

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

**REGULAR MEETING OF THE CITY  
COUNCIL VIA ZOOM CONFERENCE  
Wednesday, November 4, 2020  
6:30 p.m.**

*PURSUANT TO GOVERNOR CUOMO'S EXECUTIVE ORDER No. 202.1, REQUIREMENTS UNDER THE OPEN MEETINGS LAW HAVE BEEN SUSPENDED AND PUBLIC BODIES MAY MEET WITHOUT ALLOWING THE PUBLIC TO BE PHYSICALLY PRESENT. FOR THE HEALTH AND SAFETY OF ALL, CITY HALL WILL REMAIN CLOSED. THE MEETING WILL BE HELD VIA ZOOM VIDEO-CONFERENCING WITH NO IN-PERSON LOCATION AND WILL BE BROADCAST ON THE CITY WEBSITE. A FULL TRANSCRIPT OF THE MEETING WILL BE MADE AVAILABLE AT A FUTURE DATE.*

City of Rye residents may participate in the public meeting via the zoom link below. A resident wishing to speak on a topic should raise his or her hand and, when admitted to speak, should provide name and home address, and limit comment to no more than three minutes.

Please click the link below to join the webinar:

<https://zoom.us/j/98484071599?pwd=L2diL0tGeEZUbk12Z3J3MkZXSTNrZz09>

Or phone: (646) 558-8656 or (301) 715-8592 or (312) 626-6799

Webinar ID: 984 8407 1599

Password: 815298

*[The Council will convene via ZOOM CONFERENCE at 5:15 p.m. and it is expected they will adjourn into a teleconference Executive Session at 5:16 p.m. to discuss attorney-client privileged matters, personnel matters, and/or labor negotiations.]*

1. Roll Call
2. Draft unapproved minutes of the Regular Meeting of the City Council held October 21, 2020.
3. Consideration of a petition from Midland Rye LLC to amend the City of Rye Zoning Code by expanding the list of permissible uses in the B-5 "Interchange Office Building" Zoning District.
4. Presentation of the proposed FY 2021 Budget by the City Manager.
5. Consideration to set a public hearing on the 2021 Budget for December 2, 2020.

6. Adjourn, until December 2, 2020, the public hearing for consideration of a petition from The Miriam Osborn Memorial Home to amend the text of the City of Rye Zoning Code Association to create new use and development standards for “Senior Living Facilities” in the R-2 Zoning District. All public hearing comments should be emailed to [publichearingcomments@ryeny.gov](mailto:publichearingcomments@ryeny.gov) with “Osborn Zoning Change” as the subject no later than 12:00 pm on December 2, 2020.
7. Residents may be heard on matters for Council consideration that do not appear on the agenda.
8. Authorization for the City Manager to enter into a contract with the County of Westchester for participation in the Residential Food Scrap Transportation and Disposal Program upon signing through September 30, 2023. Roll call
9. Authorization for the City Manager to enter into an Inter-municipal Agreement with Westchester County for the Mutual Aid and Rapid Response Plan for the Police Departments of Westchester County from July 31, 2020 through July 30, 2025. Roll call
10. Appointments to Boards and Commissions by the Mayor with Council approval.
11. Old Business/New Business.
12. Adjournment

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The next regular meeting of the City Council will be held on Wednesday, November 18, 2020 at 6:30 p.m.

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

***UNAPPROVED MINUTES*** of the Regular  
Meeting of the City Council of the City of Rye  
held in City Hall on October 21, 2020, at 6:45 P.M.

PRESENT:

JOSH COHN, Mayor  
SARA GODDARD  
CAROLINA JOHNSON  
RICHARD MECCA  
JULIE SOUZA  
BENJAMIN STACKS  
PAMELA TARLOW  
Councilmembers

ABSENT:

None

The Council convened at 5:15 P.M. by videoconference pursuant to Governor Cuomo's Executive Order 202.1 waiving requirements of the Open Meetings Law. Councilman Mecca made a motion, seconded by Councilwoman Souza, to adjourn briefly into executive session to discuss litigation and personnel matters. The Council reconvened in a public videoconference at 6:45 P.M. The meeting was streamed live at [www.ryeny.gov](http://www.ryeny.gov) for public viewing.

1. Roll Call.

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

2. Draft unapproved minutes of the Regular Meeting of the City Council held October 21, 2020.

Councilman Mecca made a motion, seconded by Councilman Stacks and unanimously carried, to approve the minutes of the Regular Meeting of the City Council held October 21, 2020.

3. Rose/Bedrock Presentation regarding United Hospital property development.

Mayor Cohn invited representatives from the Rose/BedRock Project to speak.

Tony Gioffre, Cuddy & Feder LLP, on behalf of this project, introduced Amy Rose from Rose Associates, who are co-developing this project with Bedrock Associates. Ms. Rose started by explaining Rose Associates is a privately held, Minority and Women Owned Business Enterprise certified, New York based real estate developer for 95 years. They are currently developing 3 million square feet in Westchester County (Yonkers and White Plains) and look forward to the possibility of this project. Chuck Berman from BedRock Real Estate Partners introduced himself and provided background on his firm. BedRock Real Estate Partners is a privately held real estate investment manager which currently has \$1.6 billion in assets under management in 20 assets totaling nearly 2,500 apartments and retail space.

Michael Adamo, Director of Acquisitions for Rose Associates, provided the conceptual plan for the former Port Chester Hospital site. He explained how this current plan differed from the prior Starwood conceptual plan. Their goal was to increase the green space by hiding the parking. The site plan includes 750 residential units, 35,000 square feet of retail space, 180 assisted living units and hotel. By evaluating the previous plan by Starwood, they determined that by eliminating the proposed medical wellness unit and decreasing the retail from 90,000 square feet to 35,000 square feet, it would decrease traffic volume by 60% which should help the traffic on Boston Post Road and High Street. Additionally, they proposed a different traffic pattern on site which eliminates excessive thru traffic and increase pedestrian safety.

John Malone, responsible for site development (engineering and landscape architecture) for this proposal, spoke about evaluating the various grades and worked the plan to reduce excavation and rock blasting. Additionally, he said that the applicant reduced impervious surface and improved stormwater management.

Carlito Holt, Traffic Engineer of Provident Design, spoke about the traffic improvements in relation to the Starwood project. He stated that the off-site roadway improvements will result in a 60% traffic reduction and the new plan provides a more efficient High Street bypass traffic flow. He confirmed that he has presented this traffic plan to the Department of Transportation (DOT) and that the traffic engineer consultant for the City of Rye was present.

Mayor Cohn invited Councilmembers to ask questions about the presentation.

Councilwoman Tarlow recused herself from participating in the conversation due to her relationship with Port Chester.

Mayor Cohn asked for more details on the proposed intersection of the main entrance to the development. He noted that the main entrance to the development had been moved from Boston Post Road to High Street, and he asked if the new traffic pattern on the proposed High Street bypass road would be two ways or one way. He asked if drivers who want to exit the project have to turn onto High Street before turning onto Boston Post Road.

Mr. Holt stated that the plan for the High Street entrance and exit access point has not changed from what is currently in existence. The Starwood plan originally included three access points along High Street, but the proposed Rose/BedRock plan maintains the one already in existence. He stated that the traffic exiting the development onto High Street and going toward Boston Post Road would have the ability to turn left or right onto Boston Post Road. He stated that the key difference in the proposed plan and the current traffic pattern on High Street is that drivers will not be able to turn from Boston Post Road onto High Street, but instead, they will have to use the proposed High Street bypass road.

