohn made the following appointments to the Traffic and Pedestrian Safety Committee for three-year terms expiring January 1, 2022:

- Jodi McGill
- Dan Chorost
- Lisa Urban
- Brian Dempsey

Mayor Cohn designated Brian Dempsey and Kelsey Johnson to be co-chairs of the Traffic and Pedestrian Safety Committee.

Mayor Cohn announced that Councilwoman Tagger-Epstein would be taking over as liaison to the Zoning Board of Appeals.

Mayor Cohn further announced that he and Councilman Stacks would be taking over as liaisons to the Traffic and Pedestrian Safety Committee.

Councilwoman Tagger-Epstein thanked Ryan Coyne, Brian Dempsey, and the entire Traffic and Pedestrian Safety Committee for all of their hard work, especially during her time as liaison.

17. Miscellaneous communications and reports.

Councilwoman Goddard announced that the Food Scrap Recycling program was going well. She encouraged anyone with questions to email [foodscrap@ryeny.gov](mailto:foodscrap@ryeny.gov).

Councilman Mecca announced that the Planning Commission had still been considering the zoning change regarding group physical fitness centers. He said that there should be a recommendation maybe after the next meeting. Following those comments and recommendations, the Planning Commission would next consider the Osborn zoning request.

Councilwoman Hurd announced that the Chamber of Commerce would be holding the annual sidewalk sale again, from July 25-27, 2019. She asked that staff reach out to the chair of the Chamber to discuss any next steps.

Councilwoman Tagger-Epstein stated that the survey that the Human Rights Commission and RAISE put forth regarding children with special needs and inclusion received a variety of results and issues, ranging preschool to high school. She said that the Human Rights Commission would be meeting with RAISE to discuss next steps.

Councilman Stacks reminded everyone that March 15, 2019 is the due date for the Rye Golf Club renewal memberships. He encouraged those interested to get the renewals in as soon as possible.

18. Old Business/New Business.

Councilwoman Hurd said that she had asked the Chamber of Commerce for feedback on the proposed vestibule law. She reported that the Chamber had an issue with the fees. Corporation Counsel Wilson reminded the Council that a public hearing was never officially set and can be done before the next winter season. She also stated that in terms of the fees, the Council sets the annual fees and charges.

Mayor Cohn responded that there would need to be a discussion with the building department before moving forward.

19. Adjournment.

There being no further business to discuss, Councilman Mecca made a motion, seconded by Councilman Stacks, to adjourn the meeting into executive session to discuss personnel and litigation matters of the City Council at 8:22 p.m.

Respectfully submitted,

Carolyn D'Andrea  
City Clerk



# CITY COUNCIL AGENDA

NO. 7

DEPT.: Planning

DATE: March 21, 2019

CONTACT: Christian K. Miller, City Planner

**AGENDA ITEM:** Public hearing on a local law to amend Chapter 100, *Floodplain Management*, of the Rye City Code to reflect a Letter of Map Revision (LOMR) amending Flood Insurance Rate Map (FIRM) Panel 36119C0354F.

**FOR THE MEETING OF:**

March 27, 2019

**RYE CITY CODE,**

CHAPTER 100

SECTION 100-3

**RECOMMENDATION:** After conducting and closing the public hearing, the City Council should adopt the attached resolution finding a SEQR negative declaration in connection with the proposed action and adopting the proposed local law.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

See attached memorandum to the City Manager from the City Planner dated March 21, 2019.

Christian K. Miller, AICP  
City Planner  
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Rye, New York 10580




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<http://www.ryeny.gov>

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

**Memorandum**

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To: Marcus Serrano, City Manager

From: Christian K. Miller, City Planner 

cc: Kristen K. Wilson, Esq., Corporation Counsel

Date: March 21, 2019

Subject: **Local Law Amending the City's Floodplain Management Law to Reflect a LOMR for FIRM Panel 36119C0354F**

This memorandum provides additional information for the City Council's consideration regarding the draft local law amending Chapter 100, *Floodplain Management*, of the Rye City Code to reflect a Letter of Map Revision (LOMR) amending Flood Insurance Rate Map (FIRM) Panel 36119C0354F.

