

## **CITY OF RYE**

### **NOTICE**

There will be a regular meeting of the City Council of the City of Rye on Wednesday, February 24, 2010, at 8:00 p.m. in the Council Room of City Hall. *The Council will convene at 7:00 p.m. and it is expected they will adjourn into Executive Session at 7:01 p.m. to discuss labor relations.*

### **AGENDA**

1. Pledge of Allegiance.
2. Roll Call.
3. General Announcements.
4. Draft unapproved minutes of the regular meeting of the City Council held February 10, 2010.
5. Residents may be heard who have matters to discuss that do not appear on the agenda.
6. Mayor's Manager Report.
  - Consultant's Report on Hydrology and Flood Related Items.
  - City Planner's Report on Central Business District Streetscape Plan.
7. Consultant's Report on Pedestrian Safety at Sonn Drive.
8. Public Hearing to de-map Edgar Place.
9. Public Hearing to amend Chapter 10, "Committees" of the Code of the City of Rye by rescinding Article III to dissolve the Youth Advisory Committee.
10. Public Hearing to amend Article 20A, "Traffic and Transportation Committee" of the Charter of the City of Rye, Section C20A-2 to expand the number of members on the committee.
11. Discussion of SEQR Notice for Port Chester to serve as Lead Agency for the Redevelopment of the former United Hospital Site by Starwood Capital Management.
12. Consideration to set a public hearing to amend Chapter 53, "Architectural Review" of the Code of the City of Rye by amending §53-3 "Meetings and Procedures of Board" regarding noticing requirements for applications and to rescind Chapter 68-8(G) "Building and Demolition Permits".
13. Consideration to set a public hearing to amend the Code of the City of Rye Chapters and Sections: §170-6(F) "Subdivision of Land, Procedures for Tentative Approval of Preliminary Layout"; §170-7(C) "Procedures for Approval of Subdivision Plat"; §197-7 "Zoning, Site Development Plan"; §197-10 "Zoning, Uses Permitted Subject to additional Standards"; §197-81(F) "Zoning Appellate Jurisdiction of Board"; §195-5(C) "Wetlands and Watercourses, Public Hearings and Public Notification by Applicant"; §196-15 "Wireless Communications Facilities, Public Hearings Required", regarding noticing requirements.

14. Schedule a special meeting of the City Council on Monday, March 15, at 7:00 p.m. for an update on the City's financial position.
15. Miscellaneous communications and reports.
16. Old Business.
17. New Business.
18. Adjournment.

\* \* \* \* \*

The next regular meeting of the City Council will be held on Wednesday, March 10, 2010.



# CITY COUNCIL AGENDA

NO. 4

DEPT.: City Clerk

DATE: February 17, 2010

CONTACT: Dawn F. Nodarse

**AGENDA ITEM:** Draft of the unapproved minutes of the regular Meeting of the City Council held on February 10, 2010, as attached.

**FOR THE MEETING OF:**

February 24, 2010

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council approve the draft minutes.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

Approve the Unapproved Minutes of the regular Meeting of the City Council held on February 10, 2010.

***DRAFT UNAPPROVED MINUTES*** of the  
Regular Meeting of the City Council of the City of  
Rye held in City Hall on February 10, 2010 at 7:00  
P.M.

PRESENT:

DOUGLAS FRENCH Mayor  
RICHARD FILIPPI  
PAULA J. GAMACHE  
PETER JOVANOVICH  
SUZANNA KEITH  
CATHERINE F. PARKER arrived at 7:06 p.m.  
JOSEPH A. SACK  
Councilmembers

ABSENT: None

1. Pledge of Allegiance

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

2. Roll Call

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

3. General Announcements

Mayor French offered condolences to the DeVito family for their loss.

Mayor French made the following announcements:

- Thanks to the City Manager and City Staff for the four orientation meetings that were held for the Council during January. He said it was a good way for the new and previous Council members to sit down with staff and talk about City business.
- A discussion of issues related to parking at Rye Town Park was held at a Parking Committee meeting and at the Rye Town Park Commission meeting. Kristina Bicher and Caroline Walker have done an excellent job of putting together an analysis of the issue. He said he would like the Finance Committee to do a pricing analysis of parking and the Traffic and Transportation Committee to look at parking and pedestrian safety issues prior to the next Rye Town Park Commission meeting on March 8<sup>th</sup>.
- Comments should be received from the Board of Architectural Review, Planning Commission and Zoning Board of Appeals regarding the proposed notification law by mid-month in order for the Council to comment at the February 24<sup>th</sup> meeting, prior to a public hearing in March.

Councilman Filippi made the following announcements:

- Best wishes to Rye native and NASA astronaut Nicholas Park, who is on the Endeavor's final mission.
- The City Council now receives their packet electronically, so the police no longer have to deliver it.

Councilwoman Keith made the following announcements:

- On February 11 at 7:30 p.m., the Heard in Rye speaker series will have a lecture called "Families, Money & Habits – Navigating The New Normal And How Not To Be Your Child's ATM".
- Congratulations to Micheline and Bart DeNardo, Greg Howells and Jim Yedowitz for being honored by the Rye Youth Council.
- A joint meeting was held on February 9 with the Board of Education. There was a good public dialogue and Scott Pickup did a great job presenting a number of key "hot spots" around town for pedestrian traffic and safety issues.
- The Beeline Bus Route #76 will be kept in the 2010 County budget. The County will do an analysis to determine if the line continues in 2011.

4. Draft unapproved minutes of the regular meeting of the City Council held January 20, 2010.

Councilwoman Keith made a motion, seconded by Councilman Filippi and unanimously carried, to approve the minutes of the regular meeting of the City Council held on January 20, 2010, as amended.

5. View of the State Report by New York State Assemblyman George Latimer

This agenda item will be rescheduled for a future meeting.

6. Residents may be heard who have matters to discuss that do not appear on the agenda

There were no residents wishing to speak.

7. Mayor's Manager Report

- Consultant's Report on Hydrology and Flood Related Items.
- Consultant's Report on Pedestrian Safety Improvements at Oakland Beach Ave.
- City Planner's Report on Central Business District Streetscape Plan.

This agenda item was postponed.

8. Bid Award for Pedestrian Safety Improvements PIN 8760.84 (Bid # 2010-01)  
Roll Call.

City Manager Culross said five bids were received for the Federal Stimulus Projects. The low bid meets all the federal, state and municipal specifications and the contractor has done work for the City in the past. Assistant City Manager Pickup said the City is waiting for final

confirmation on the Disadvantaged Business Enterprise (DBE) goal, which is a federal requirement. This letter is pending from the contractor.

Councilwoman Gamache made a motion, seconded by Councilman Filippi, to adopt the following Resolution:

**RESOLVED**, that Pedestrian Safety Improvements PIN 8760.84 (Bid #2010-01) is awarded to Bilotta Construction Corp., the lowest bidder meeting all specifications, for the amount of \$633,706.53, pending receipt of the DBE goal.

**ROLL CALL:**

**AYES:** Mayor French, Councilmembers Filippi, Gamache, Jovanovich, Keith, Parker and Sack  
**NAYS:** None  
**ABSENT:** None

**CONTRACT #2010-01**

**Pedestrian Safety Improvements  
ADA Ramps 8760.84 Specifications**

<b>BIDDER</b>	<b>AMOUNT BID</b>
Bilotta Construction Corporation	\$633,706.53
ELQ Industries	\$692,779.00
Peter J. Landi Inc.	\$718,995.00
Contech Construction Technologies	\$792,298.19
Structural Contracting Services	\$946,055.00

9. Consideration to set a Public Hearing to de-map Edgar Place

Mayor French said that there is a plan before the Planning Commission to expand the affordable housing at Cottage Street, which requires the de-mapping of a paper street at Edgar Place.

Councilman Filippi made a motion, seconded by Councilwoman Gamache and unanimously carried, to adopt the following Resolution:

**WHEREAS**, the Council wishes to amend the City's Official Map to de-map Edgar Place right-of-way; and

**WHEREAS**, it is now desired to call a public hearing on such proposed amendment to the Map, now, therefore, be it

**RESOLVED**, by the Council of the City of Rye as follows:

Section 1. Pursuant to Section 29 of the General City Law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on February 24, 2010 at 8:00 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning such proposed amendment.

Section 2. Such notice of public hearing shall be in substantially the following form:

**PUBLIC NOTICE  
CITY OF RYE**

PLEASE TAKE NOTICE that the Rye City Council has scheduled a public hearing for Wednesday evening, 8:00 p.m., February 24, 2010, in the Council Room of the Rye City Hall on the following matter:

The Rye City Council is considering an amendment to the City's Official Map to de-map Edgar Place right-of-way, pursuant to Section 29 of General City Law. Any person interested or affected will be given an opportunity to be heard at the hearing. All information pertaining to this matter is available for public inspection at the City Planner's Office in Rye City Hall.

Dawn F. Nodarse  
City Clerk  
Dated: February 11, 2010

10. Authorization for City Manager to enter into an Inter-municipal Agreement with Westchester County for a Flood Mitigation Project at Blind Brook Dam at Bowman Avenue

City Manager Culross said the City has been working on the flood mitigation project at the Bowman Dam for a long time. The Inter-municipal Agreement with Westchester County will pay for up to \$1,083,550 towards the installation of the automated sluice gate at the Bowman Avenue Dam. A partnership agreement with the Village of Rye Brook is also anticipated.

Councilwoman Keith made a motion, seconded by Councilman Filippi, to adopt the following Resolution:

**RESOLVED**, that the City Manager is authorized to enter into an Inter-municipal Agreement with Westchester County for a Flood Mitigation Project at Blind Brook Dam at Bowman Avenue.

ROLL CALL:

AYES: Mayor French, Councilmembers Filippi, Gamache, Jovanovich, Keith, Parker and Sack

NAYS: None

ABSENT: None

The motion was adopted unanimously.

11. Authorization for City Manager to enter into an Inter-municipal Agreement with Westchester County to enable the City of Rye to acquire shelter supplies and equipment for disaster preparedness

Councilwoman Keith made a motion, seconded by Councilman Filippi and unanimously carried, to adopt the following Resolution:

**RESOLVED**, that the City Manager is authorized to enter into an Inter-municipal Agreement with Westchester County to enable the City of Rye to acquire shelter supplies and equipment for disaster preparedness at no cost to the City.

The motion was adopted unanimously.

12. Authorize payment of the balance of the 2009/2010 Rye Neck Union Free School District taxes collected by the City to the School District  
Roll Call.

Councilwoman Gamache made a motion, seconded by Councilman Filippi to adopt the following Resolution:

**RESOLVED** that the City Council of the City of Rye hereby authorizes payment of the balance of \$200,117.45 of unpaid Rye Neck U.F.S.D taxes, on property within the City of Rye as of December 31, 2009, be made to the Treasurer of the Rye Neck UFSD.

ROLL CALL:

AYES: Mayor French, Councilmembers Filippi, Gamache, Jovanovich, Keith, Parker and Sack

NAYS: None

ABSENT: None



The motion was adopted unanimously.

13. One appointment to the Rye Cable Commission to fill out a term expiring on January 1, 2013, by the Mayor with Council approval

Councilman Sack made a motion, seconded by Councilwoman Parker and unanimously approved, to appoint Douglas Carey to the Rye Cable Commission to a term expiring on January 1, 2013.