Mayor Cohn asked if the proposed development would provide a jitney service to the Rye train station. Mr. Berman stated that there were plans to provide residents of buildings four and five with a jitney service to downtown Port Chester, Rye, and the train stations. Mr. Gioffre stated

that there are many requirements from the environmental review process that the Starwood conceptual plan included that would carry over into the Rose BedRock conceptual plan.

Mayor Cohn reiterated the concern that the Rye Park neighborhood would become a cut-through for traffic that should stay on Boston Post Road. He asked how the proposed plan would facilitate improvements in the flow of traffic on Boston Post Road. Mr. Holt stated that the new High Street bypass will remove the left turns from Boston Post Road onto High Street thereby allowing thru traffic to pass more freely. He also stated that there would be less incentive for drivers to cut through the Rye Park neighborhood because the traffic on Boston Post Road would be moving more freely.

Mayor Cohn expressed concern that drivers would have more incentive to turn onto the High Street bypass road and use High Street as a cut-through because they no longer have to wait at the light at Boston Post Road and High Street. Mr. Berman stated that the intention of the High Street bypass road was to reduce the bottleneck caused by drivers turning from Boston Post Road onto High Street.

Councilwoman Goddard stated that the new traffic pattern would encourage drivers to use High Street as a cut-through.

Mr. Gioffre stated that the purpose of the High Street bypass road was to reduce traffic on Boston Post Road, and reiterated that the plan was still incomplete.

Councilwoman Souza asked if drivers leaving the Gateway shopping center would be able to continue straight across Boston Post Road onto the High Street bypass road. Mr. Berman confirmed that drivers would be able to continue straight onto the High Street bypass road from the Gateway shopping center.

Mayor Cohn asked if the Rose BedRock team had any further improvements for the Boston Post Road corridor. Mr. Gioffre stated that the team had to develop the plan further and hoped they would be able to provide further information once that happens.

Mayor Cohn asked if the traffic engineering consultants had been in communication with the Rose BedRock team, and Mr. Gioffre confirmed that. Mayor Cohn then stated that the building at 999 High Street provides cell service, by way of cell antennas on the roof, for Port Chester and Rye. He noted that the building is proposed to be demolished. He asked if there was a plan to replace the cell antennae that the site currently supports. Mr. Berman stated that he had been in contact with the various companies involved in that and they believe that with the new 5G technology, the antennae do not need the same height requirement. He noted that they would be relocated into a small, free-standing location on the property until the new facility is constructed so that there would be no lapse in 5G service. Mayor Cohn stated that 5G does not travel as far as 4G and that lessening the height of the antennas would decrease the reach of the 5G. Mr. Berman confirmed that was correct, but they would be working with the providers to deliver better service to the area.

Councilwoman Souza asked about the timeline and when construction would start. Mr. Gioffre stated this is still a conceptual site plan and a formal site plan still has not been formally presented to Port Chester. He anticipated that the site plan process would take about 6 months to a year before construction but there are a number of studies that still need to be conducted. He confirmed that he would keep the City up to date as things progress.

Councilwoman Johnson asked if DOT was willing to develop a bigger plan since the location meeting two major interstates and large retail areas. Mr. Gioffre confirmed when he meets with the DOT, they will invite consultants from Rye, Port Chester, and Rye Brook to evaluate the overall traffic pattern and not just the one intersection or the site.

Councilwoman Goddard asked if they contemplated any green infrastructure. Mr. Gioffre stated that it is actually requirement of the Port Chester Code but it would definitely be incorporated. She then asked about the population density of the 750 proposed units. He stated it has not been determined yet on which units would be studios, one-bedroom, etc. but they would communicate that early in the process.

Councilwoman Johnson asked about the environmental clean-up and demolition timeframe. Mr. Adamo stated it is a lengthy process on the environmental side but they are working in conjunction with the Department of Conservation (DEC). He is unable to provide a timeframe due to further studies that need to be conducted.

Mr. Gioffre closed by stating the Village or Port Chester has not granted them authority to speak with the public at this time but they are always available if the public would like to reach out to the firm directly. As the project progresses, he looks forward to speaking with them in a public setting.

At 7:52 P.M., the Council took a ten minute recess.

4. Continue the public hearing for consideration of a petition from The Miriam Osborn Memorial Home to amend the text of the City of Rye Zoning Code Association to create new use and development standards for “Senior Living Facilities” in the R-2 Zoning District. All public hearing comments should be emailed to [publichearingcomments@ryeny.gov](mailto:publichearingcomments@ryeny.gov) with “Osborn Zoning Change” as the subject no later than 12:00 pm on October 21, 2020.

Steven Wrabel, McCullough Goldberger and Staudt, gave a summary of what had transpired so far in the process of the Osborn petitioning the City for a zoning text amendment. The applicant presented to the City Council and by way of procedure, the matter was referred to the Planning Commission. The Planning Commission sent the matter back to the Council with a positive recommendation. Mr. Wrabel stated that during the public hearing process, the applicant has received comments from the public and Council, which it has taken into account and attempted to address.

Mayor Cohn mentioned the issue of traffic around the school and the possibility of greater traffic problems. He said that he had spoken to the school and they would be eager to be in a conversation and the Osborn and the City regarding this issue.

Matt Anderson, Director of the Osborn, agreed that this would be productive. He said that the Osborn has been in contact with the school district for the last several years on the issue, and would like to know what the ask is from the school. He said he understands the traffic concerns and is glad to discuss.

Mayor Cohn then stated that the area from the Theall/ Osborn corner to the school is a concern. He referenced Map Exhibit B I-4 and Exhibit B I-3. He cited Footnote G, which states that in an R2 senior living facility the minimum required setback from the road should be 240 feet in this setting. He asked for clarification, as the blue line on the map indicates a 160-foot setback. He said that it would appear that where the property faces, it would actually be that red line that shows a 240 foot setback.

Andy Tung, Divney Tung Schwalbe LLP, landscape architect for the applicant, clarified that the exhibit referred to in the book shows an existing condition of a 160 foot setback all around the perimeter of the Osborn. He explained that what the applicant proposed in coordination with the Planning Commission is to increase that setback opposite Osborn Road to 240 feet. He said that the map uses the same blue line to show the 240 feet that is proposed opposite Osborn road. Therefore, the proposal is for a 160 foot setback along the other three sides except along Osborn road. Mr. Tung explained that currently 5 stories are permitted up to the 160 foot setback, but the zoning text amendment would cap it at 4 stories at the proposed setback.

Councilman Stacks asked if the Osborn owned the entire vacant parcel shown.

Mr. Tung replied that it does own the vacant parcel shown. He discussed the aerial view of the map.

Councilwoman Goddard asked if now those mature trees will be kept.

Mr. Tung responded in the affirmative.