**Background**

The City of Rye was advised in a March 6, 2019 letter from the New York Department of Environmental Conservation (NYSDEC) that the Federal Emergency Management Agency (FEMA) has revised Flood Insurance Rate Map (FIRM) panel number 36119C0354F to correct a typographical error noted on the current FIRM with an effective date of September 28, 2007. These maps, which take years of technical analysis to complete, were part of a county-wide flood re-mapping project completed by FEMA in 2007. The previous maps for Westchester County were from 1984.

The City of Rye as part of its participation in the National Flood Insurance Program (NFIP) is required to reference in its law regulating floodplain development the six FEMA map panels that establish areas of special flood hazard for the City of Rye. It appears that last year FEMA discovered a typographical error. To correct the error requires that one of the six map panels (specifically map panel 36119C0354F) be revised by way of a Letter of Map Revision (LOMR). The local law being considered by the City Council would reference the corrected FIRM panel in the City's Floodplain Management law.

## Local Law Amending the City's Floodplain Management Law

March 21, 2019

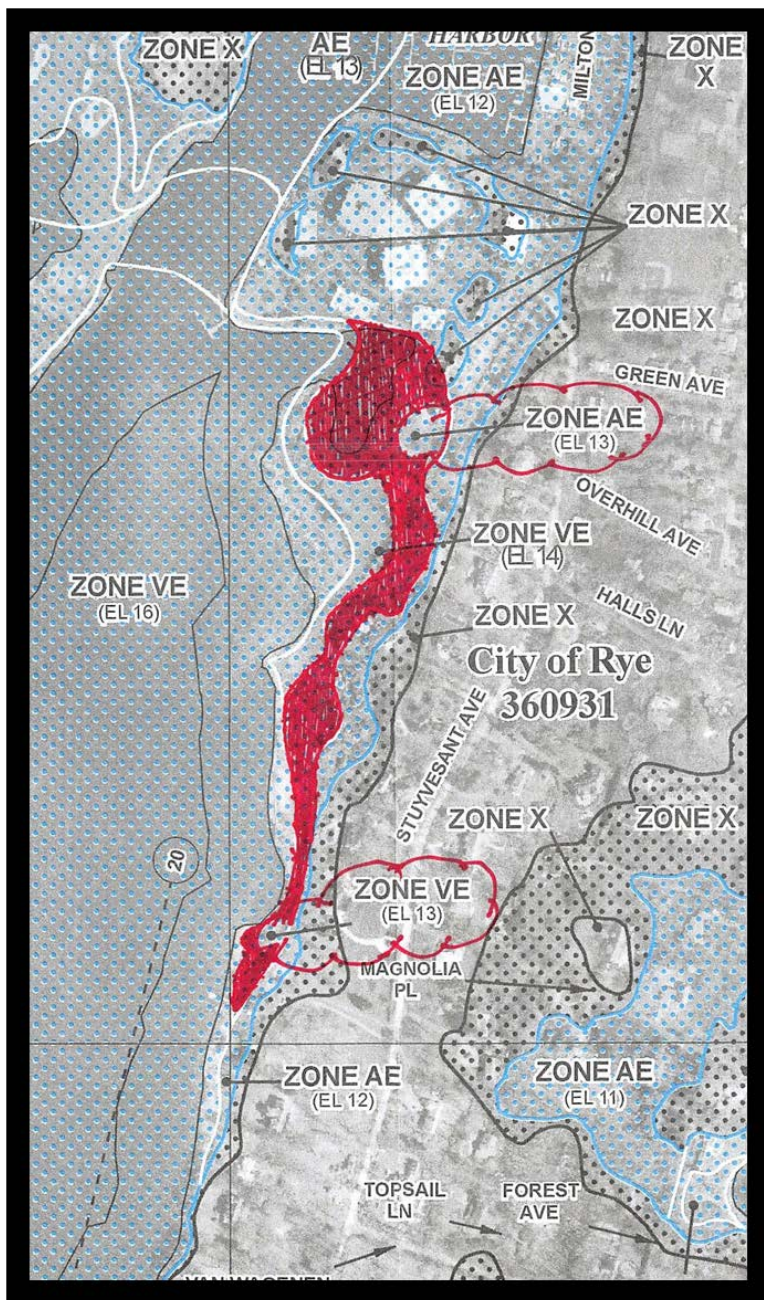
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### The Typographical Error

The LOMR involves a small flood zone designation west of Stuyvesant Avenue generally between 720 Milton Road (A.K.A. Milton Harbor House) and a location approximately 500 feet north of Van Wagenen Avenue. For the City Council's convenience, I've hand annotated in red the existing FIRM map to identify the flood zone area that is the subject of the map revision (see Figure).