14. Designation of the Chairman of the Rye Cable Commission by the Mayor

Mayor French designated Douglas Carey as Chairman of the Rye Cable Commission for a one year term.

15. Approval of the election of one new member to the Rye Fire Department

Councilwoman Gamache made a motion, seconded by Councilwoman Keith and unanimously carried, to adopt the following Resolution:

**RESOLVED**, that the Council of the City of Rye hereby approves the election of Richard Colligan to the Fire Police Patrol Company, approved at the January 2010 meeting of the Board of Fire Wardens.

16. Miscellaneous communications and reports

Councilman Filippi offered 50<sup>th</sup> Anniversary congratulations to the Rye Arts Center.

17. Old Business

Councilman Sack asked for an update on Hen Island.

Councilman Filippi said he wanted to clarify some information on coyotes. They normally walk in a straight line when following the scent of food. He added that people, when confronting a coyote, should act as if they were going to kill it and waive their arms above their heads. He said it is a good idea to carry rocks in a bag if you travel in areas where coyotes travel.

Councilwoman Keith said that she wanted to confirm that the Midland Avenue and Palisade Road safety issue would be discussed by the Traffic and Pedestrian Safety Committee (Traffic and Transportation Committee) with the goal of the Committee bringing their recommendation back to the Council. She also asked for an update regarding the Park Lane

situation. Assistant City Manager Pickup said it would be discussed at the February 11 Traffic and Transportation Committee meeting.

18. New Business

Councilman Sack said he has received calls about the signs outlawing sledding at the Rye Golf Course. He asked if Interim Corporation Counsel Wilson could give a report at the next meeting regarding the liability issues involved and if there are any alternatives that can be explored.

Councilwoman Keith said that Jane Mickatavage is going to help reactivate the Not-for-Profit Community Calendar in Rye. She also asked if anyone would be interested in doing a Bike and Pedestrian Safety Master Plan. Mayor French agreed with the need for a plan and said a great deal of work has already been done by other Committees and should be coordinated. Ms. Keith also urged people to register for the listserv that distributes Council agendas and minutes.

Mayor French said that County Executive Rob Astorino has invited the Mayors and Supervisors to a meeting at the County Offices.

Councilman Filippi suggested that the parking lots for the old Bank of New York and Biltmore Motors sites could be used as a temporary parking solution for merchants, people going to the train station, or for off-street parking in the evenings. City Manager Culross said that the Bank of New York lot is owned by two separate people and is currently being used. If the owner of the Biltmore lot wished to utilize the lot for parking there is nothing in the City Code that precludes him from doing it.

19. Adjournment

Councilwoman Keith made a motion, seconded by Councilman Sack and unanimously carried to adjourn into Executive Session to discuss litigation at 7:45 p.m. Mayor French made a motion, seconded by Councilwoman Parker, to adjourn the Executive Session at 9:25 p.m. No decisions were made.

There being no further business to discuss, Mayor French made a motion, seconded by Councilwoman Parker and unanimously carried, to adjourn the meeting at 9:26 p.m.

Respectfully submitted,

Dawn F. Nodarse  
City Clerk



# CITY COUNCIL AGENDA

NO. 6

DEPT.: City Council

DATE: February 17, 2010

CONTACT: Mayor Douglas French

**AGENDA ITEM:** Mayor's Management Report

**FOR THE MEETING OF:**

February 24, 2010

**RYE CITY CODE,**

**CHAPTER**

**SECTION**

**RECOMMENDATION:** That the City Manager provide a report on requested topics.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** The Mayor has requested an update from the City Manager on the following:

- Report on Hydrology and Flood Related Items at Bowman Avenue Damn/Sluice Gate given by WSP Sells.
- Report on Central Business District Streetscape Plan given by City Planner Christian K. Miller, AICP.



# CITY COUNCIL AGENDA

NO. 7      DEPT.: City Manager's Office      DATE: February 17, 2010  
CONTACT: Frank J. Culross, City Manager

**AGENDA ITEM:** Consultant's Report on Pedestrian Safety at Sonn Drive.

**FOR THE MEETING OF:**  
February 24, 2010  
**RYE CITY CODE,**  
CHAPTER  
SECTION

**RECOMMENDATION:** Presentation on pedestrian safety at the Sonn Drive crossing.

**IMPACT:**    Environmental    Fiscal    Neighborhood    Other:

**BACKGROUND:**

A presentation will be made by Mr. Peter Risoli of John Collins Engineers, P.C. on Pedestrian Safety at Sonn Drive detailing the different options available at the site.



# CITY COUNCIL AGENDA

NO. 8

DEPT.: Planning

DATE: February 17, 2010

CONTACT: Christian K. Miller, AICP, City Planner

**AGENDA ITEM:** Public Hearing to de-map a portion of Edgar Place.

**FOR THE MEETING OF:**

February 24, 2010

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:**

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other: Land Use

**BACKGROUND:** Since February 2009, the Rye Planning Commission has been reviewing an application to construct a 22-unit development on Cottage Street. The project would include 18 affordable units and 4 market rate units. Variances for this application were granted by the City Board of Appeals in May 2009. It is anticipated that the project will receive funding from Westchester County, which has requested in a January 2010 letter (see attached) that there be no condition on the approval that limits the project to senior residents. At its February 2, 2010 meeting, the Planning Commission modified its December 2009 approval to remove the senior age-restricted condition. To address potential off-site parking concerns, the Commission preserved in its approval a requirement that the project be limited to 11 one-bedroom units and 11 one-bedroom units with den (see attached resolution).

The project requires the use of Edgar Place. This right-of-way is unimproved, but is shown on the City's Official Map. In its resolution the Planning Commission supports the de-mapping of this right-of-way for use for the affordable housing development.

## **Resolution Amending the Rye City Official Map to De-map Edgar Place**

WHEREAS, the Rye City Council received a request to remove Edgar Place from the City's Official Map to allow for the construction of an affordable housing community; and

WHEREAS, pursuant to Section 29 of General City Law of the State of New York, the proposed amendment was reviewed by the Rye City Planning Commission; and

WHEREAS, after due consideration, the Rye City Planning Commission in Resolution Number 3-2010 approved on February 2, 2010 recommended that the City Council approve the Official Map amendment; and

WHEREAS, pursuant to Section 29 of General City Law of the State of New York, a public hearing on the proposed Official Map amendment was held and closed on February 24, 2010 at which time all interested persons were given the opportunity to be heard;

NOW, THEREFORE BE IT RESOLVED, that the Rye City Council has determined that the proposed action will not have a significant adverse impact on the environment and hereby makes a negative declaration of environmental significance pursuant to the requirements of the State Environmental Quality Review Act (SEQRA); and

BE IT FURTHER RESOLVED, that the Rye City Council amends the Official Map of the City of Rye to remove the designation of Edgar Place as a future right-of-way.

Robert P. Astorino  
County Executive

Department of Planning  
Edward Boroughs, AICP  
Acting Commissioner

January 7, 2010

Mr. Christian K. Miller, City Planner  
Office of City Planning  
City of Rye  
City Hall  
1051 Boston Post Road  
Rye, NY 10580-2996

**SUBJECT: Rye-Cottage Holdings, L.L.C. Inc. Final Site Plan and Use**

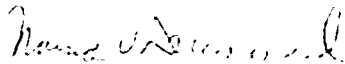
Dear Mr. Miller:

The Westchester County Department of Planning has been informed that the City of Rye Planning Commission has issued its Final Site Plan and related approvals for the proposed moderate –income development referred to as the Rye Cottage site. We are pleased that the site plan has met the requirements of the commission and look forward to a cooperative working relationship with the City of Rye to bring this much needed housing opportunity to fruition.

The county is familiar with the proposal and is prepared to address funding needs with the developer but question the need for the 'senior age restriction' condition referenced in the Rye approval Project Description and Other Special Conditions as this does not meet the current funding priority of the county which is to reach a broader population absent any age restriction. We ask that the City consider removing this condition so we can undertake our review of the requested financial support for the proposed development.

We look forward to participating in this project. Please do not hesitate to contact me if you have any questions.

Sincerely,



Norma V. Drummond,  
Deputy Commissioner

cc: Edward Boroughs, Commissioner  
Deborah DeLong, Director of Housing  
Mr. Louis Larizza  
Mr. Michael Martino

Barbara Cummings, Chairman  
Martha Monserrate, Vice Chair  
Carolyn Cunningham  
Nick Everett  
Hugh Greechan  
Peter Jovanovich  
Peter Larr



Planning Department  
1051 Boston Post Road  
Rye, New York 10580  
Tel: (914) 967-7167  
Fax: (914) 967-7185  
<http://www.ci.rye.ny.us>

**CITY OF RYE**  
**Planning Commission**

**Resolution**

**No. 03-2010**

**Application Name:** Rye-Cottage Holdings  
**Approval Type:** Modified Final Site Plan and Use Permitted Subject to Additional Standards and Requirements  
**Application Number:** SP#313  
**Project Description:** Construction of 22 Multi-Family Units (18 Affordable)  
**Street Address:** Cottage Street  
**Tax Map Designation:** Sheet: 139.20 Block: 1 Lots: 14 and 15 and Edgar Place  
**Approval Date:** December 15, 2009  
**Modified Approval Date:** February 2, 2010  
**Expiration Date:** February 2, 2011 (one-year)

WHEREAS, on February 2, 2009, Rye-Cottage Holdings, LLC., Inc. (hereinafter "Applicant") submitted an application for Final Site Plan and Use Permitted Subject to Additional Standards and Requirements Approval to construct 22 multi-family units for a property, located at 15 Edgar Place; and

WHEREAS, the drawings submitted in connection with the application are generally entitled, *Rye-Cottage Holdings, LLC.*, prepared by Ralph G. Mastro Monaco, P.E., P.C., originally dated August 14, 2009 and having the following drawing numbers, drawing titles and revision dates:

<b>Drawing Number:</b>	<b>Drawing Title:</b>	<b>Revision Date:</b>
1 of 7	<i>Grading Plan</i>	08/14/09
2 of 7	<i>Utility Plan</i>	08/14/09
3 of 7	<i>Erosion Control Plan</i>	08/14/09
4 of 7	<i>Profiles, Drain/Sewer/Road</i>	08/14/09
5 of 7	<i>Details/Notes</i>	08/14/09
6 of 7	<i>United Water Details 1</i>	08/14/09
7 of 7	<i>United Water Details 2/ Water Main Profile</i>	08/14/09

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date



**Rye-Cottage Holdings (SP#313)**

**Modified Site Plan and Use Permitted Subject to Additional Standards and Requirements**

**Planning Commission Resolution No. 03-2010**

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WHEREAS, the property is known on the Rye City Tax Map as Sheet 139.20, Block 1, Lots 14 and 15 and the mapped, but unimproved Edgar Place right-of-way, and is located in a RA-1 Garden Apartment District, a "C" City of Rye Parking District, and appears to be located outside a Federally-designated Flood Insurance Rate Zone(s); and

WHEREAS, the subject application proposes to construct twenty-two senior age-restricted units (including 11 one-bedroom units and 11 one-bedroom units with dens) at least eighteen (18) of which would be restricted for moderate income rates to those purchases having an income of not more than 80% of the Westchester County Area Median Income; and

WHEREAS, the application and plan were referred to the Conservation Commission/Advisory Council (hereinafter "CC/AC") for their review and recommendation; and