Mr. Anderson presented the proposed changes to the application. He said that following the meeting, the applicant would like to review the exact changes with the City Planner and Corporation Counsel. First, Mr. Anderson said that they are proposing to reduce the current height of a five story building from the current 75 feet to 65 feet. On the Theall Road side, the applicant is agreeing to move the setback placement further down Theall Road away from Osborn Road. Mr. Anderson also addressed the screening concerns and said that the applicant was working on revisions for the proposed screening requirements. He discussed minimum parking from the 1.5 spaces to 1.0. With regard to traffic, he asked to sit with city staff to understand scope that would be acceptable to the city. He said that he was willing to sit down with the school. He said that time is of the essence. He talked about the trend in the industry and the needs of the Osborn with the current landscape of senior living. He said that the Osborn wants to continue to be successful

in the industry. The Osborn has been there for 125 years and is a nonprofit. He talked about the importance of the Osborn within the Rye community.

Amanda Timchak, 61 Osborn Road, thanked the Council and the Osborn. She asked the Osborn to take neighborhood concerns into account. She said that she appreciated the Osborn's proposed changes heard this evening. She asked to understand the process further regarding the zoning amendments, followed by the building plans. She said it would be prudent to understand the worst case scenario. She asked that the Osborn move the proposed 240 foot setback to be in line with the existing cottage.

Abe Sandberg, Rye resident, spoke in favor of the Osborn zoning amendments. He discussed the current competitors throughout the county and the importance of staying relevant in the industry.

Svend Hanson, Rye resident, spoke in favor of the zoning amendment.

Bob November, Osborn resident, spoke in favor of the zoning amendment.

Elaine, Lerner, 59 Franklin, said she was an advocate that the Osborn should remain. She said she had questions about the zoning amendments. She had concerns over the height of the newer buildings.

Craig Haines, 2 Coolidge, asked the Council to defer the decision until neighbor concerns have been addressed.

Bill Pearson, 3 Holly Lane, spoke in favor of the zoning amendment. He talked about the memory care living that his family benefitted from. He spoke about the importance of the Osborn.

Daniela Arrendondo, 5 Osborn Road, thanked the Osborn for answering neighbor questions. She said she supported the Osborn but was concerned about traffic and the visual impact with the impact on the neighborhood.

Ms. Timchak read the rest of her statement. She had concerns regarding traffic and pedestrian safety in the area.

Eileen Brown, 57 Osborn Road, asked that the Council give the same consideration to the surrounding neighbors as they do for the Osborn residents. She hoped for a compromise that helped all.

Ms. Arrendondo spoke again about impact on the community and traffic and safety concerns.

Thomas Lavan, spoke in favor of the zoning amendment.

Mr. Wrabel said that the Osborn applicant would take the comments heard into account.



The public hearing was continued to a later date.

5. Westchester Power bid result report.

Mayor Cohn introduced Dan Welsh on behalf of Sustainable Westchester, to provide bid results on the Westchester Power Supply program. Mr. Welsh reported that after conducting 14 auctions based on various contract timeframes (12, 18, 24, 36 months), they selected an 18 month term contract with Constellation Energy Company. The bid results are as follows:

- Residential Standard Supply: 6.749 cents for 18 months
- Residential Green Supply: 7.405 cents for 18 months
- Commercial Standard Supply: 6.445 cents for 18 months
- Commercial Green Supply: 7.100 cents for 18 months

(Please note the City of Rye is part of the Green Supply Program)

Additionally, residents will be receiving notification letters with the bid results by October 31, 2020. The letter will indicate that they have a 30 day opt out period from November 9<sup>th</sup> through December 9<sup>th</sup> before being automatically enrolled in this new pricing structure. If they do not opt out, the new pricing structure will take into effect by the first meter reading on or after January 1, 2021.

There was general discussion on if the notification letter should have and is allowed to have the City seal on the letterhead. All other municipalities have the seal to show it is a municipal program but the contact information will be Sustainable Westchester. City Manager Usry reported he will finalize those details with Mr. Welsh and Corporation Counsel.

6. Residents may be heard on matters for Council consideration that do not appear on the agenda.

Lori Fontanes, Rye resident, said that she felt happy about the Police Review Committee that had been established in the City pursuant to the Governor's order. She offered to serve on the committee in any capacity that the City has a need.

7. Affirmation of food scrap drop-off program and extension of existing curbside pick-up pilot until January 31, 2022.

Mayor Cohn provided background of this program with the following:

1) The food scrap drop-off program was approved a year ago, but some continue to inquire if it is intended to be permanent. Affirmation is requested to indicate permanence at least so long as Westchester County maintains financial incentives and efforts to find a disposal site substantially closer than the Ulster facility now in use. *City Manager Usry confirmed Westchester County is currently drafting the MOU.*

2) The curbside program continues to have a low participation rate and concerns remain about appropriate use of City resources and additional trucking pollution.

The proposal is that the existing curbside program remain in effect until January 31, 2022, with a goal of achieving a consistent 85% participation rate by that date, with data collection by DPW at least as detailed as that presented at the City Council meeting of October 16, 2019.

Mayor Cohn invited residents to speak.

James Ward, Rye Sustainability Committee member, 50 Reymont Ave, spoke in support of the program and is currently dropping off. He requested that the focus be on the amount of waste that is diverted instead of the curbside participation rate percentage.

Meighan Corbett, 600 Forest Avenue, spoke in support of the program. She is part of curbside pickup and suggests expanding the program to include more households.

Carla Eggers, 119 Grace Church St, spoke in support of the program. She is currently dropping off and hopes the program can be expanded.

Pamela Haas, Rye Colony, currently drops off and suggests they consider adding apartment complexes.

Judith Linton, Rye Sustainability member, read a letter on behalf of Shari Punyon, 81 Glen Oaks Drive, in support of expanding the program.

Patti Capparelli, Chair of Rye Sustainability Committee, stated that the program was paused at the start of the pandemic (March) until July. She added that the renewal period and replacement of curbside non-renewers are still being finalized so the true usage is not depicted in its entirety. She supports expanding the program and offering it to apartment complexes.

Marialdi Hitchings, 57 Drake Avenue and 40 year Rye Resident, spoke in support of the program.

Patti Capparelli read a letter on behalf of Laura Iverson, 4 Stanley Keyes Court, in support of expanding the program.

Linda Mackay, Rye Sustainability member, 10 Heritage Lane, spoke in support of the program.

Colleen Margiloff, 63 Island Drive, spoke in support of the program and feels more communication of the program is needed to get all residents on board.

Councilwoman Tarlow and Councilwoman Goddard questioned why an affirmation is currently being proposed as they thought the vote last year confirmed moving forward with the food scrap program which did not include any contingencies. There was general discussion about food waste, gas emissions, and the overall drop off and curbside food scrap program amongst the Council.

Mayor Cohn clarified that he stated last year that he wants to support this program as long as the County can provide financial incentives and efforts substantially closer than Ulster County.

Councilman Mecca made a motion, seconded by Councilwoman Goddard, to affirm the food scrap drop-off program and extension of existing curbside pick-up pilot until January 31, 2022.

**ROLL CALL**

AYES: Mayor Cohn, Councilmembers Goddard, Johnson, Mecca, Souza, Stacks,  
Tarlow  
NAYS: None  
ABSENT: None

Mayor Cohn made a motion, seconded by Councilwoman Souza, to amend the previous motion to include the two conditions stated in the background on the agenda document which reads: 1) The food scrap drop-off program was approved a year ago, but some continue to inquire if it is intended to be permanent. Affirmation is requested to indicate permanence at least so long as Westchester County maintains financial incentives and efforts to find a disposal site substantially closer than the Ulster facility now in use. 2) The curbside program continues to have a low participation rate and concerns remain about appropriate use of City resources and additional trucking pollution. Proposed: that the existing curbside program remain in effect until January 31, 2022, with a goal of achieving a consistent 85% participation rate by that date, with data collection by DPW at least as detailed as that presented at the City Council meeting of October 16, 2019.