If you look closely you'll notice that this flood zone has two labels pointing to the same zone. One is labeled "ZONE AE (EL 13)" and the other as "ZONE VE (EL 13)". Clearly, this is an error because one zone can't have two different designations.

The correct label is "ZONE AE (EL 13)", which is obvious because VE zones are velocity zones associated with wave energy and are located immediately along the coast. The zone in this case is located inland from the edge of Milton Harbor, adjacent to other VE Zones. The area shown in red is clearly an AE designation.



### The Map Revision

To revise an existing FIRM requires a Letter of Map Revision (LOMR) from FEMA, even if that change involves correcting a minor typographical error as in this case. The change is a clarification and will not adversely impact a property owner's flood insurance or have an adverse environmental impact under the State Environmental Quality Review (SEQR). As a matter of regulatory effect the AE Zone is considered less restrictive than a VE zone in terms of the construction standards required by City's Floodplain Management Law. In order for this revised map to take regulatory effect requires that it be adopted by the City Council.

## **Local Law Amending the City's Floodplain Management Law**

March 21, 2019

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### **City Council Action**

Any amendment to the City Code requires the adoption of a local law by the City Council. In advance of the City Council's March 13, 2019 meeting the local law was prepared for the Council's review and a public hearing was set for its March 27 meeting. Also, prepared for the Council's review was an environmental assessment form (EAF). The public notice was published by the City Clerk as required by law.

At the City Council's March 27 meeting it is recommended that the City Council take the following action:

1. Conduct and close the public hearing.
2. Review the EAF and consider the action an Unlisted Action under the State Environmental Quality Review (SEQR).
3. Consider approving the resolution finding a SEQR Negative Declaration (i.e. that the proposed mapping revision will not have an adverse impact on the environment) and adopting the proposed local law.

## RESOLUTION

### **A Local Law to Amend Chapter 100, *Floodplain Management*, of the Rye City Code to Reflect a Letter of Map Revision Amending Flood Insurance Rate Map Panel 36119C0354F.**

WHEREAS, the City of Rye was advised in a March 6, 2019 letter from the New York Department of Environmental Conservation (NYSDEC) that the Federal Emergency Management Agency (FEMA) has revised Flood Insurance Rate Map (FIRM) panel number 36119C0354F to correct a typographical error noted on the current FIRM adopted in September 28, 2007; and

WHEREAS, the map revision, known formally as a Letter of Map Revision (LOMR), requires that Chapter 100, *Floodplain Management*, of the Rye City Code be amended to reflect the new revised FIRM panel; and

WHEREAS, the LOMR involves a small flood zone designation west of Stuyvesant Avenue generally between 720 Milton Road (A.K.A. Milton Harbor House) and a location approximately 500 feet north of Van Wagenen Avenue; and

WHEREAS, the flood zone area in question on the current FIRM includes two labels - one indicating “AE13” and the other inaccurately and improperly indicating “VE13”; and

WHEREAS, the LOMR changes this typographical label for this flood zone from “VE13” to “AE13”; and

WHEREAS, the City Council conducted a noticed public hearing on March 27, 2019 and all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, there was no public comment; and

WHEREAS, the City Council has reviewed the Environmental Assessment Form (EAF) and determines that the proposed action is consider an Unlisted Action; and

WHEREAS, the City Council is the only Involved Agency in connection with the proposed action;

NOW, THEREFORE, BE IT RESOLVED, that the City Council designates itself as Lead Agency and based on its review of the Environmental Assessment Form (EAF), the criteria listed in Section 617.7(c) of SEQRA and the complete record, the City Council finds that the proposed action will not have a significant adverse environmental impact; and

BE IT FURTHER RESOLVED, that the City Council adopts Local Law #\_\_\_\_\_ -2019 A Local Law to Amend Chapter 100, *Floodplain Management*, of the Rye City Code to Reflect a Letter of Map Revision Amending Flood Insurance Rate Map Panel 36119C0354F.