WHEREAS, the application and plan were referred to the Board of Architectural Review (hereinafter "BAR") for their review and recommendation; and

WHEREAS, a public hearing was held on October 27, 2009 and all members of the public wishing to be heard were given the opportunity to be heard; and

WHEREAS, the public hearing was continued to the Commission's November 17, 2009 meeting and closed on that date; and

WHEREAS, the application was referred to the Westchester County Planning Board and the adjacent Village of Port Chester as required by the Westchester County Administrative and/or General Municipal Law; and

WHEREAS, the Planning Commission has considered the site, the vicinity, the application form and the complete record; and

WHEREAS, on December 15, 2009 the Planning Commission approved the subject application in resolution number 32-2009, which resolution included a condition that the multi-family development be limited to senior age-restricted units; and

WHEREAS, in a January 7, 2010 letter Norma V. Drummond, Deputy Commission of Westchester County Department of Planning, requested that the City consider removing the condition requiring that the units be senior age-restricted, noting that including this restriction for the project will not meet the current funding priorities; and

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

**Rye-Cottage Holdings (SP#313)**

Modified Site Plan and Use Permitted Subject to Additional Standards and Requirements

Planning Commission Resolution No. 03-2010

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WHEREAS, the Planning Commission considered and agreed at its February 2, 2010 meeting to remove the senior age-restriction from its December 15, 2009 approval noting that the project would not have adverse off-site parking impacts; and

WHEREAS, the Planning Commission determined that the action is an Unlisted Action pursuant to the New York State Environmental Quality Review Act (SEQRA);

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission 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 Planning Commission finds that the proposed action will not have a significant adverse environmental impact due to the extent of the proposed improvements, the modest nature of reasonably expected impacts, modifications in the project design to reduce anticipated impacts and implementation of mitigation measures;

AND, BE IT FURTHER RESOLVED, that the Planning Commission has given due consideration to the criteria listed §197-10, *Uses Permitted Subject to Additional Standards and Requirements*, of the City Zoning Code and finds that the application is consistent with said criteria;

AND, BE IT FURTHER RESOLVED, that the Planning Commission supports the applicant's petition to the City Council to de-mapped Edgar Place;

AND, BE IT FURTHER RESOLVED, that the Planning Commission hereby approves the application for Final Site Plan and Use Permitted Subject to Additional Standards and Requirements #SP313 for the improvements shown on the plans indicated in this resolution, subject to the following conditions:

**A. Conditions to be Completed Prior to the Endorsement of the Plans:**

1. Prior to endorsement of the approved site plans by the Chairman and Secretary of the Planning Commission, the Applicant shall make such revisions and provide any additional information required by City Staff, including, but not limited to the following:
  - a. The site plan shall be revised to the satisfaction of the City Planner to show the type and location of all walls and fencing.
  - b. The applicant shall provide documentation to the satisfaction of the City Engineer confirming that the applicant has adequate water and/or sewer service provided by the Village of Port Chester.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

**Rye-Cottage Holdings (SP#313)**

Modified Site Plan and Use Permitted Subject to Additional Standards and Requirements

Planning Commission Resolution No. 03-2010

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- c. The site plan shall be revised to create two additional parking spaces in front of the trash enclosure area. The trash enclosure area shall not be provided on the plan.
  - d. The site plan shall be revised to the satisfaction of the City Staff to provide at least one and potentially two additional parking spaces on the site plan.
2. Prior to endorsement of the plans by the Secretary of the Planning Commission, the Applicant shall sign and return one copy of the approved resolution to the Planning Commission indicating acceptance of all conditions of approval. Failure to sign this resolution of conditional approval within sixty (60) days will deem this approval null and void.
  3. Prior to endorsement of the plans by the Secretary of the Planning Commission, the Applicant shall submit the plans one (1) reproducible duplicate of the plans on mylar, and shall, upon endorsement of the plans by the Chairman and Secretary Planning Commission, submit two (2) assembled paper copy sets of the plans to the City Planner.
  4. Prior to endorsement of the site plan by the Secretary of the Planning Commission, the Applicant shall pay, as applicable, an inspection fee, which is based on seven (7) percent of the estimated cost of constructing the required site improvements, excluding any building(s), plus \$515.00.

**B. Conditions to be Completed Prior to the Issuance of a Building Permit:**

1. The City Planner shall notify in writing the Building Inspector and City Engineer of the Applicant's satisfactory completion of those conditions noted in Section A immediately above.
2. The Applicant shall obtain all necessary Federal, State and County permits and approvals.

**C. Conditions to be Completed Prior to the Commencement of Any Construction:**

1. Prior to the start of any work conducted under this permit, erosion and sedimentation control devices in accordance with *Westchester County, N.Y. Best Management Practices for Sediment and Erosion Control* (dated December 1991 or as amended, whichever is later) shall be installed to the satisfaction of the City Engineer and City Building Inspector and, thereafter, be maintained, repaired and replaced as necessary until they authorize their removal.

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Applicant Signature

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Date

**Rye-Cottage Holdings (SP#313)**

Modified Site Plan and Use Permitted Subject to Additional Standards and Requirements

Planning Commission Resolution No. 03-2010

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2. The Applicant shall notify in writing the City Planner, Building Inspector and Engineer of the date on which the work is to begin, at least five (5) days in advance of such date.

**D. Conditions to be Completed Prior to the Issuance of a Certificate of Occupancy:**

1. Prior to the issuance of the certificate of occupancy, all sidewalks, walkways, curbing, curb cuts, driveways and paved areas shall be installed, repaired or replaced to the satisfaction of the City Engineer.
2. No certificate of occupancy shall be issued until all improvements shown on the approved plans have been provided and applicable conditions of this approval have been complied with to the satisfaction of the City Planner, Building Inspector and Engineer.

**E. General Conditions:**

1. Work conducted under this conditional approval shall be open to inspection at any time, including weekends and holidays, by City Staff or their designated representative(s).
2. In the event that a field drain, spring or other water condition is encountered during construction, the City Engineer may require the Applicant to install such drainage improvements as deemed necessary to reasonably eliminate the water condition and, if a Certificate of Occupancy is also required, the Building Inspector shall not issue a Certificate of Occupancy until such improvements have been made to the satisfaction of the City Engineer.
3. Prior to the transfer of any interest or title in or to the land subject to this permit, the permit holder shall notify the City in writing of the name and address of such transferee and such transferee shall endorse and submit to the City Planner a copy of this resolution indicating acceptance of all conditions of approval. This paragraph shall not apply to the transfer if improvements have been completed in conformity with this approval.
4. Notwithstanding paragraph E.2 above, there shall be no deviation from the approved plans and City specifications and, further, no modification may be made unless plans for the modification, prepared by the Applicant, and a new application has been approved by the Planning Commission.

---

Applicant Signature

---

Date

**Rye-Cottage Holdings (SP#313)**

**Modified Site Plan and Use Permitted Subject to Additional Standards and Requirements**

**Planning Commission Resolution No. 03-2010**

Page 6 of 7

5. All parking spaces, if any, shall be marked and maintained in accordance with the parking layout shown on the approved site plan and parking shall be prohibited except in designated parking spaces.
6. Except for necessary interior and approved exterior safety or security lighting, all lighting, including signs, shall be turned off when the building is not occupied and all exterior lighting, including signs, shall be turned off when the building is occupied but not open to the public.
7. If blasting is required in connection with the removal of rock on the property, such blasting shall be subject to the following conditions:
  - a. On-site seismographs shall be installed for the monitoring and control of all blasting. The seismographs shall be installed by the company undertaking the blasting at appropriate locations on the site and to the satisfaction of the City Engineer. A copy of the blasting log and the related seismograph tape results shall be filed with the City Engineer and the City Planner.
  - b. The Applicant shall conduct, with property owner consent, pre-blasting surveys of all buildings and structures on properties within 100-feet (or at a distance deemed appropriate by the City Engineer) of perimeter property line of the parcel on which blasting will occur.
  - c. Blasting velocities shall be limited to not more than 1.0 inch per second, however lesser velocities can be required if deemed necessary and appropriate by the City Engineer to protect nearby property or structures.
  - d. All blasting for utility services shall be completed prior to the pouring of footings and foundations, unless a waiver of this condition is granted by the City Engineer.
8. The continued validity of the certificate of occupancy is subject to continued compliance with all conditions set forth herein, and the satisfactory maintenance of all improvements, including landscaping, as shown on the approved site plans.
9. The Applicant shall comply with all applicable Federal, State and Local laws and regulations governing construction noise and related activities.
10. All solid waste shall be separated and recycled in accordance with Federal, State, County and City regulations.

---

Applicant Signature

---

Date

**Rye-Cottage Holdings (SP#313)**

**Modified Site Plan and Use Permitted Subject to Additional Standards and Requirements**

**Planning Commission Resolution No. 03-2010**

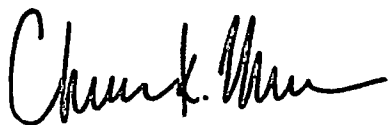
Page 7 of 7

**F. Other Special Conditions:**

1. In order to satisfy anticipated parking demands and other site planning considerations this approval shall limit the use of this property to not more than twenty-two (22) units consisting of eleven (11) one-bedroom units and eleven (11) one-bedroom units with dens.
2. Not less than eighteen (18) units of the twenty-two (22) units shall be available at or below market rates to those purchases having an income of not more than 80% of the Westchester County Area Median Income.

AND, BE IT FURTHER RESOLVED, that this permit and the right to undertake work under this permit shall expire one (1) year after the date of the approval of this resolution. In the event that the work permitted by this permit can not be substantially completed within one year after the date of the approval of this resolution, a one (1) year extension of the original permit may be granted by the Planning Commission upon written request by the original permit holder or his/her legal agent at least 90 days prior to the expiration date of the original permit. The Planning Commission may require new hearings if, in its judgment, the original scope of the permit is altered or extended by the renewal, or if the Applicant has failed to abide by the terms of the original permit in any way. The request for renewal of a permit shall follow the same form and procedure as the original application except that the Planning Commission shall have the option of not holding a hearing if the original scope of the permit is not altered or extended in any significant way.

I certify that the foregoing resolution is a correct copy of Planning Commission Resolution #03-2010, which was duly adopted on February 2, 2010.



\_\_\_\_\_  
Christian K. Miller, AICP  
City Planner

February 5, 2010  
Date

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

**WOLFF & LATWIN, *LLP***  
*Attorneys & Counsellors at Law*  
Suite 415  
2975 Westchester Avenue  
Purchase, New York 10577-2575

914.967.0067  
E-Mail: wolfflatwin@nysbar.com

BY HAND

19 December 2009

Hon. Douglas French  
Mayor  
City Hall  
Rye, NY 10580

Re: De-Mapping a portion of Edgar Place

Dear Mayor French,

We represent Rye-Cottage Holdings, LLC, designated moderate income housing developer for the property on Cottage Street at Edgar Place. We write to request that the City discontinue and de-map a portion of Edgar Place on the site to allow for this moderate income housing to occur.

As you may know, Rye-Cottage Holdings, LLC developed the existing moderate income housing on Cottage Street. It has now obtained site plan approval from the Planning Commission to develop the neighboring site for moderate income Senior housing. Within the site is the unimproved portion of Edgar Place. Edgar Place at that point separates the existing development from the proposed development. Attached is a map of the portion of Edgar Place that needs to be discontinued and de-mapped. Also attached is a suggested metes and bounds description of the mapped portion of Edgar Place.