**ROLL CALL**

AYES: Mayor Cohn, Councilmembers Mecca, Souza, Stacks  
NAYS: Councilmembers Goddard, Johnson, Tarlow  
ABSENT: None

8. Resolution to amend the 2020 Adopted Fees and Charges for the Boat Basin to create a fee for the use of storage containers for Summer/Winter.

Councilwoman Tarlow made a motion, seconded by Councilwoman Johnson, and unanimously carried, to amend the 2020 Adopted Fees and Charges for the Boat Basin to create a fee for the use of storage containers for Summer/Winter.

**ROLL CALL**

AYES: Mayor Cohn, Councilmembers Goddard, Johnson, Mecca, Souza, Stacks, Tarlow  
NAYS: None  
ABSENT: None

9. Resolution authorizing the City Manager to enter into a contract with the County of Westchester for Snow and Ice Removal on County Roads for the period from October 1, 2020 through September 30, 2025.

***UNAPPROVED MINUTES*** – Regular Meeting - City Council  
October 20, 2020 - Page 10

Councilwoman Tarlow made a motion, seconded by Councilwoman Stacks, and unanimously carried, to authorize the City Manager to enter into a contract with the County of Westchester for Snow and Ice Removal on County Roads for the period from October 1, 2020 through September 30, 2025.

**ROLL CALL**

AYES: Mayor Cohn, Councilmembers Goddard, Johnson, Mecca, Souza, Stacks, Tarlow  
NAYS: None  
ABSENT: None

10. Old Business/New Business.

There was nothing discussed under this agenda item.

11. Adjournment.

There being no further business to discuss, Councilman Mecca made a motion, seconded by Councilwoman Johnson and unanimously carried, to adjourn the meeting at 10:44 P.M.

Respectfully submitted,

Carolyn D'Andrea  
City Clerk



# CITY COUNCIL AGENDA

DEPT.: Planning

DATE: October 30, 2020

CONTACT: Christian Miller, City Planner

**AGENDA ITEM:** Consideration of a petition from Midland Rye LLC to amend the City of Rye Zoning Code by expanding the list of permissible uses in the B-5 “Interchange Office Building” Zoning District.

**FOR THE MEETING OF:**

November 4, 2020

**RYE CITY CODE,  
CHAPTER  
SECTION**

**RECOMMENDATION:** That the City Council review and discuss the revised petition, EAF and related materials provided in the Petitioner’s September 18, 2020 submission.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

The former Avon property at 601-602 Midland Avenue was purchased by Midland Rye LLC. The petitioner believes the proposed zoning changes would allow them to better market the property and make use of the underutilized site by providing more flexibility in pursuing potential tenants. The original petition was previously referred to the Planning Commission, which provided its advisory recommendation to the City Council in November 2019 memorandum (attached hereto). The Petitioner’s September 18, 2020 petition revises its original zoning text amendment and is attached hereto. The most recent submission also includes a revised Full Environmental Assessment Form (EAF), additional impact analysis and an analysis of parking requirements.

RECEIVED  
CITY OF RYE  
2020 SEP 21 AM 11:51  
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FRANK S. MCCULLOUGH (1905-1988)  
EVANS V. BREWSTER (1920-2005)

September 18, 2020

Honorable Mayor Josh Cohn  
and Members of the City Council  
City of Rye  
1050 Boston Post Road  
Rye, New York 10580

Re: 601-621 Midland Avenue  
Zoning Text Amendment

Dear Mayor Cohn and Members of the City Council:

This office represents Midland Rye LLC<sup>1</sup>, (hereinafter, "Petitioner" or "George Comfort"). Petitioner is the owner of a tract of land totaling approximately 18.09 acres of real property, which consists of the 14.84-acre lot identified as 601 Midland Avenue (the "Property") and the 3.25-acre lot identified as 621 Midland Avenue (the "Vacant Lot"). Until recently, both sites were owned by Avon Capital Corporation and Avon Products, Inc. ("Avon"), which operated on the Property since the late 1950's.

The Property is primarily located in the B-5 "Interchange Office Building" Zoning District and is currently improved with an office building.<sup>2</sup> The building was initially used as a warehouse and distribution center for Avon, and was later converted into Avon's data center and accompanying office space. This office building has now become vacant.

As discussed in our last meeting with the Council and further detailed in the enclosed memorandum from AKRF, Inc., it is difficult to attract tenants for a straightforward office use in the current Westchester market, which has seen a number of office developments become vacant. For this reason, Petitioner is proposing a Zoning Text Amendment (the "Amendment") to expand the list of permissible uses in the B-5 District. The Amendment will give Petitioner greater flexibility in pursuing new tenants for this underutilized site. It is not anticipated that any of the uses contemplated in the Amendment will require changes to the existing building.

<sup>1</sup> Midland Rye LLC is a Delaware limited liability company licensed to do business in the State of New York, under common control with George Comfort & Sons, Inc.

<sup>2</sup> A small corner of the site containing a driveway lies within the adjacent R-2 "One-Family" Zoning District.

Petitioner last appeared before the Council at its September 18, 2019 meeting, and was duly referred to the Rye Planning Commission for its review and recommendation. The Commission's review of the proposed Amendment is now complete, and it is our understanding that the Commission's recommendation has been provided to the Council.

Over the course of the Planning Commission's review, Petitioner made a number of revisions to the proposed Amendment. First, the Commission asked that Petitioner look more closely at child-care/daycare uses, which are already permitted as an accessory use in the B-5 District. As a result of the Commission's input, the Amendment was updated to include child-care facilities as a permitted principal use, subject to additional standards and requirements. The revised Amendment would allow for a daycare facility on the Property independent of any other building tenant. This change will provide further flexibility to Petitioner in marketing the Property, and will also provide a potential benefit to the larger community by allowing for new daycare facilities.

Similarly, based on market demand, Petitioner has added finishing and/or assembling of products as a new principal use subject to additional standards and requirements. This use is not industrial in nature, as all materials would be prefabricated elsewhere and assembled on site by a potential tenant. Pursuant to input from the Planning Commission, the Amendment has been further revised include several criteria related to this use to ensure compatibility with the surrounding neighborhood.

Similarly, to accommodate market demand, Petition has also added product testing as a new principal use subject to additional standards and requirements. This use would involve the examination of items that have already been built and would also not be industrial in nature. To ensure proper controls are in place, Petitioner is proposing similar criteria to those developed for product finishing/assembly.

The Planning Commission also requested Petitioner provide parking ratios and supporting rationale for each use. JMC Engineering ("JMC") reviewed relevant parking standards prescribed by the Institute of Transportation Engineers as well as standards in nearby municipalities for the relevant uses. See JMC Parking Memorandum, enclosed herewith. Pursuant to this analysis, the Amendment was revised to include parking ratios that best suit each use. New and revised language was also added to the Amendment to better define the proposed self-storage use, and to clarify that two or more principal uses may be accommodated on the same lot.