**LOCAL LAW NO. -2019**

**A LOCAL LAW TO AMEND CHAPTER 100, FLOODPLAIN MANAGEMENT,  
OF THE RYE CITY CODE TO REFLECT A LETTER OF MAP REVISION  
AMENDING FLOOD INSURANCE RATE MAP PANEL 36119C0354F.**

Be it enacted by the City Council of Rye as follows:

**Section 1.** §100-3.B(1), “General provisions” of the City of Rye Code is hereby amended to add the following new subsection (c):

- (c) Letter of Map Revision, Case Number 18-02-1994P, effective May 2, 2019, amending Flood Insurance Rate Map Panel 36119C0354F.

**Section 2. Effective Date**

This local law shall take effect immediately upon filing in the office of the Secretary of State.

# *Short Environmental Assessment Form*

## *Part 1 - Project Information*

### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project:			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor:		Telephone:	
		E-Mail:	
Address:			
City/PO:		State:	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?		NO	YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		<input type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency?		NO	YES
If Yes, list agency(s) name and permit or approval:		<input type="checkbox"/>	<input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban	<input type="checkbox"/> Rural (non-agriculture)	<input type="checkbox"/> Industrial	<input type="checkbox"/> Commercial
<input type="checkbox"/> Forest	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Aquatic	<input type="checkbox"/> Residential (suburban)
<input type="checkbox"/> Parkland	<input type="checkbox"/> Other(Specify):		

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?  b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest    Agricultural/grasslands    Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban    Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
49. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  Applicant/sponsor/name: _____ Date: _____  Signature: _____ Title: _____		

Project:

Date:

***Short Environmental Assessment Form  
Part 2 - Impact Assessment***

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing: a. public / private water supplies?		
b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Project:

Date:

### ***Short Environmental Assessment Form Part 3 Determination of Significance***

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

\_\_\_\_\_  
Name of Lead Agency

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
Title of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
Signature of Preparer (if different from Responsible Officer)

**Division of Water**

Bureau of Flood Protection and Dam Safety  
625 Broadway, 4<sup>th</sup> Floor, Albany, New York 12233-3504  
**Phone:** (518) 402-8185 • **Fax:** (518) 402-9029  
Website: [www.dec.ny.gov](http://www.dec.ny.gov)



**Department of  
Environmental  
Conservation**

March 6, 2019

The Honorable Josh Cohn  
Mayor, City of Rye  
1051 Boston Post Road  
Rye, NY 10580

Re: LOMR 18-02-1994P

Dear Mayor Cohn:

This letter is in reference to the City of Rye's participation in the National Flood Insurance Program (NFIP). As state coordinating agency for NFIP, we are particularly interested that the Town maintains its participation in the program.

In accordance with Letter of Map Revision (LOMR), **FEMA Case Number 18-02-1994P**, the Flood Insurance Rate Map (FIRM), map panel number 36119C0354F has been revised. Because this is a physical change to the municipality's Flood Insurance Rate Map (FIRM), it is necessary for the city to formally adopt this LOMR before it can issue permits based on the information on the LOMR.

Currently, the city has Chapter 100, Floodplain Management as the local code for floodplain management. We recommend that the city amend this existing floodplain management code to include the enclosed LOMR in Section 100-3 (B). A copy of the required language is attached. Please adopt this LOMR into your local law as soon as possible and **no later than May 2, 2019, the effective date of this LOMR.**

In addition to standard filing requirements for Local Laws, please forward copies of the amendment including a copy of the Department of State's "Local Law Acknowledgment" to:

NYSDEC  
625 Broadway, 4th Floor  
Albany, NY 12233-3504  
Attn: Mr. Alan Fuchs

FEMA Mitigation Division  
26 Federal Plaza, 13<sup>th</sup> Floor  
New York, NY 10278  
Attn: Ms. Mary Colvin

Should you have any questions on the adoption of this LOMR, or the National Flood Insurance Program in general, please feel free to give me a call at (518) 402-8215.

Sincerely,

A handwritten signature in black ink that reads "David R. Sherman". The signature is written in a cursive, flowing style.