Edgar Place from Cottage Street does not serve any property not otherwise accessible from Cottage Street. It is unlikely to be improved since it leads only to the hill above the exit ramp from I-95/I-287 so there is no reason why any one would improve it. It is not now necessary for emergency access nor will it be when the proposed development is completed. This portion of Edgar Place is completely unnecessary for any highway purpose.

The Planning Commission has favorably recommended the demapping of Edgar Place.

The authority to discontinue a street comes from General City Law section 20(7) which says in relevant part,


*§ 20. Grant of specific powers. ...[E]very city is empowered: ...*

*7. To ... discontinue streets, ... and upon the discontinuance thereof to sell and convey the same....*

Here, there is no need to convey or sell the underlying property under Edgar Place since it is already owned by the property owner.

Accordingly, we respectfully request that you refer this application to City staff and place this matter on the Council's agenda.

Respectfully,

A handwritten signature in black ink that reads "Joseph L. Larkin". The signature is written in a cursive style with a large initial "J".



**Suggested Description  
Portion of Edgar Place**

All that certain plot, piece or parcel of land, situate, lying and being partly in the Village of Port Chester, Town of Rye, and partly in the City of Rye, County of Westchester and State of New York, being shown and/or designated as Portion of Edgar Place as shown on a certain map entitled: "Map of Cottage Park, the Property of E. R. Mudge, Esq., Trustee, made by B. S. Olmstead, C.E., June 1, 1870" as filed in the Westchester County Clerk's Office, Division of Land Records as Map No. 450.

Said parcel being more particularly bounded and described as follows:

Beginning at a Point on the southerly side of Cottage Street at the intersection of the division line between the easterly line of Lot 7, now lands of "Rye-Cottage Holdings, LLC" per deed as recorded in the Westchester County Clerk's Office, Division of Land Records as Control No. 430850096 and the Westerly side of Edgar Place, thence, running along said southerly side of Cottage Street the following courses and distances, South 65°03'00" East a distance of 7.33 feet to a point of curvature; and hence easterly along a curve to the left having a radius of 724.67 feet, a central angle of 05° 01'25", and length of 63.54 feet to a point of cusp and intersection of the division line between the easterly side of Edgar Place and the westerly line of Lot 1 per the aforementioned "Map of Cottage Park", also being the westerly line of Lot 13, 14 and 15 as shown on a certain map entitled, "Map of Columbus Park" as filed in the Westchester County Clerk's Office, Division of Land Records as Map No. 1939; thence from said point of cusp, along said division line between the easterly side of Edgar Place and the westerly line of Lot 1, also being the westerly line of Lots 13, 14 and 15 per aforementioned "Map of Columbus Park", the following courses and distances, Southerly along a curve to the left, having a radius of 20.00 feet, central angle of 89°01'06" and length of 31.07 feet to a point of tangency, and South 20°54'30" West a distance of 149.08 feet to the lands of "formerly conveyed by Marion A. Leshner to Theresa Leshner Cook per deed dated, June 10, 1936 as recorded, June 23, 1936 in Liber 3521, Pg 60", now lands of "Rende, LLC, Parcel II" as recorded in the Westchester County Clerk's Office, Division of Land Records as Control No. 402860462; thence, along said lands as "formerly conveyed by Marion A. Leshner to Theresa Leshner Cook", now lands of "Rende, LLC, Parcel II", North 75°17'00" West a distance of 32.83 feet to a point of intersection with the aforementioned division line between the easterly line of Lot 7, now lands of "Rye-Cottage Holdings, LLC" and the westerly side of Edgar Place, thence, along said division line between the easterly line of Lot 7, now lands of "Rye-Cottage Holdings, LLC" and the westerly side of Edgar Place, the following courses and distances, North 21°23'00" East a distance of 153.40 feet to a point of curvature, and northwesterly on a curve to the left having a radius of 21.29 feet, central angle of 86°26'00" and length of 32.11 feet to the southerly side of Cottage Street to the point of Place of Beginning

Said parcel containing an area of 5630.7 sq. ft. or 0.129 Acres more or less.

BEING, Parcel III, a portion of the same premises as conveyed from Louise Rende to Rende, LLC per deed dated, September 11, 2000 as recorded in the Westchester County Clerk's Office, Division of Land Records on October 26, 2000 in Control No. 402860462.

KID103\_Edgar1111592

EDGAR PL.

MAP OF PORTION OF EDGAR PLACE  
SITUATED IN THE  
VILLAGE OF PORT CHESTER  
TOWN OF RYE  
AND THE  
CITY OF RYE  
WESTCHESTER COUNTY  
NEW YORK

STREET

COTTAGE



RADIAL  
N 24°57'00" E  
S 65°03'00" E R = 724.67'  
7.33'  
L = 63.54' Δ = 5°01'25"

Δ R = 21.29'  
L = 86°28'00"  
L = 32.11'

RADIAL  
S 19°55'35" W

R = 20.00'  
Δ = 89°01'08"  
L = 31.07'

SCALE; 1" = 40'  
NOVEMBER 11, 2009

VILLAGE OF PORT CHESTER  
CITY OF RYE  
MAP OF COLUMBUS PARK - FILED AS MAP No. 1939

THE PROPERTY AS SHOWN HEREON BEING A PORTION OF A PRIVATE STREET, 30 FEET WIDE, WHICH SAID STREET WAS LAID OUT ON A CERTAIN MAP ENTITLED, "MAP OF COTTAGE PARK, THE PROPERTY OF E. R. MUDGE, ESQ., TRUSTEE, MADE BY B.S. OLMSTEAD, C.E., JUNE 1, 1870 AS FILED IN THE WESTCHESTER COUNTY CLERK'S OFFICE, DIVISION OF LAND RECORDS AS MAP NO. 450. SAID LANDS ALSO BEING KNOWN AS PARCEL III, BEING A PORTION OF THE LANDS AS CONVEYED BY LOUISE RENDE TO RENDE, LLC PER DEED DATED, SEPT. 11, 2000 AS RECORDED IN THE WESTCHESTER COUNTY CLERK'S OFFICE, DIVISION OF LAND RECORDS ON OCT. 26, 2000 AS CONTROL NO. 402860462.

MAP OF COTTAGE PARK - FILED MAP

HOLDINGS, LLC  
No. 430850096

RENDE, LLC  
No. 402860462

RENDE, LLC  
No. 402860462

LOT 7

LOT 1

No. 450

AREA : 5630.7 SQ. FT.

I-95

FORMER LANDS AS CONVEYED BY MARION A. LESHER TO THERESA LESHER COOK  
PER DEED, DATED, JUNE 10 1936 AS RECORDED, JUNE 23, 1936 IN LIBER 3521, PAGE 60

LANDS OF THE PEOPLE OF THE STATE OF NEW YORK  
NEW YORK STATE THRUWAY, I-95, PARCEL 1648, MAP 1648  
AS RECORDED ON, OCTOBER 31, 1956 AS FILED MAP No. 10699

LANDS OF RENDE, LLC  
PARCEL II  
AS RECORDED ON 10/26/2000 AS CONTROL No. 402860462

LANDS OF THE PEOPLE OF THE STATE OF NEW YORK  
NEW YORK STATE THRUWAY, I-95, PARCEL 1649, MAP 1649  
AS RECORDED ON, OCTOBER 31, 1956 AS FILED MAP No. 10700

I-95

I-95

I-95



# CITY COUNCIL AGENDA

NO. 9

DEPT.: City Council

DATE: February 17, 2010

CONTACT: Mayor French

**AGENDA ITEM:** Public Hearing to amend Chapter 10, "Committees" of the Code of the City of Rye by rescinding Article III to dissolve the Youth Advisory Committee.

**FOR THE MEETING OF:**

February 24, 2010

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:**

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** The Youth Advisory Committee no longer meets on a regular basis and no longer has a standing purpose. A proposal has been put forward to dissolve this committee. Since this committee was enacted through local law, the Council must adopt a local law to dissolve the committee and a Public Hearing must be held.

See attached.



# CITY COUNCIL AGENDA

NO. 10

DEPT.: City Council

DATE: February 17, 2010

CONTACT: Mayor French

**AGENDA ITEM:** Public Hearing to amend Article 20A, "Traffic and Transportation Committee" of the Charter of the City of Rye, Section C20A-2 to expand the number of members on the committee.

**FOR THE MEETING OF:**

February 24, 2010

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:**

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** Due to the pressing issues that the Traffic and Transportation Committee is dealing with, a proposal has been put forward to expand the number of members on the committee. The proposal also includes updating the name of the committee to reflect the new issues facing the Committee.

Since this Committee was enacted through local law, the Council must adopt a local law to dissolve the committee and a Public Hearing must be held.

See attached.



# CITY COUNCIL AGENDA

NO. 11

DEPT.: City Manager's Office

DATE: February 17, 2010

CONTACT: Frank J. Culross, City Manager

**AGENDA ITEM:** Discussion of SEQR Notice for Port Chester to serve as Lead Agency for the Redevelopment of the former United Hospital Site by Starwood Capital Management.

**FOR THE MEETING OF:**

February 24, 2010

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council review the SEQR resolution for Port Chester to act as lead agency.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** The Mayor and Board of Trustees of the Village of Port Chester provided the SEQR Notice of Intent for Port Chester to serve as Lead Agency for the Redevelopment of the former United Hospital Site by Starwood Capital Management, "The Gateway". The document is provided for the Mayor and City Council to review as an "interested and involved agency".

See attached documentation.

**NOTICE OF INTENT TO  
BECOME LEAD AGENCY**

The Mayor and Board of Trustees of the Village of Port Chester, NY have hereby caused the attached Notice of Intent to Become Lead Agency documentation to be circulated to a list of known Interested and Involved Agencies. Any comments or responses should be provided to the Village no later than March 1, 2010.

Contact Person(s) and Phone number

Mayor Dennis Pilla  
222 Grace Church St.  
Port Chester, NY 10573  
(914) 939-5201

Christopher J. Russo  
Village Manager  
222 Grace Church St.  
Port Chester, NY 10573  
(914) 939-2200

Pat Cleary  
Village Planning Consultant  
Cleary Consulting  
529 Asharoken Avenue  
Northport, NY 11768  
(631) 754-3085

**Received**

FEB 01 2010

**City Manager's Office  
Rye, New York**

**RESOLUTION OF THE  
VILLAGE OF PORT CHESTER  
BOARD OF TRUSTEES  
December 21, 2009**

**SEQR NOTICE OF INTENT TO SERVE  
AS LEAD AGENCY FOR THE  
REDEVELOPMENT OF THE FORMER UNITED HOSPITAL SITE  
BY STARWOOD CAPITAL MAGAGEMENT  
"THE GATEWAY"**

On motion of TRUSTEE KENNER, seconded by TRUSTEE BRAKEWOOD, the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

**WHEREAS**, the Board of Trustees of the Village of Port Chester has received an application for the redevelopment of the former United Hospital site located at the intersection of US Route 1 (Boston Post Road) and High Street, submitted by 406 BPR LLC, c/o Starwood Capital Management; and

**WHEREAS**, the proposed action calls for rezoning the site to a special design zoning district accommodating a new mixed-use development consisting of approximately 905,000 square feet of residential floor area, approximately 254,000 square feet of commercial floor area, with approximately 1971 vehicle parking spaces and associated publically accessible open spaces and project amenities. The project known as "The Gateway" will be housed in structures of varying sizes and heights, with the maximum height not to exceed 18 stories. The project includes an affordable housing component which will satisfy the Village requirement for such use; and

**WHEREAS**, in accordance with the provisions of 6 NYCRR Part 617, the Board of Trustees of the Village of Port Chester intends to serve as Lead Agency for the SEQR Review of this Type I Action, and in this capacity, will determine if the proposed action will have a significant effect on the environment; and

**WHEREAS**, the Lead Agency will undertake a coordinated review of this action.

**NOW THEREFORE BE IT RESOLVED**, that the Village of Port Chester Board of Trustees hereby designates its intention to serve as Lead Agency for the SEQR Coordinated Review of this Type I Action, and will circulate the Lead Agency Notice along with the Environmental Assessment Form, Site Plan Application Form, rezoning petition and associated materials to all Involved and Interested Agencies. Involved and Interested Agencies shall be given 30 days from the mailing of the Lead Agency Notice to challenge the Board of Trustee's Lead Agency designation.