Enclosed please find the following materials in support of the petition to the City Council:

- 1) Revised Petition for Amendments to the City of Rye Zoning Ordinance (the "Petition"), dated September 11, 2020, together with the Amendment to the City of Rye Zoning Ordinance and a Planning Study prepared by AKRF, Inc., dated September 3, 2020;
- 2) Redline of the changes made to the Amendment since our last Council appearance;

- 3) Parking Memorandum prepared by JMC, dated September 11, 2020; and
- 4) Revised Full Environmental Assessment Form (“EAF”), prepared by AKRF, Inc., dated September 3, 2020, relating to the proposed changes.<sup>3</sup>

Please place this matter on the next available City Council agenda to consider setting a public hearing. We look forward to discussing this important matter with you.

Very truly yours,



Steven Wrabel

cc: Greg G. Usry  
Kristen Wilson, Esq.  
Christian Miller  
George Comfort & Sons, Inc.  
AKRF, Inc.  
JMC Engineering

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<sup>3</sup> You will note that because the proposed action is a zoning text amendment only, several sections of the EAF are not required to be filled out. Nevertheless, we have provided as much information as possible for the Council’s convenience, in order to better facilitate your review.



**Petition for Amendment to City of  
Rye Zoning Ordinance (with  
Exhibits)**

CITY OF RYE CITY COUNCIL  
COUNTY OF WESTCHESTER: STATE OF NEW YORK

-----X

In the Matter of the Petition of

MIDLAND RYE LLC  
Petitioner,

**PETITION FOR  
AMENDMENT TO  
CITY OF RYE  
ZONING ORDINANCE**

For Amendment to the City of Rye  
Zoning Ordinance.

Parcels: 139-20-1-3, 139-20-1-5

-----X

TO THE MAYOR AND MEMBERS OF THE CITY COUNCIL OF THE CITY OF RYE:

PETITIONER, MIDLAND RYE LLC (“Petitioner”), with its principal place of business at 200 Madison Avenue, 26<sup>th</sup> Floor, New York, New York hereby petitions the City Council of the City of Rye (“Rye”) for amendments to the Zoning Ordinance of Rye as follows:

**INTRODUCTION**

1. Petitioner is a duly formed and existing Delaware limited liability company licensed to do business in the State of New York, with its principal place of business at 200 Madison Avenue, 26<sup>th</sup> Floor, New York, NY 10016.
2. Petitioner is the owner of a tract of land totaling approximately 18.09 acres of real property, which consist of (a) the 14.84-acre lot identified as 601 Midland Avenue, City of Rye, County of Westchester, State of New York, shown and designated on the City of Rye Tax Map as Tax Parcel 139-20-1-3 (hereinafter referred to as the “Property”); and (b) the 3.25-acre lot identified as 621 Midland Avenue, shown and designated as Tax Parcel 139-20-1-5, which is located north of the Property, between Interstate-95 and Interstate-287, and which is presently unimproved (the “Vacant Lot). Until recently, the Property was used by Avon Capital Corporation and Avon Products, Inc. (“Avon”), who had operated on the Property since the late 1950’s.

3. The Property is primarily located in the B-5 “Interchange Office Building” Zoning District. A small corner of the Property, which is improved with a driveway, lies within the adjacent R-2 “One-Family” Zoning District.

4. The Property is a corner lot located on the west side of Midland Avenue and the north side of Peck Avenue. The southernmost parcel, 601 Midland Avenue, is a corner lot with frontage on both Midland Avenue and Peck Avenue. The Property is bordered by Interstate-95 to the north and by the Metro North railroad and I-95 to the west. To the east, across Midland Avenue, are access roads to the highway, as well as offices of the Federal Bureau of Investigation. To the south, across Peck Avenue are the Gables Condominiums.

5. The Property is currently improved with a vacant office building. The building was initially used as a warehouse and distribution center for Avon, and was later converted into Avon’s data center and accompanying office space. Consequently, Petitioner is proposing to expand the list permissible uses within the B-5 District, to better utilize the Property.

6. Therefore, Petitioner is hereby requesting that the City Council of Rye amend the Rye Zoning Ordinance to add four (4) new permitted uses in the B-5 Zoning District, specifically medical office, self-storage, daycare/child-care, finishing/assembling of products, and product testing which would each be permitted as uses subject to additional standards and requirements (otherwise referred to as “special exception uses”).

#### **PROPOSED TEXT AMENDMENTS TO ZONING ORDINANCE**

7. Petitioner respectfully requests the adoption of a Local Law codifying a Zoning Text Amendment consisting of modifications to the Table of Use Regulations for Business Districts to permit medical office, self-storage, daycare/child-care, finishing/assembling of products, and product testing as special exception uses in the B-5 District.

8. A copy of the proposed Local Law for said Zoning Text Amendment is attached hereto and made a part hereof as Exhibit A.

9. The Zoning Text Amendment would not have any adverse impact on the Zoning Ordinance or the City of Rye for several reasons. First, the proposed Zoning Text Amendment will only impact the B-5 District, which affects a very limited number of properties in Rye totaling approximately 32 acres, including lots now owned by the Thruway Authority, which will likely not be impacted by any change in zoning.

10. Secondly, the proposed uses would be consistent with other permitted uses in the B-5 District and would not substantially change the character of the Property, which is already developed as a commercial site, and would be consistent with regional trends in the use of commercial development. See Planning Study prepared by AKRF, Inc., dated February 13, 2020, attached hereto as Exhibit B.

11. Moreover, all proposed uses can be accommodated within the existing building on the Property, which was originally designed to house a much more impactful distribution facility for Avon.

12. Finally, in light of the current office market in Westchester, the proposed Zoning Text Amendment will allow Petitioner to better market the Property and make use of the underutilized site, by providing more flexibility in pursuing potential tenants. This will be beneficial to both Petitioner and Rye, as it will help ensure the financial viability of the Property in the future.

13. For all of the foregoing reasons, it is respectfully submitted that the proposed Zoning Ordinance Amendments should be granted.

**WHEREFORE**, Petitioners respectfully request that the City Council of Rye amend the Zoning Ordinance of Rye as set forth above.

Dated: New York, New York  
September 11, 2020

Respectfully submitted,  
**MIDLAND RYE LLC**,  
a Delaware limited liability company

By: **MIDLAND RYE JOINT VENTURE LLC**, a Delaware  
limited liability company

By: **GCS MIDLAND LLC**, a Delaware limited liability company,  
its managing member

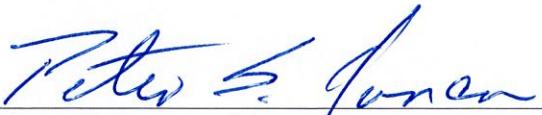
By:   
Peter S. Duncan, Manager

EXHIBIT A  
PROPOSED ZONING TEXT

**CITY COUNCIL  
CITY OF RYE, NEW YORK**

**LOCAL LAW NO. \_\_\_-2020**

**A LOCAL LAW TO REVISE THE ZONING ORDINANCE  
OF THE CITY OF RYE**

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

**Section One.** Section 197-1 of the City of Rye Zoning Ordinance shall be amended by adding a new defined term entitled “Self-Storage”, which shall state as follows:

**SELF-STORAGE**

A fully enclosed commercial and/or business establishment providing varying sizes of individual compartmentalized and/or controlled access to stalls or lockers for the storage of business and personal property. Such facilities shall not include warehouse or distribution uses.