David Sherman  
Bureau of Flood Protection and Dam Safety  
New York State Department of Environmental Conservation  
625 Broadway, 4th Floor, Albany, NY 12233-3504  
P: 518-402-8215  
david.sherman@dec.ny.gov

Enc.

Ecc: Ms. Carolyn D'Andrea, Esq., City of Rye City Clerk  
Mr. Kerry Lenihan, City of Rye Building Inspector

Cc: Mr. Berhanu Gonfa, P.E. DEC Region 3, White Plains  
Mr. Jason Fenn, FEMA Region 2



### § 100-3 **General provisions**

**A.** This chapter shall apply to all areas of special flood hazard within the jurisdiction of the City of Rye, Westchester County.

**B.** Basis for establishing areas of special flood hazard.

**(1)** The areas of special flood hazard for the City of Rye, Community Number 360931, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

**(a)** Flood Insurance Rate Map Panel Numbers 36119C0352F, 36119C0354F, 36119C0356F, 36119C0357F, 36119C0358F, 36119C0362F, whose effective date is September 28, 2007, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction.

**(b)** A scientific and engineering report entitled "Flood Insurance Study, Westchester County, New York, All Jurisdictions," dated September 28, 2007.

**(c)** Letter of Map Revision, Case Number 18-02-1994P, effective May 2, 2019, amending Flood Insurance Rate Map Panel 36119C0354F.

**(2)** The above documents are hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and/or maps are on file at the City of Rye.



# CITY COUNCIL AGENDA

NO. 8

DEPT.: City Manager

DATE: March 27, 2019

CONTACT: Marcus Serrano, City Manager

**AGENDA ITEM:** Consideration of a request by the Rye Chamber of Commerce for the use of City streets for the Annual Sidewalk Sale to be held on Thursday, July 25, 2019 through Saturday, July 27, 2019 from 9:00 a.m. to 5:00 p.m.

**FOR THE MEETING OF:**

March 27, 2019

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council approve the request.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

The Rye Chamber of Commerce is requesting that the Council authorize the use of City streets for the Annual Sidewalk Sale to be held on Thursday, July 25, 2019 through Saturday, July 27, 2019 from 9:00 a.m. to 5:00 p.m.

See attached request.



March 14, 2019

Ms. Noga Ruttenberg  
Secretary to City Manager  
City Clerk  
City of Rye  
1051 Boston Post Road  
Rye, New York 10580

Re: Rye Chamber of Commerce Sidewalk Sale

Dear Ms. Noga Ruttenberg

On behalf of the Rye Chamber of Commerce, I am writing to request permission from the City for use of city streets on **July 25, 26 & 27, 2018** for our annual Sidewalk Sales.

Our members will be setting out their own tables and tents with a mindful eye to keep an area clear for pedestrian right of way.

I will contact the Commissioner of the Rye City Police Department to make sure the village officer has extra help to cover the extra traffic and shoppers. An insurance certificate will be provided upon approval.

Thank you in advance for your consideration.

Very truly yours,

Pamela Dwyer  
President,  
Rye Chamber of Commerce



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INTEROFFICE MEMORANDUM

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**TO:** MARCUS SERRANO, CITY MANAGER  
**FROM:** SALLY ROGOL, SUPERINTENDENT  
**SUBJECT:** RECREATION FOOD TRUCK FESTIVAL 2019  
**DATE:** MARCH 22, 2019  
**CC:** NOGA RUTTENBERG, ERIN MANTZ

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Rye Recreation would like to request permission for food trucks at Summer Camp 2019.

We understand that the local code § 144-8 Restrictions states that licensed hawker, peddler or solicitor shall:

D. Not stand nor permit the vehicle used by him or her to stand in one place in any public place or street for more than 10 minutes or in front of any premises for any time if the owner or lessee of the ground floor thereof objects.

G. Not create or maintain any booth or stand, or place any barrels, boxes, crates or other obstructions, upon any street or public place for the purpose of selling or exposing for sale any goods, wares or merchandise.

Both of these restrictions would need to be overridden for us to host our event.

Weekly food trucks are plan exclusively for summer camp campers & staff during the camp season, July 1 – August 9. These vendors will be schedule by full time staff and be located at either Recreation Park or Rye High School. All vendors will supply a COI as well as their WC or CT food permit.

Please let me know if you need any additional information.