**NOW, THEREFORE, BE IT FINALLY RESOLVED**, that this resolution shall have an effective date of December 21, 2009.

**ROLL CALL**

**AYES:** Trustees Sorensen, Kenner, Brakewood, Adams and Mayor Pilla  
**NOES:** None  
**ABSENT:** Trustee Cicutelli  
**DATE:** December 21, 2009

**CERTIFICATION OF RECORDS**

STATE OF NEW YORK)

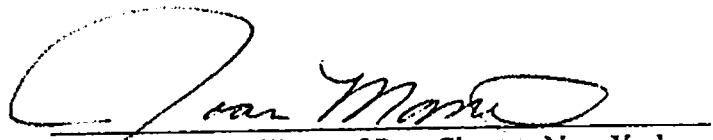
SS:

COUNTY OF WESTCHESTER)

I, Joan Mancuso, the undersigned Village Clerk of the Village of Port Chester, New York, DO HEREBY CERTIFY.

That I have compared the annexed copy of resolution adopted by the Village of Port Chester Board of Trustees at a meeting held on December 21, 2009, and that the same is a true and correct copy therefrom.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Port Chester, New York this 28<sup>th</sup> day of January, 2010.

  
Village Clerk, Village of Port Chester, New York

(Seal)



**Applicant's Acknowledgement**

Connecticut )  
State of New York )  
Fairfield ) ss:  
County of Westchester )

On the \_\_\_\_ day of October, 2009, before me, the undersigned, personally appeared Jeffrey V. Morris, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

**BRENDA DE LUCA**  
**NOTARY PUBLIC**  
**MY COMMISSION EXPIRES JUNE 30, 2011**

*Brenda De Luca*  
Notary Public

For Village Use

Date Filed: \_\_\_\_\_

Amount of Fee Received \_\_\_\_\_  
VILLAGE TREASURER

By: \_\_\_\_\_  
Receipt No. \_\_\_\_\_

**617.20**  
**Appendix A**  
**State Environmental Quality Review**  
**FULL ENVIRONMENTAL ASSESSMENT FORM**

**Purpose:** The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

**Full EAF Components:** The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

---

**THIS AREA FOR LEAD AGENCY USE ONLY**

**DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions**

Identify the Portions of EAF completed for this project:

Part 1

Part 2

Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment, therefore a negative declaration will be prepared.
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED negative declaration will be prepared.\***
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a positive declaration will be prepared.

\* A Conditioned Negative Declaration is only valid for Unlisted Actions

Port Chester Gateway

\_\_\_\_\_  
Name of Action

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

\_\_\_\_\_  
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)

**PART 1--PROJECT INFORMATION**  
**Prepared by Project Sponsor**

**NOTICE:** This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action Port Chester Gateway

Location of Action (include Street Address, Municipality and County)

High Street, Port Chester, Westchester County

Name of Applicant/Sponsor 406 BPR, LLC

Address 400 Galleria Parkway, Suite 1450

City / PO Atlanta State GA Zip Code 30339

Business Telephone (770) 644-2346

Name of Owner (if different) same as above

Address \_\_\_\_\_

City / PO \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Business Telephone \_\_\_\_\_

**Description of Action:**

The project site is a previously developed 15.4-acre parcel situated in the northeast quadrant of the intersection of High Street and Boston Post Road in the Village of Port Chester, Westchester County, New York. The site consists of two parcels identified on the Village Tax Maps as Section 141.052, Block 1, Lot 2 and 2.1. Lot 2 is the site of the former United Hospital having a street address of 406 Boston Post Road. Lot 2.1 is the site of a residential apartment building having a street address of 999 High Street. The combined site complex consists of nine buildings with related parking areas connected by an interior roadway system. The site consists of approximately ten acres of impervious area. The hospital is presently inoperative and the apartment building is operating below capacity.

The Applicant proposes redevelopment of the site. The Redevelopment Master Plan will require demolition of the existing hospital and related facilities. The Master Plan proposes a mixed-use development consisting of approximately 762 residential dwelling units and 254,000 s.f. of commercial (retail and office) space. The development will be supported by an interior roadway system and parking structures providing some 2,000 spaces.

The current zoning is R2F, Two-Family Residential. A Special Design District is proposed to permit the proposed development.

**Please Complete Each Question--Indicate N.A. if not applicable**

**A. SITE DESCRIPTION**

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use:  Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)  
 Forest  Agriculture  Other Former United Hospital Site, Apartments

2. Total acreage of project area: 15.4 acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	_____ acres	_____ acres
Forested	_____ acres	_____ acres
Agricultural (Includes orchards, cropland, pasture, etc.)	_____ acres	_____ acres
Wetland (Freshwater or tidal as per Articles 24, 25 of ECL)	_____ acres	_____ acres
Water Surface Area	_____ acres	_____ acres
Unvegetated (Rock, earth or fill)	<u>0.1</u> acres	_____ acres
Roads, buildings and other paved surfaces	<u>10.0</u> acres	<u>9.8</u> acres
Other (Indicate type) <u>Landscaped Area</u>	<u>5.3</u> acres	<u>5.6</u> acres

3. What is predominant soil type(s) on project site? Ub, Udorthents, Smoothed

- a. Soil drainage:  Well drained 50% of site  Moderately well drained 50% of site  
 Poorly drained \_\_\_\_\_% of site

- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? N/A acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site?  Yes  No

- a. What is depth to bedrock > 2 (in feet)

5. Approximate percentage of proposed project site with slopes:

- 0-10% 82%  10- 15% 5%  15% or greater 13%

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places?  Yes  No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks?  Yes  No

8. What is the depth of the water table? > 2 (in feet)

9. Is site located over a primary, principal, or sole source aquifer?  Yes  No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area?  Yes  No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered?  Yes  No

According to:

Pending confirmation by NYS DEC

Identify each species:

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?)

Yes  No

Describe:

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

Yes  No

If yes, explain:

14. Does the present site include scenic views known to be important to the community?  Yes  No

Views of LI Sound and NYC from upper levels of existing buildings.

15. Streams within or contiguous to project area:

none

a. Name of Stream and name of River to which it is tributary

16. Lakes, ponds, wetland areas within or contiguous to project area:

none

b. Size (in acres):

17. Is the site served by existing public utilities?  Yes  No
- a. If YES, does sufficient capacity exist to allow connection?  Yes  No
- b. If YES, will improvements be necessary to allow connection?  Yes  No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?  Yes  No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617?  Yes  No
20. Has the site ever been used for the disposal of solid or hazardous wastes?  Yes  No

**B. Project Description**

1. Physical dimensions and scale of project (fill in dimensions as appropriate).
- a. Total contiguous acreage owned or controlled by project sponsor: 15.4 acres.
- b. Project acreage to be developed: 15.4 acres initially; 15.4 acres ultimately.
- c. Project acreage to remain undeveloped: 0 acres.
- d. Length of project, in miles: N/A (if appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed. N/A %
- f. Number of off-street parking spaces existing 650 +/-; proposed 1971 +/-.
- g. Maximum vehicular trips generated per hour: 1,049 (upon completion of project)?
- h. If residential: Number and type of housing units:
- |            | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|-------------|
| Initially  | _____      | _____      | _____           | _____       |
| Ultimately | _____      | _____      | <u>762 unit</u> | _____       |
- i. Dimensions (in feet) of largest proposed structure: 184' tallest bldg height; 149' largest building avg width; 426' length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? 900 ft.
2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? TBD tons/cubic yards.
3. Will disturbed areas be reclaimed  Yes  No  N/A
- a. If yes, for what intended purpose is the site being reclaimed?
- 
- b. Will topsoil be stockpiled for reclamation?  Yes  No
- c. Will upper subsoil be stockpiled for reclamation?  Yes  No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 0 acres. No net loss of landscape area

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?

Yes  No

6. If single phase project: Anticipated period of construction: N/A months, (including demolition)

7. If multi-phased:

a. Total number of phases anticipated 3 (number) (possibly 3 phases)

b. Anticipated date of commencement phase 1: 01 month 2012 year, (including demolition)

c. Approximate completion date of final phase: TBD month TBD year. Depending on market conditions.

d. Is phase 1 functionally dependent on subsequent phases?  Yes  No

8. Will blasting occur during construction?  Yes  No (Rock will likely be encountered based on soil survey)

9. Number of jobs generated: during construction TBD; after project is complete TBD

10. Number of jobs eliminated by this project 0.

11. Will project require relocation of any projects or facilities?  Yes  No

If yes, explain:

12. Is surface liquid waste disposal involved?  Yes  No

a. If yes, indicate type of waste (sewage, industrial, etc) and amount \_\_\_\_\_

b. Name of water body into which effluent will be discharged \_\_\_\_\_

13. Is subsurface liquid waste disposal involved?  Yes  No Type Sewer discharged to public sewer

14. Will surface area of an existing water body increase or decrease by proposal?  Yes  No

If yes, explain:

N/A; no existing water bodies

15. Is project or any portion of project located in a 100 year flood plain?  Yes  No

16. Will the project generate solid waste?  Yes  No

a. If yes, what is the amount per month? 64 tons

b. If yes, will an existing solid waste facility be used?  Yes  No

c. If yes, give name Charles Point Trash-to-energy Plant; location Peekskill, NY

d. Will any wastes not go into a sewage disposal system or into a sanitary landfill?  Yes  No

e. If yes, explain:

Recyclable materials will be sent to recycling center for processing.

17. Will the project involve the disposal of solid waste?  Yes  No

a. If yes, what is the anticipated rate of disposal? \_\_\_\_\_ tons/month.

b. If yes, what is the anticipated site life? \_\_\_\_\_ years.

18. Will project use herbicides or pesticides?  Yes  No

19. Will project routinely produce odors (more than one hour per day)?  Yes  No

20. Will project produce operating noise exceeding the local ambient noise levels?  Yes  No Construction related impacts

21. Will project result in an increase in energy use?  Yes  No

If yes, indicate type(s)

Proposed facility will utilize electricity, fossil fuel and/or natural gas.