**Section Two.** Section 197-12 of the City of Rye Zoning Ordinance shall be amended by adding a new section .C., which shall state as follows:

C. Nothing shall prohibit two or more principal uses on any one property within the B-5 District, provided all applicable standards and requirements are met pursuant to this Chapter.

**Section Three.** Section 197-86 of the City of Rye Zoning Ordinance shall be amended by adding new sections (3), (4), (5), (6) and (7) to Table B, Column 2, under the heading “B-5 Interchange Office Building District”, which shall state as follows:

- (3) Medical offices for physicians or dentists, exclusive of bed care of patients. Said offices shall comply with all dimensional regulations applicable to office buildings within the B-5 District and shall have a minimum parking requirement of 5.0 parking spaces per 1,000 square feet of gross floor area.
- (4) Self-storage, provided the following criteria are met:
  - (a) Signage must comply with all elements of the Rye Sign Ordinance (Chapter 165).
  - (b) Unless expressly provided otherwise, self-storage uses shall comply with all other dimensional requirements applicable to office buildings within the B-5 District.
  - (c) No self-storage use shall exceed 2/3 of the usable floor area of any existing or proposed building within the B-5 District.
  - (d) Self-storage facilities shall not be constructed to appear industrial in nature or out of keeping with the character of the surrounding neighborhood.

- (e) Self-storage facilities shall have a minimum parking requirement of 0.25 parking spaces per 1,000 square feet of gross floor area.
  - (f) Storage of chemicals in such state and quantities so as to be “reportable” as defined by Section 313 of the Emergency Planning and Community Right-to-Know Act (“EPCRA”), shall not be permitted, regardless of the number of employees on site.
- (5) Duly licensed daycare and child-care facilities, which shall comply with all dimensional regulations applicable to office buildings within the B-5 District, and shall have a minimum parking requirement of 4.0 parking spaces per 1,000 square feet of gross floor area.
- (6) Finishing or assembling of products within a fully enclosed building, provided the following standards are met:
- (a) Manufacturing shall not be permitted, and any associated machinery shall be incidental to the assembly or finishing of products.
  - (b) Finishing and assembling of products shall not result in any dust, fumes, or offensive noise or vibrations beyond the property boundary of the site on which the use is located.
  - (c) Finishing and/or assembling facilities shall have a minimum parking requirement of 2.0 parking spaces per 1,000 square feet of gross floor area.
  - (d) Storage of chemicals in such state and quantities so as to be “reportable” as defined by Section 313 of the EPCRA shall be generally prohibited, regardless of the number of employees on site. The use of one or more chemicals in amounts that are “reportable” may be permitted if it can be demonstrated to the satisfaction of the Planning Commission that such chemicals shall be handled, stored, and disposed of in a manner that is protective of the health and safety of neighboring properties and the environment, inclusive of the sanitary sewer system.
- (7) Testing of products, provided the following standards are met:
- (a) Manufacturing shall not be permitted, and any associated machinery shall be incidental to the testing of products.
  - (b) Testing of products shall not result in any dust, fumes, or offensive noise or vibrations beyond the property boundary of the site on which the use is located.
  - (c) Testing shall have a minimum parking requirement of 2.0 parking spaces per 1,000 square feet of gross floor area.
  - (d) Storage of chemicals in such state and quantities so as to be “reportable” as defined by Section 313 of the EPCRA shall be generally prohibited, regardless of the number of employees on site. The use of one or more chemicals in amounts that are “reportable” may be permitted if it can be demonstrated to the satisfaction of the Planning Commission that such chemicals shall be handled, stored, and disposed of in a manner that is protective of the health and safety of neighboring properties and the environment, inclusive of the sanitary sewer system.

**Section Four.** If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

**Section Five.** This Local Law shall take effect immediately upon filing with the Secretary of State.



EXHIBIT B

AKRF PLANNING STUDY



***Environmental, Planning, and Engineering Consultants***

34 South Broadway  
Suite 401  
White Plains, NY 10601  
tel: 914 949-7336  
fax: 914 949-7559  
[www.akrf.com](http://www.akrf.com)

## Memorandum

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**To:** City of Rye City Council  
**From:** AKRF, Inc. (Peter Feroe, AICP)  
**Date:** September 3, 2019; Revised September 3, 2020  
**Re:** Proposed Zoning Text Amendment

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### A. INTRODUCTION

AKRF, Inc. (“AKRF”) has been retained by Midland Rye LLC, Delaware LLC under common control with George Comfort & Sons, Inc. (the “Applicant”), to prepare a land use, zoning, and public policy analysis for the existing 160,000 square foot (sf) office building located at 601 and 621 Midland Avenue in the City of Rye (the “Project Site”). The Project Site is located in the B-5 Zoning District, “Interchange Office Buildings,” and is approximately 18.09 acres. The B-5 district permits, among other uses, hotels, professional offices, and schools. To increase the flexibility of the B-5 Zoning District, and to facilitate the re-tenanting of the existing building, the Applicant is proposing a zoning text amendment to expand the list permissible uses within the B-5 District to include “medical office,” “self storage,” “finishing or assembling of products,” and “testing of products” as “special exception” uses (the “Proposed Action”).

The Proposed Action requires a zoning text amendment from the City of Rye’s City Council. As such, the Proposed Action is required to comply with the State Environmental Quality Review Act (SEQRA) and its implementing regulations (6 NYCRR Part 617). AKRF understands that, as part of the SEQRA review, the City of Rye (the “City”) would like to evaluate the need for medical offices, self-storage facilities, and finishing and assembly uses in context with the Project Site. The Applicant does not have a specific user or tenant fit-out program, and therefore is not pursuing site plan approval at this time.

This memorandum analyzes the consistency of the Proposed Action with applicable policy documents of the City and County, as well as with land-use trends affecting professional office, medical office, self-storage, and finishing and assembly uses in the region.

### PROJECT LOCATION AND SITE HISTORY

The Project Site is bounded by Interstate 95 (I-95) to the north, Peck Avenue to the south, Midland Avenue to the east, and the Metro-North railroad tracks to the west. The Project Site is located in a mixed-use area with a neighborhood of low-rise multi-family apartments and townhouses to the south of Peck Avenue, commercial and retail uses to the north, office uses to the west, and transportation uses to the east.

The Project Site is currently improved with an approximately 160,000 sf office building that was formerly owned by the Avon Capital Corporation. The building was constructed as an office and distribution center

in the 1950s, and was initially approved for use by up to 445 employees. Over time, the number of employees increased to a peak of 600. From 2016-2017, the Avon Capital Corporation reduced the number of employees on-site to 500. By the end of 2018, there were approximately 325 employees on the Project Site. AKRF understands that Avon most recently used the Project Site for a mix of professional office, data center, and call center uses. In July 2019, the Applicant purchased the Project Site from the Avon Capital Corporation with the intention of re-tenanting the existing building.

### **PURPOSE AND NEED**

In order to provide flexibility with respect to potential new tenants of the existing building, thereby providing tax certainty to the City, the Applicant is requesting that the City permit medical office, self-storage facilities, finishing and product assembly uses, and product testing *in addition to* the currently permitted office use. As described in more detail below, the demand for stand-alone office space in Westchester County peaked in the 1980s and has experienced a steep decline since that time. Many former stand-alone office buildings or corporate parks have experienced significant, and sometimes complete, vacancies. As these buildings or office parks have become underutilized, the assessed value, and subsequently the property taxes generated, have also decreased, sometimes significantly. Given the continuing decline in demand for stand-alone office buildings, it has become increasingly difficult to re-tenant vacant office buildings with traditional office users. In order to return vacant office buildings or corporate parks to productive use—uses that increase the assessed value and the property taxes generated by a site—many communities have found it necessary to expand the range of uses permitted on these sites. By increasing the number of permitted uses on these formerly office-only sites, communities have been able to attract new investment, realize increased assessed value of these sites, and collect increased property tax revenue from these sites.