# CITY COUNCIL AGENDA

NO. 10

DEPT.: City Manager's Office

DATE: March 12, 2019

CONTACT: Marcus Serrano, City Manager

**AGENDA ITEM:** Consideration of a request from the Milton School PTO to have a food truck for the Parent Social at Rye Town Park on the evening of June 22, 2019. The City Council will have to waive § 144-8D and G of the City Code.

**FOR THE MEETING OF:**

March 27, 2019

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the City Council approve the request for the food truck.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

Waive § 144-8D and G of the City Code.

**BACKGROUND:** The City Manager's Office received a request from the Milton School PTO to have a food truck for the Parent Social at Rye Town Park on the evening of June 22, 2019. The Council will have to waive § 144-8D and G which states;

§144-8 Restrictions states that licensed hawker, peddler or solicitor shall:

D. Not stand nor permit the vehicle used by him or her to stand in one place in any public place or street for more than 10 minutes or in front of any premises for any time if the owner or lessee of the ground floor thereof objects.

G. Not create or maintain any booth or stand, or place any barrels, boxes, crates or other obstructions, upon any street or public place for the purpose of selling or exposing for sale any goods, wares or merchandise.

See attached.

# Milton School



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**To:** Marcus Serrano, City Manager

**Subject:** Milton School Parent Social- Food Truck Request at Rye Town Park

March 12th, 2019

Dear Mr. Serrano,

On behalf of the Milton PTO, we would like to request permission to have 3 food trucks at our upcoming parent social on Saturday, June 22nd, 2019 at Rye Town Park. We have reserved the Pavilion at Rye Town park for this event from 7:00pm to 10:00pm.

We understand that the local code 144-8 Restrictions states that licensed hawker, peddler or solicitor shall:

D. Not stand nore permit the vehicle used by him or her to stand in one place in any public place or street for more than 10 minutes or in front of any premises for any time if the owner or lessee of the ground floor thereof objects.

G. Not create or maintain any boot or stand, or place any barrels, boxes or crates or other obstructions, upon any street or public place for the purpose of selling or exposing for sale any goods, wares or merchandise.

Both of these restrictions would need to be overridden for us to host our event. Please let us know if you need any additional information at this time.

Thank you in advance for your consideration.

Sincerely,

Emily Cooper, Katy Ridley, Ana Ripp, Jill Somerville, Annie Teillon



# CITY COUNCIL AGENDA

NO. 11

DEPT.: City Manager's Office

DATE: March 27, 2019

CONTACT: Marcus Serrano, City Manager

**AGENDA ITEM:** Consideration of a request by the Midland School PTO to have two food trucks at the Midland Fair on Saturday, April 27, 2019 from 10:00 a.m. to 3:00 p.m.

**FOR THE MEETING OF:**

March 27, 2019

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the City Council approve the request for the food trucks.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

Waive § 144-8D and G of the City Code.

**BACKGROUND:** The City Manager's Office received a request from the Midland School to have two food trucks at the Midland Fair on Saturday, April 27, 2019 from 10:00 a.m. to 3:00 p.m. The Council will have to waive § 144-8D and G which states;

§144-8 Restrictions states that licensed hawker, peddler or solicitor shall:

D. Not stand nor permit the vehicle used by him or her to stand in one place in any public place or street for more than 10 minutes or in front of any premises for any time if the owner or lessee of the ground floor thereof objects.

G. Not create or maintain any booth or stand, or place any barrels, boxes, crates or other obstructions, upon any street or public place for the purpose of selling or exposing for sale any goods, wares or merchandise.

See attached.



**Subject:** RE: Midland Fair - food trucks  
**Date:** Thursday, March 14, 2019 10:32:30 AM

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From: Souza, Julie A.  
Sent: Thursday, March 14, 2019 9:30 AM  
To: D'Andrea, Carolyn E.; Serrano, Marcus A.  
Cc: Cohn, Josh; Sarah Ardire; Milena Arnaldi Fernandes; Suzanne Napoli  
Subject: Midland Fair - food trucks

Hi Carolyn and Marcus,  
I don't know if we approved food trucks for the Midland Fair (I think just the parade) in August. In that case, can we add a request to the docket? Midland only plans to have the Longford's truck and Jerry's sets up a grilling station at the Fair on April 27th. Thank you!  
Julie