22. If water supply is from wells, indicate pumping capacity N/A gallons/minute.

23. Total anticipated water usage per day 178000 gallons/day.

24. Does project involve Local, State or Federal funding?  Yes  No

If yes, explain:



**25. Approvals Required:**

			Type	Submittal Date
City, Town, Village Board	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>Zoning Map Change &amp;</u> <u>Site Plan Approval</u>	<u>11/19/09</u>
City, Town, Village Planning Board	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>Recommendation re:</u> <u>Zoning Map Change &amp;</u> <u>Site Plan Approval</u>	<u>TBD</u>
City, Town Zoning Board	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		
City, County Health Department	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		
Other Local Agencies	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>Architectural Review Board</u> <u>Village Sewer District</u>	<u>TBD</u> <u>TBD</u>
Other Regional Agencies	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>Notice given to Westchester</u> <u>County Planning Board</u>	<u>TBD</u>
State Agencies	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>NYSDOT</u> <u>NYSDEC (Stormwater)</u>	<u>TBD</u> <u>TBD</u>
Federal Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		

**C. Zoning and Planning Information**

1. Does proposed action involve a planning or zoning decision?  Yes  No

If Yes, indicate decision required:

- |  |   |  |                                      |
|--|---|--|--------------------------------------|
| <input checked="" type="checkbox"/> Zoning amendment | <input type="checkbox"/> Zoning variance    | <input type="checkbox"/> New/revision of master plan | <input type="checkbox"/> Subdivision |
| <input checked="" type="checkbox"/> Site plan        | <input type="checkbox"/> Special use permit | <input type="checkbox"/> Resource management plan    | <input type="checkbox"/> Other       |

2. What is the zoning classification(s) of the site?

R-2F, Two-Family Residential Zoning District

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

Assuming 5,000 sf lots (50' wide) with frontage on a subdivision road = 6250 sf per lot. Site area is 15.4 acres. Site area divided by area per lot (15.4 / (6250/ 43560) = 107 residential lots)

4. What is the proposed zoning of the site?

Special Design District to permit development of the site for the purposes proposed.

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

TBD

6. Is the proposed action consistent with the recommended uses in adopted local land use plans?  Yes  No

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

Zoning Classifications: R2F Two-Family Residential, RA3 Multi-Family Residential, R7 One Family Residential, C3 Design Office and Commercial, CD Design Shopping Center, M1 Light Industrial, PD Design Professional Building.  
Predominant Land Uses: Residential, Commercial, Community Park

8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile?  Yes  No

9. If the proposed action is the subdivision of land, how many lots are proposed? N/A

a. What is the minimum lot size proposed? \_\_\_\_\_

10. Will proposed action require any authorization(s) for the formation of sewer or water districts?  Yes  No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?

Yes  No

a. If yes, is existing capacity sufficient to handle projected demand?  Yes  No

12. Will the proposed action result in the generation of traffic significantly above present levels?  Yes  No

a. If yes, is the existing road network adequate to handle the additional traffic.  Yes  No

Any negative impacts identified in the Traffic Impact Study will be mitigated. Impacts and mitigation TBD.

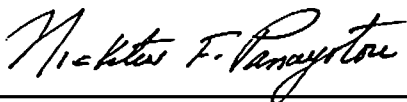
**D. Informational Details**

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

**E. Verification**

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name Nickitas F. Panayotou On behalf of the Applicant Date 12/17/09

Signature 

Title TRC Engineers, Inc. Principal, Land Development

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

**VILLAGE OF PORT CHESTER  
APPLICATION FOR ZONING MAP CHANGE**

Date: October 14, 2009

Application No. \_\_\_\_\_

The undersigned hereby applies to the Board of Trustees of the Village of Port Chester, New York, for a Zoning Map Change as hereinafter described:

Block and Lot Numbers as shown on Village Tax Map of property for which this Zoning Map Change is requested:

Section 141.62 Block 1 Lot(s) 2 and 21

General location of property (give street numbers, street names, etc.):

206 Boston Post Road and 999 High Street

672,692 sq. ft. - 15.4991 acres ±

*Area of Property*

R2F

*Present Zoning of Property*

Special Design District to accommodate proposed uses and general parameters of site plan submitted herewith

*Desired Rezoning of Property*

406 BPR, LLC

*Name and address of fee owner*

406 BPR, LLC, c/o Starwood Capital Management, 591 W. Putnam Avenue, Greenwich, CT 06830 *Tel. (203) 422-7700*

*Name and address of Applicant*

Same

*Tel.* \_\_\_\_\_

*Contractual relationship of applicant to fee owner*

Gioffre & Gioffre, P.C., 2900 Westchester Avenue, Purchase, NY *Tel. (914) 696-3800*

Is the subject property restricted by deed or other covenants?

( ) yes (X) no

If answer to question 10 is Yes, attach copy.

Present use of subject property, in detail: (1) Former hospital site - now vacant

(2) Mitchell Lama housing structure

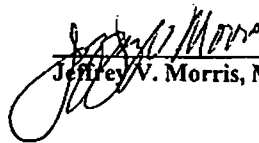
Proposed Use of subject property, in detail: \_\_\_\_\_

Mixed use - residential, office and commercial


Specific reasons why applicant considers that the desired rezoning would constitute a reasonable amendment to the Zoning Map:

Location and size are ideal for proper, long term development and as complementary uses to prevailing and proposed development of the Village with promise of orderly transition and integration of proposed uses to the growth of the Village, while offering substantial real property revenues to all taxing districts.

I, the undersigned, do hereby swear and affirm that I am authorized by the owner of the above-designated property to execute this Application, to wit, I am the Managing Member of said owner.

  
Jeffrey V. Morris, Managing Member

Sworn to before me this 15  
day of October, 2009.

  
Notary Public

**BRENDA DE LUCA**  
**NOTARY PUBLIC**  
MY COMMISSION EXPIRES JUNE 30, 2011

*orig*

# PORT CHESTER

OFFICE OF PLANNING & DEVELOPMENT 914-937-6452

## SITE PLAN APPLICATION

### Applicant Information:

Jeffrey V. Morris, Managing Member  
 (Applicant name/title)

*Jeffrey V. Morris*  
 (Applicant signature)

406 BPR, LLC  
 (Firm name)

591 West Putnam Avenue, Greenwich, CT 06830  
 (Firm address)

(203) 422-7700  
 (Firm phone)

### Representatives:

Skidmore, Owings & Merrill LLP, 14 Wall St., New York, NY 10005 (212)298-9750; Attn.: Kenneth A. Lewis  
 (Architect name/address/phone)

Gioffre & Gioffre PC, 2900 Westchester Ave., Purchase, NY 10573 (914) 696-3800, Attn.: Bruno J. Gioffre,  
 (Attorney name/address/phone)

TRC Engineers Inc., 7 Skyline Drive, Hawthorne, NY 10532 (914) 592-4040 x-264; Attn.: Thomas D. Holmes  
 (Engineer name/address/phone)

(Other/name/address/phone)  
 Date Filed: October 14, 2009

### PROJECT INFORMATION:

1. Name of Project The Gateway
2. Address of Project 400 Boston Post Road & 999 High St. SECTION 141.62 BLOCK 1 LOT 2 and 21
3. Name of Current Property Owner (if other than applicant) \_\_\_\_\_
4. Existing zoning District R2F
5. Proposed Use Mixed use - Residential, Office and Commercial
6. Total Area of Lot 671,692 sq. ft. - 15.4491 acres ±
7. Floor Area of Building: Gross 1,102,813 (E) Net TBD  
 (If addition, give existing also)
8. No. of Parking Spaces 1,893 (E)
9. Area Devoted to Surface Parking, Building and Drives TBD
10. No. of Dwelling Units 650
11. No. of Stories 18
12. Exterior Building Materials TBD Color TBD



NOTE: ALL CALCULATIONS ARE PRELIMINARY AND SUBJECT TO CHANGE  
CALCULATIONS DO NOT INCLUDE PARK SITE

DEVELOPMENT MASTER PLAN  
PORT CHESTER, NY

DECEMBER 15, 2009

STARWOOD CAPITAL GROUP

SITE PLAN





# CITY COUNCIL AGENDA

NO. 12

DEPT.: City Manager's Office

DATE: February 17, 2010

CONTACT: Frank J. Culross, City Manager

**ACTION:** Consideration to set a public hearing to amend Chapter 53, "Architectural Review" of the Code of the City of Rye by amending §53-3 "Meetings and Procedures of Board" regarding noticing requirements for applications and to rescind Chapter 68-8(G) "Building and Demolition Permits".

**FOR THE MEETING OF:**

February 17, 2010

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:**

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** Based upon concerns from a resident who indicated he and his neighbors did not receive notice of a BAR application, the City Council discussed revising Code provisions relating to notice for BAR applications.

See attached draft Local Law(s) to amend Chapter 53 "Architectural Review"

See attached comments from the Board of Architectural Review, the Board of Zoning Appeals, and the Rye Planning Commission regarding the revisions.

**LOCAL LAW  
CITY OF RYE NO. \_\_\_ OF 2010**

**A Local law to amend Chapter 53 “Architectural Review” by amending §§ 53-3 and 53-10 of the City Code of the City of Rye and rescinding § 68-8 “Building and Demolition Permits” (G) “Notice”.**

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

**Section 1.** Chapter 53 “Architectural Review” is hereby amended by amending Section 53-3 “Meetings and procedures of Board” as follows:

§ 53-3. Meetings and procedures of Board.

C.

Notice. An applicant for a building permit needing Board of Architectural Review approval for any project shall notify immediate neighbors of the application upon its filing and at least 14 days before the date of any Board of Architectural Review meeting. To facilitate notification of the public, a public notification list shall be prepared by the applicant, using the most current City of Rye Tax Maps and Tax Assessment Roll, showing the Tax Map sheet, block and lot number, the owner's name and owner's mailing address for each property as described by the rules of the Building Department. If a property within the notification area is a multi-family dwelling, apartment building, cooperative or similar type residential structure, the applicant shall send five (5) notices to the property owner instructing same to place those five notices in the common area(s) of such building so as to be visible to the residents of such building. Such notice shall be given either personally or by first-class mail and the notice shall substantially conform to the model notice in Schedule A. All notices mailed to abutting property owners must be sent via certified mail. An affidavit attesting to proper notice must be submitted to the Building Department at the time of the meeting. If the notices are mailed, all certificates of mailing must accompany the affidavit.

**Section 2.** Repeal.

Repeal Section 68-8 “Building and Demolition Permits” (G) Notice.

**Section 3.** Severability

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder thereof.

**Section 4.**

This local law shall take effect as of March 1, 2010.



To: Rye City Council

From: Rye City Board of Architectural Review

Date: February 11, 2010

Re: Proposed amendments to the notice provisions of Section 53-3 of the City Code

The members of the Rye City Board of Architectural Review (“BAR”) have reviewed the proposed amendments to Section 53-3 of the Rye City Code and have the following comments and suggestions.

#### Extent of Property Owners to be Notified

The members of BAR believe that the interests of neighbors beyond the abutting neighbors are affected by the structures on close by properties. Therefore, the members of BAR recommend that both the terms “immediate neighbors” and “abutting property owners” be replaced by the term “owners of property located within 250 feet of the perimeter (as determined by the Rye City Tax Assessor’s office) of the property which is the subject of the application.”

If a decision is made to retain the current requirement that only the abutting property owners be notified, the members of BAR believe that ambiguity is created by using the term “immediate neighbors” in the first sentence of the notice paragraph and the term “abutting property owners” in the third from last sentence of the paragraph. To remove this ambiguity and to remove any ambiguity as to whether the preceding terms include neighbors across the street from the applicant, the members of BAR recommend that both of the foregoing terms be replaced by the term “abutting and opposite property owners.”