Therefore, the Applicant is requesting that the City expand the uses permitted on the Project Site, in a carefully controlled manner, in order to return the Site to productive use and to provide the City of Rye with stable property tax payments into the future.

### **FISCAL CONSIDERATIONS**

The Project Site is comprised of two parcels: 601 Midland Avenue, a 14.84-acre parcel that is improved with an existing office building and parking lots; and, 601 Midland Avenue, a 3.25-acre unimproved parcel bounded by the ramps to I-287 and I-95 to the north and south and the Metro North Railroad tracks to the west. The two parcels have a combined assessed value (2019) of \$592,513, which translates into an estimated full market value of \$37.98 million<sup>1</sup> (see **Table 1**). Based on this assessed value, the two parcels generate approximately \$639,979 in property taxes per year to various taxing jurisdictions, including approximately \$104,733 to the City of Rye and \$379,398 to the Rye School District.

In 2019, the Applicant purchased the Project Site for approximately \$23.1 million. Based on the City's 2019 equalization rate, a full market value of \$23.1 million is equal to an assessed value of \$360,360 – approximately 39 percent less than the Site's current assessed value. If the Project Site's assessment were based on the purchase price, the property taxes generated by the Site would similarly be approximately 39 percent lower than what the Site currently generates (see **Table 1**). The Applicant has filed a tax certiorari proceeding requesting that the Site's assessed value be modified to more closely reflect the purchase price.

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<sup>1</sup> The 2019 equalization rate for the City of Rye is 1.56%.

**Table 1**  
**Project Site Property Taxes**

		2019 Assessed Value (\$592,513)			Assessed Value at Purchase Price of \$23.1 million (\$360,360)		
	Tax Rate per \$1,000	601 Midland	621 Midland	Total	601 Midland	621 Midland	Total
City of Rye	\$176.76	\$94,917	\$9,815	<b>\$104,733</b>	\$57,728	\$5,969	<b>\$63,697</b>
County	\$207.88	\$111,628	\$11,543	<b>\$123,172</b>	\$67,891	\$7,020	<b>\$74,912</b>
Rye City School District	\$640.32	\$343,842	\$35,556	<b>\$379,398</b>	\$209,121	\$21,625	<b>\$230,746</b>
County Refuse Disposal District #1	\$17.57	\$9,435	\$976	<b>\$10,410</b>	\$5,738	\$593	<b>\$6,332</b>
Blind Brook County Sewer District	\$37.58	\$20,180	\$2,087	<b>\$22,267</b>	\$12,273	\$1,269	<b>\$13,542</b>
<b>Total</b>	<b>\$1,080.11</b>	<b>\$580,003</b>	<b>\$59,976</b>	<b>\$639,979</b>	<b>\$352,751</b>	<b>\$36,477</b>	<b>\$389,228</b>

**Sources:** City of Rye 2019 Assessment Roll; <https://www.westchestergov.com/property-tax-rates>

## B. CONSISTENCY WITH PUBLIC POLICY

### CITY OF RYE COMPREHENSIVE PLAN

The *City of Rye 1985 Development Plan* (“the Plan”) is the comprehensive master plan of record. The City initiated the process of updating its comprehensive plan in 2017, but this document is not yet available.

The *Plan*, which documents the development pressures and economic trends of the 1980s, notes the trend towards corporate office buildings and corporate parks. The *Plan* identifies Midland Avenue, and the Project Site specifically, as one of two areas within the City where office buildings are concentrated and that have access to I-95. The Avon building is identified as a “notable development” that has the permission to expand to a maximum of 967,000 sf through a three phased development plan. At full build-out, the Avon building was projected to have a total of 2,000 workers and 2,400 vehicles arriving and departing. However, Phases II and III were never constructed.

The Plan sets forth a number of goals and policies to guide future development within the City of Rye. Specific to the Business Development (BD) Districts and the Project Site, the Plan establishes the following goal:

*Maintain the City's existing economic base without making substantial changes in scale. (pg. 27)*

To implement this goal, the Plan sets forth the following policy:

*Limit retail uses outside the CBD [Central Business District] to neighborhood business areas in order to preserve the residential integrity of the neighborhood and the retail strength of the CBD. (pg. 27)*

The Proposed Action, which would facilitate the adaptive reuse of an existing office building, is consistent with both this goal and policy. The Proposed Action would increase the flexibility of the future use of the Project Site. The Proposed Action would expand the permitted uses within the B-5 Zoning District, which would enhance the ability to adaptively reuse the existing office building and keep development consistent with its current scale. In fact, should the existing building be re-occupied with a new use, it would be significantly smaller than the Avon building envisioned in the 1985 *Plan*. The proposed medical office, self-storage, and product finishing, assembling and testing uses are not traditional downtown uses, such as retail or restaurant. As such, they are not anticipated to compete with the CBD and would not adversely affect its strength. Therefore, the Proposed Action would be consistent with the goals and policies of the *Plan*.

## CITY OF RYE LOCAL WATERFRONT REVITALIZATION PROGRAM

The City of Rye adopted its Local Waterfront Revitalization Plan (LWRP) in June 1991. In the vicinity of the Project Site, the landward boundary of the LWRP follows Midland Avenue north to Grace Church Street, and then follows Grace Church Street into Port Chester. Therefore, the Project Site does not fall within the boundary of the LWRP.

### PATTERNS FOR WESTCHESTER

In 1996, the Westchester County Planning Board developed and published a document entitled *Patterns for Westchester: The Land and the People*. This document provides a general policy framework for Westchester County's review of local applications and major development proposals, defined as 50,000 or more sf of commercial floor area, or 25 or more housing units. *Patterns for Westchester* sets forth general policies for Westchester County's involvement in local and regional land use planning. It recommends strategies to balance economic growth with a sound environment by directing growth to centers, reinventing developed corridors as multiuse places, and factoring open space elements into the development process.

*Patterns* documented that during the late 1980s vacancy rates for traditional office and commercial space increased, eroding the tax base and weakening the construction industry. One of the strategies identified in the *Patterns* document is for municipalities to, "permit new uses in underutilized office buildings." The Proposed Action is consistent with this strategy as it proposes new uses within the B-5 Zoning District to facilitate the repurposing of an existing underutilized office building.

### WESTCHESTER 2025

*Westchester 2025* is a countywide planning effort that emphasizes the importance of regional planning and makes planning resources accessible to communities and their residents. As part of that effort, the *2025 Context for County and Municipal Planning and Policies to Guide County Planning* (the "Context") was adopted by the Westchester County Planning Board in 2008 and amended in 2010. This document replaces and updates the "Assumptions and Policies" section of *Patterns for Westchester* with new principles and policies for development in Westchester County.