#### Confirmation of Mailing

The members of BAR recommend that only a certificate of mailing be required to be obtained from the Post Office and that certified mail not be required if it is not necessary to obtain a certificate of mailing. The members of BAR believe that the most economical method of obtaining proof of mailing from the Post Office should be required.

The members of BAR also recommend that a certificate of mailing be required for each property owner required to be notified, not just the abutting property owners if the standard is increased to 250 feet of the property line.

#### List of Property Owners Notified

The members of BAR recommend that the applicant be required to attach the list of property owners to be notified supplied to the applicant by the City Tax Assessor’s office both to eliminate the need for the applicant to copy that list in a different form and to clarify that the City Tax Assessor’s office computer program provides the Tax Map

sheets, blocks and lot numbers, names, and mailing addresses to be notified. To accomplish this, the members of BAR recommend that “a public notification list shall be prepared by the applicant, using the most current City of Rye Tax Assessment Roll, showing” be deleted and replaced by “a public notification list shall be obtained from the City of Rye Tax Assessor’s office, showing”.

Board of Architectural Review

To: Rye City Council

From: Rye City Zoning Board of Appeals

Date: February 17, 2010

Re: Proposed local laws regarding noticing provisions

The members of the Rye City Zoning Board of Appeals have reviewed the proposed amendments to the Rye City Code regarding noticing provisions. The general consensus among the Board members is that the proposed law is fine as written. Yet some are opposed to anything that increases the burden on the applicant with respect to Board of Architectural Review (BAR) applications.

Alan S. Weil  
Chairman  
Board of Appeals

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**

**Memorandum**

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To: Rye City Council

From: Christian K. Miller, AICP, City Planner  
Barbara Cummings, Chair, Rye City Planning Commission

cc: Rye City Planning Commission  
Frank J. Culross, City Manager  
Kristen K. Wilson, Corporation Counsel

Date: February 11, 2010

Subject: **Proposed Local Law Amending Notification Requirement for Land Use Applications**

At its February 2, 2010 meeting, the Planning Commission discussed the proposed amendments to the City's notification requirements for land use applications. Overall the Commission supports changes in the existing requirements. The Commission encourages the City Council to consider the following recommendations:

- *Simplicity and Consistency.* Changes in the notification requirements should be as consistent and as simple as practical. Currently, there is considerable variation in the notice requirements depending on the land use board and approval type. In addition, the requirements are somewhat complex making it difficult for the public and applicants to understand and comply. Greater consistency and simplicity in the requirements will help avoid potential confusion, resulting in greater compliance and ultimately more effective notice to the public.
- *Delivery.* As previously noted in a December 16, 2009 memorandum to the City Council, the Commission agreed a certification of mailing by the Postal Service would be more appropriate than requiring a return receipt. A return receipt requires property owners to be present and sign for the mailing in order to receive the notice. If they are not present they will not receive the notice in a timely manner. In many cases, property owners will have to go to the Post Office to pick up the notice, which would be difficult or impossible for property owners

who work or have obligations during post office hours. The result could be that recipients might receive the notice after the meeting or not at all.

Certification of mailings will result in a third party (the U.S. Postal Service) certifying the mailing that the mailing occurred and on what date. The Commission agreed that personal delivery should be eliminated. Personal delivery of notices by applicants or their representatives cannot be verified. Applicants provide an affidavit of mailing compliance, which is required to be notarized. City Staff and many area businesses such as banks no longer provide notary services, which makes completion of the affidavit more challenging. Allowing personal delivery for some notices and requiring postal delivery for other notices also creates confusion resulting in potential delivery errors and notice defects that can compromise a board decision.

- *Notification Distances.* The Commission agreed that there should be a reduction in the notification distances for some types of applications. Existing notification distances (i.e. abutters and those opposite a property) for wetland permit and Board of Architectural Review (BAR) applications is acceptable. The Commission agreed that notification distances for other land use applications (except telecommunication applications) should be reduced to 300 feet. This distance is currently provided on the City’s online mapping, which produces automated mailing lists. Current distances of either 750 or 500 feet (depending on zoning district) are excessive for a relatively dense community like Rye with relatively small lots. Consider the following notification requirements for a sample of properties in Rye based on different notification distances.

**Number of Notices Required for Sample Properties  
Based on Varying Notification Distances**

<b>Property Location And Zoning District</b>	<b>100 Feet</b>	<b>300 Feet</b>	<b>500 Feet</b>
73 Hewlett Ave (R-4)	12	33	63
40 Kirby Lane (R-1)	11	20	34
5 Central Ave. (R-5)	13	195*	224*
21 Chester Dr. (R-2)	9	27	51

\* Includes Blind Brook Lodge and other area multi-family buildings.

- *Notice to “Apartment List”.* The Commission agreed that requiring mailings to every unit listed on the City’s “Apartment List” is excessive and should not be required. The Commission agreed that notice should be limited to the property owners and noted that renters of single-family, two-family and other multi-family units are not noticed under current law.

- *Newspaper Notification.* The Commission supports eliminating the existing legal requirement that notices for wetland permits be published in the Official Newspaper. Few read newspaper notices and therefore these notices provide little value and are an expense to the City. Newspaper notification should be limited to only where it is required by applicable state laws.
- *Notification Period.* Notices for BAR should be delivered 10 days before a meeting, which is consistent with all Planning Commission and Board of Appeals applications.
- *Notification Signs.* The Commission agreed that existing requirements for notification signs should remain unchanged.
- *Abutters Clarification.* The term “abutters” is a misnomer and should be clarified in the law to indicate that it also includes properties located across the street.



# CITY COUNCIL AGENDA

NO. 13

DEPT.: City Manager

DATE: February 17, 2010

CONTACT: Frank J. Culross, City Manager

**ACTION:** Consideration to set a public hearing to amend the Code of the City of Rye Chapters and Sections: §170-6(F) "Subdivision of Land, Procedures for Tentative Approval of Preliminary Layout"; §170-7(C) "Procedures for Approval of Subdivision Plat"; §197-7 "Zoning, Site Development Plan"; §197-10 "Zoning, Uses Permitted Subject to additional Standards"; §197-81(F) "Zoning Appellate Jurisdiction of Board"; §195-5(C) "Wetlands and Watercourses, Public Hearings and Public Notification by Applicant"; §196-15 "Wireless Communications Facilities, Public Hearings Required", regarding noticing requirements.

**FOR THE MEETING OF:**

February 24, 2010

**RYE CITY CODE,**

**CHAPTER**

**SECTION**

**RECOMMENDATION:**

**IMPACT:**  Environmental  Fiscal  Neighborhood X Other:

**BACKGROUND:** Based upon concerns from a resident who indicated he and his neighbors did not receive notice of a BAR application, the City Council discussed revising Code provisions relating to notice for the various board applications.

See attached draft Local Law.

**LOCAL LAW  
CITY OF RYE NO. \_\_\_ OF 2010**

**A Local law to amend the Code of the City of Rye Chapters and Sections: §170-6(F) “Subdivision of Land, Procedures for Tentative approval of Preliminary Layout”; §170-7(C) “Procedures for Approval of Subdivision Plat”; §197-7 “Zoning, Site Development Plan”; §197-10 “Zoning, Uses Permitted Subject to additional Standards”; §197-81(F) “Zoning Appellate Jurisdiction of Board”; §195-5(C) “Wetlands and Watercourses, Public Hearings and Public Notification by Applicant”; §196-15 “Wireless Communications Facilities, Public Hearings Required”, regarding noticing requirements.**

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

**Section 1. Chapter 170 “Subdivision of Land” is hereby amended by amending Section 170-6 “Procedures for Tentative approval of Preliminary Layout” as follows:**

§ 170-6 (F). Procedures for Tentative approval of Preliminary Layout.

F. Informal public hearing and public notification by subdivider. The Planning Commission, at its discretion, may hold an informal public hearing on the preliminary layout, particularly where the layout of the subdivision will affect adjacent properties. In the event that more than one informal public hearing is held, a fee, to be set by the City Council annually by resolution before adoption of the budget, shall be paid for each additional informal public hearing. To facilitate notification of the public, a public notification list shall be prepared by the subdivider, using the most current City of Rye Tax Maps and Tax Assessment Roll, showing the Tax Map sheet, block and lot number, the owner’s name and owner’s mailing address for each property located wholly or partially within 500 feet of the perimeter of the property that is the subject of the application, when said property is located in R-1 through R-6, RT, RA-1 through RA-5 or RFWP Zoning Districts, and 750 feet when said property is located in RS, B-1 through B-7, LPD, MC, WR or C Zoning Districts. If a property on the public notification list is also listed as a cooperative or an apartment on a list entitled “Apartment List City of Rye,” maintained by the City Assessor’s office, the address of each of the dwelling units in the building shall also be listed under the name “occupant,” and each “occupant” shall be considered a property owner for the purposes of the list. When an informal public hearing is required by the Planning Commission, the subdivider shall deliver a copy of the public notice provided by the City Planner to all of the property owners contained on the public notification list either personally or by first-class mail, posted within Westchester County at a post office or official depository of the Postal Service, and shall post a sign on the property in accordance with the following requirements:

- (1) The delivery or mailing shall be limited solely to the public notice provided to the applicant by the City Planner.
- (2) In the case of personal delivery the public notice shall be delivered to all of the property owners and/or their spouses contained on the public notification list at least seven days prior to the date of the public hearing.



- (3) In the case of delivery by mail, the public notice shall be mailed to all **abutting** property owners contained on the public notification list by **certified mail** and all other property owners by regular first-class mail, posted within Westchester County at a post office or official depository of the Postal Service, at least 10 days prior to the date of the public hearing.
- (4) **At least** ~~Within~~ two business days **prior to the public hearing** ~~after personal delivery or mailing the public notice~~, the subdivider shall file an affidavit with the City Planner stating that the public notification list was prepared in accordance with required procedures, that the list includes all properties located wholly or partially within 500 feet of the perimeter of the property that is the subject of the application, when said property is located in R-1 through R-6, RT, RA-1 through RA-5 or RFWP Zoning Districts, and 750 feet when said property is located in RS, B-1 through B-7, LPD, MC, WR or C Zoning Districts, that the public notice was personally delivered or mailed **by certified mail to all abutting property owners and by regular mail** to all ~~other~~ of the property owners on the list and the date on which the public notice was delivered or mailed, which affidavit shall contain a copy of the list and the public notice. **In addition, all certificates of mailing shall accompany the affidavit.**
- (5) In the event that a mailed notice is returned by the Postal Service because it could not be delivered, the envelope indicating the reason for the return shall be filed with the City Planner no later than the day before the day of the public hearing.
- (6) At least one week preceding the date of the public hearing at least one sign, a minimum of two feet by three feet in size and carrying a legend prescribed by the Planning Commission announcing the public hearing, shall be posted on the property. The height of the lettering on the sign shall be no less than two inches, except that the words PUBLIC NOTICE appearing at the top of the sign shall have no less than five-inch-high lettering. The sign shall be in full public view from the street and not more than 30 feet therefrom. No later than the date before the day of the public hearing, the subdivider shall file an affidavit with the City Planner stating that the sign was posted on the property in accordance with these requirements. The sign shall be removed from the property within two days after the public hearing.
- (7) **In accordance with General City Law, at least five days prior to the public hearing, the City will publish a notice regarding the public hearing in the official newspaper of the City. The applicant shall be responsible for payment of all fees associated with such publication and any subsequent publication necessary.**

**Section 2. Chapter 170 “Subdivision of Land” is hereby amended by amending Section 170-7(C) “Procedure for Approval of Subdivision Plat” as follows:**

Public hearing and public notification by subdivider. Before the Planning Commission acts on any subdivision plat, it shall hold a public hearing thereon in accordance with the General City

Law. To facilitate notification of the public, a public notification list shall be prepared by the subdivider, using the most current City of Rye Tax Maps and Tax Assessment Roll, showing the Tax Map sheet, block and lot number, the owner's name and owner's mailing address for each property located wholly or partially within 500 feet of the perimeter of the property that is the subject of the application, when said property is located in R-1 through R-6, RT, RA-1 through RA-5 or RFWP Zoning Districts, and 750 feet when said property is located in RS, B-1 through B-7, LPD, MC, WR or C Zoning Districts. If a property on the public notification list is also listed as a cooperative or an apartment on a list entitled "Apartment List City of Rye," maintained by the City Assessor's office, the address of each of the dwelling units in the building shall also be listed under the name "occupant," and each "occupant" shall be considered a property owner for the purposes of the list. When an informal public hearing is required by the Planning Commission, the subdivider shall deliver a copy of the public notice provided by the City Planner to all of the property owners contained on the public notification list either personally or by first-class mail, posted within Westchester County at a post office or official depository of the Postal Service, and shall post a sign on the property in accordance with the following requirements:

- (1) The delivery or mailing shall be limited solely to the public notice provided to the applicant by the City Planner.
- (2) In the case of personal delivery the public notice shall be delivered to all of the property owners and/or their spouses contained on the public notification list at least seven days prior to the date of the public hearing.
- (3) In the case of delivery by mail, the public notice shall be mailed to all **abutting** property owners contained on the public notification list by **certified mail** and all other property owners by regular first-class mail, posted within Westchester County at a post office or official depository of the Postal Service, at least 10 days prior to the date of the public hearing.
- (4) ~~At least Within~~ **At least** ~~two business days~~ **prior to the public hearing** ~~after personal delivery or mailing the public notice,~~ the subdivider shall file an affidavit with the City Planner stating that the public notification list was prepared in accordance with required procedures, that the list includes all properties located wholly or partially within 500 feet of the perimeter of the property that is the subject of the application, when said property is located in R-1 through R-6, RT, RA-1 through RA-5 or RFWP Zoning Districts, and 750 feet when said property is located in RS, B-1 through B-7, LPD, MC, WR or C Zoning Districts, that the public notice was personally delivered or mailed **by certified mail to all abutting property owners and by regular mail to all other** ~~of the~~ property owners on the list and the date on which the public notice was delivered or mailed, which affidavit shall contain a copy of the list and the public notice. **In addition, all certificates of mailing received from the certified mailings shall accompany the affidavit.**
- (5) In the event that a mailed notice is returned by the Postal Service because it could not be delivered, the envelope indicating the reason for the return shall be filed with the City Planner no later than the day before the day of the public hearing.

- (6) At least one week preceding the date of the public hearing at least one sign, a minimum of two feet by three feet in size and carrying a legend prescribed by the Planning Commission announcing the public hearing, shall be posted on the property. The height of the lettering on the sign shall be no less than two inches, except that the words PUBLIC NOTICE appearing at the top of the sign shall have no less than five-inch-high lettering. The sign shall be in full public view from the street and not more than 30 feet therefrom. No later than the date before the day of the public hearing, the subdivider shall file an affidavit with the City Planner stating that the sign was posted on the property in accordance with these requirements. The sign shall be removed from the property within two days after the public hearing.
- (7) **In accordance with General City Law, at least five days prior to the public hearing, the City will publish a notice regarding the public hearing in the official newspaper of the City. The applicant shall be responsible for payment of all fees associated with such publication and any subsequent publication necessary.**

**Section 3. Chapter 196-15 “Telecommunications – Public hearing required” is hereby amended by amending Section 196-15(A) “Public hearing and public notification by applicant” as follows:**

§ 196-15 Public hearing required.

A.  
Public hearing and public notification by applicant. Before the City Council acts on any application, it shall hold a public hearing thereon in accordance with the General City Law. To facilitate notification of the public, a public notification list shall be prepared by the applicant, using the most current City of Rye Tax Maps and Tax Assessment Roll, showing the Tax Map sheet, block and lot number, the owners name and owner’s mailing address for each property located wholly or partially within 750 feet of the perimeter of the property that is the subject of the application. If a property on the public notification list is also listed as a cooperative or an apartment on a list entitled “Apartment List City of Rye,” maintained by the City Assessor’s office, the address of each of the dwelling units in the building shall also be listed under the name “occupant,” and each occupant shall be considered a property owner for the purposes of the list. When the public hearing is required by the City Council, the applicant shall deliver a copy of the public notice provided by the City Planner to all of the property owners contained on the public notification list either personally or by first-class mail. **The applicant shall mail the notice to all abutting property owners via certified mail. The notices must be** posted within Westchester County at a post office or official depository of the postal service. **The Applicant and shall also post a sign on the property. The above mailing and posting notice requirements must be performed** in accordance with the following requirements:

- (1)

The delivery of mailing shall be limited solely to the public notice provided by the City Planner.

(2)

In the case of personal delivery, the public notice shall be delivered to all of the property owners and/or ~~their spouses~~ **a person of suitable age and discretion** ~~contained on the public notification list~~ at least 14 days prior to the date of the public hearing.

(3)

In the case of delivery by mail, the public notice shall be mailed to the property owners contained on the public notification list by first-class mail, posted within Westchester County at a post office or official depository of the Postal Service, at least 21 days prior to the date of the public hearing. **The applicant shall mail the notice to all abutting property owners via certified mail.**

(4)

~~Within two business days after the personal delivery or mailing of the public notice,~~ **On or before the day of the public hearing,** the applicant shall file an affidavit with the City Planner stating that the public notification list was prepared in accordance with required procedures, that the list includes all property located wholly or partially within 750 feet of the perimeter of the property that is the subject of the application, and that the public notice was personally delivered or mailed to all of the property owners on the list and the date on which the public notice was delivered or mailed, which affidavit shall contain a copy of the list and the public notice. **In addition, all certificates of mailing received from the certified mailings shall accompany the affidavit.**

(5)

In the event that a mailed public notice is returned by the postal service because it could not be delivered, the envelope indicating the reason for the return shall be filed with the City Planner no later than the day before the day of the public hearing.

(6)

At least one week preceding the date of the public hearing, at least one sign, a minimum of two feet by three feet in size and carrying a legend prescribed by the city Council announcing the public hearing, shall be posted on the property. The height of the lettering on the sign shall be no less than two inches, except that the words "PUBLIC NOTICE" appearing at the top of the sign shall have no less than five-inch-high lettering. The sign shall be in full public view from the street and not more than 30 feet therefrom. No later than the day before the day of the public hearing, the applicant shall file an affidavit with the City Planner stating that the sign was posted on the property in accordance with these requirements. The sign shall be removed from the property within two days after the public hearing.

**Section 4. Chapter 195-5(C) "Permit standards and procedures" is hereby amended by amending Section 195-5(C) "Public hearing and public notification by applicant" as follows:**

**§ 195-5(C) Public hearings and public notification by applicant.**

(1)

When an activity subject to regulation under this chapter also requires Planning Commission approval pursuant to another chapter of the Code of the City of Rye, the requirements for public hearings and public notification by the applicant shall be the same as required for the other approval. When the only other approval involves Chapter 73, Coastal Zone Management Waterfront Consistency Review, the requirements below shall apply. When an activity subject to regulation under this chapter does not also require Planning Commission approval pursuant to another chapter of the Code of the City of Rye and, in the case of Chapter 73, Coastal Zone Management Waterfront Consistency Review, before the Planning Commission acts on the application, it shall hold a public hearing, ~~notice of which shall be published in the official city newspaper at least five days prior to the hearing, and~~ The applicant shall provide additional public notification in accordance with the public notification requirements set forth in the Planning Commission's rules and regulations adopted pursuant to this chapter. **All public notifications must be mailed via certified mail. Prior to the public hearing, all certificates of mailing must be turned into the Planning Commission with an affidavit attesting that the noticing procedures were properly followed.**

(2)

Insofar as possible, any public hearing on the application shall be integrated with any public hearing required or otherwise held pursuant to any other law, including the State Environmental Quality Review Act, and only one public notice need be prepared, provided that the notice contains all of the information required for each hearing.

(3)

Any party may present evidence and testimony at the hearing. At the hearing, the applicant shall have the burden of demonstrating that the proposed activity will be in accord with the goals and policies of this chapter and the standards set forth in § 195-5D.

**Section 5. Chapter 197-81 "Appellate Jurisdiction of Board" is hereby amended by amending Section 197-81(F) "Public Notification by applicant" as follows:**

To facilitate public notification, the applicant shall prepare a public notification list using the most current City of Rye Tax Maps and Tax Assessment Roll, showing the Tax Map sheet, block and lot number, the owner's name and the owner's mailing address for each property located wholly or partially within 500 feet of the perimeter of the property that is the subject of the application. The applicant shall deliver a copy of the public notice provided by the City Clerk to all of the property owners contained on the public notification list, either personally or by mail, in accordance with the following requirements:

- (1) In the case of personal delivery, the public notice shall be delivered to all property owners and/or someone of **suitable age and discretion** ~~their spouses~~ contained on the public notification list at least seven days prior to the date of the public hearing.
- (2) In the case of delivery by mail, the public notice shall be mailed to all **abutting property owners by certified mail and all other** property owners contained on the public notification list by first-class mail, posted within Westchester County at a post office or official depository of the Postal Service, at least 10 days prior to the date of the public hearing.
- (3) ~~Within two business days after the personal delivery or mailing of the public notice,~~ **On or before the date of the public hearing,** the applicant shall file a sworn statement with the City Clerk stating that the public notification list was prepared in accordance with required procedures, that the list includes all properties located wholly or partially within 500 feet of the perimeter of the property that is the subject of the application, that the public notice was personally delivered or mailed to all of the property owners on the list and the date on which the public notice was delivered or mailed. ~~The which~~ affidavit shall contain a copy of the list and the public notice.
- (4) If a mailed public notice, **whether by regular mail or certified mail,** is returned by the Postal Service because it could not be delivered, the envelope indicating the reason for the return shall be filed with the City Clerk no later than the day of the public hearing.
- (5) **In accordance with General City Law, at least five days prior to the public hearing, the City will publish a notice regarding the public hearing in the official newspaper of the City. The applicant shall be responsible for payment of all fees associated with such publication and any subsequent publication necessary.**

**Section 6.** Severability

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder thereof.

**Section 7.**

This local law shall take effect as of April 1, 2010.



# CITY COUNCIL AGENDA

NO. 14

DEPT.: City Manager's Office

DATE: February 19, 2010

CONTACT: Frank J. Culross, City Manager

**AGENDA ITEM:** Schedule a special meeting of the City Council on Monday, March 15, at 7:00 p.m. for an update on the City's financial position.

**FOR THE MEETING OF:**

February 24, 2010

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council schedule the meeting.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**