The *2025 Context* notes that greenfield development, "is a shrinking component of new construction" and that, "the future of development in Westchester will be found in redevelopment." The *Context* recommends that development be channeled to existing community centers and should be "consistent with defined community character." Consistent with the *Context*, the Proposed Action would facilitate the repurposing of an existing underutilized office building with convenient access to multiple modes of transportation, and within an existing business area. By facilitating adaptive reuse of existing structures, the Proposed Action would preserve existing community character.

## C. LAND-USE TRENDS

### PROFESSIONAL OFFICE

The demand for professional office space in a corporate park setting has declined since its peak in the 1980s. This trend is evidenced by the repurposing and redevelopment of corporate office buildings throughout Westchester County, and most notably the "Platinum Mile" in nearby Harrison, NY. In 2017, Commercial Real Estate Services ("CBRE") reported that the number of office buildings in Westchester County severely decreased over the past decade. Specifically, office space decreased from 33,202,550 sf (282 buildings) in 2011 to 27,911,304 sf (208 buildings) in 2017. In total, Westchester County office inventory dropped 16%, equivalent to a loss of 5,291,246 sf or approximately 74 buildings.<sup>2</sup>

The decrease in demand for traditional corporate office space has been attributed to millennial influence on the workplace setting. There is a rising demand for more dynamic, fluid, and interactive workspaces as

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<sup>2</sup> Cuddy, William. "Westchester County Market Overview and Development Trends." Alfred B. DelBello Land Use and Sustainable Development Conference, 7 Dec 2017, Pace University, White Plains, NY.

today's workers prefer collaborative spaces, transparency, and freedom of choice.<sup>3</sup> In terms of space, this means a more open floorplan with shared spaces and fewer dedicated offices.<sup>4</sup> As a result of this trend, the amount of office space per worker dropped 8% in the United States from 2009 to 2018, and 6% in Westchester County during the same period.<sup>5</sup>

There is also strong demand for office space that is near public transportation, as it creates better access to quality labor and a broader demographic pool of employees. Transit-oriented developments (TODs) have attracted corporations away from traditional office parks and into central business districts. According to CBRE, as reported in the *Westchester Business Journal Daily Voice Plus*, some office tenants relocating to TODs have been able to shrink their footprints even though their employee counts have remained the same or increased. Transit access, combined with lower space needs per employee, have contributed to the trend away from traditional isolated office buildings and instead towards TOD. This trend towards TOD is projected to continue and to increase going forward.<sup>6</sup>

These changing workplace trends have influenced the corporate office market, and jeopardized the future of some corporate office buildings due to size, location, and demand. In Westchester County, this trend has resulted in standalone office buildings either being converted or demolished to develop new uses, while office buildings within downtown core areas, such as White Plains, have continued to attract tenants due to their proximity to public transportation and services. This is reflected in office vacancy rates—southern Westchester has a vacancy rate of 8.8%, whereas northern Westchester has a vacancy rate of 21.2%.<sup>7</sup>

The removal of some of these older, standalone office buildings from the existing office stock has helped to improve the overall office market in Westchester County. As reported in *Westchester Magazine*, the repurposing of obsolete office properties has affected supply and demand. Major conversions underway in 2019 include the former IBM campus in Somers, two Harrison Platinum Mile buildings (104 Corporate Park Drive and 3 Westchester Park Drive), and 900 King Street in Rye Brook. The repurposing of these and other properties reduced the Westchester office space inventory from 32 million sf to 26.7 million sf, and helped to lower the overall vacancy rate to 16.5%.<sup>8</sup>

The trend towards flexible workspaces close to public transportation and the downtown core contributed to the decline and increased vacancy rates of the Platinum Mile. To address the underutilization and deterioration of office park properties along the Platinum Mile, the Town of Harrison updated its comprehensive plan to establish a new vision that meets current real estate needs. A driving factor in this effort was the preservation of the tax base created by corporate office development. To meet these needs, the Town is considering a new SB-MX (mixed-use) Zoning District to permit new land uses and increase flexibility. The new Zoning District would utilize special use permits to give the Town additional oversight in the development review process.

Based on the above data, demand for standalone office buildings like the Avon building is decreasing. This is due to evolving market trends, office space needs, work styles, and transit access. The Proposed Action, which would increase the flexibility of the B-5 Zoning District, would facilitate the repurposing an existing

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<sup>3</sup> Cuddy, William. "Westchester County Market Overview and Development Trends." Alfred B. DelBello Land Use and Sustainable Development Conference, 7 Dec 2017, Pace University, White Plains, NY.

<sup>4</sup> CBRE Research. "Solving for the Future with Agility, Americas Occupier Survey Report." 2018.

<sup>5</sup> Cushman & Wakefield. "Space Matters, Key Office Trends and Metrics for US Occupiers." Spring 2018.

<sup>6</sup> Katz, Peter. "Reports Show Westchester Office Market Trending Up." *Westchester Business Journal Daily Voice Plus*, April 12, 2019.

<sup>7</sup> Donelson, Dave. "Development Boom Strengthens commercial Real Estate Market." *Westchester Magazine*, Q2 2019.

<sup>8</sup> Donelson, Dave. "Development Boom Strengthens commercial Real Estate Market." *Westchester Magazine*, Q2 2019.

and underutilized office building. The existing office building does not meet the needs of the current corporate office market due to its location, size, and floorplate. It is not located in a central business district. Although it is within 0.5 miles of the Rye Metro-North Station, the site is isolated from other amenities that characterize a TOD. Best access to the Project Site is from I-95, which is desirable for potential self storage and medical office uses. The reuse of this building would help preserve the commercial tax base within the City of Rye, without adding new structures or altering community character.

### **ADAPTIVE REUSE - MEDICAL OFFICE**

While traditional corporate office space has declined over the last decade, the need for medical office has increased. As reported in Westchester Magazine, this trend is evident in Westchester County where healthcare companies have torn down or repurposed vacant office buildings to meet the specific needs of the healthcare industry. In Westchester, this trend is driven by the migration of major hospitals to the County and the County's aging population. Healthcare companies expanding in Westchester County include WESTMED, CareMount Medical (formerly Mount Kisco Medical Group), Montefiore Medical Center, and ENT and Allergy Associates. There is high demand for spaces that can provide ambulatory care where services are delivered on an outpatient basis. These services can be provided in healthcare facilities that are easily accessible to intergenerational users, such as repurposed office parks and even retail centers. Medical office space also requires adequate and easily accessible parking, generally at ratios higher than traditional office space. These parking needs can be accommodated in traditional office park locations where there is a greater amount of land than in central business districts.<sup>9</sup>

In a 2017 report on medical office buildings, CBRE stated that the, "absorption of medical office space has outpaced completions of new supply for the past seven years, driving steady decreases in the national vacancy rate, which was 8% as of the first quarter of 2017."<sup>10</sup> In Westchester County specifically, William Cuddy of CBRE reported that 2,113,952 sf of office space was repurposed for medical office use between 2001 and 2017. These buildings were predominately located along the I-287 corridor in former office park locations.<sup>11</sup>

As reported in Westchester Magazine, Cornell University projects that Westchester's 65-and-older population grow at, "nearly four times the rate of the total population from 2010-2025," and is the largest consumer of healthcare.<sup>12</sup> It is worth noting that this specific population bracket accounts for the highest per-capita health care spending overall, and that the precipitous increase of the 65-and-older population and their anticipated need for in-office physician services, signals a continued rising need for medical office space.<sup>13</sup>

The Proposed Action is consistent with the above trends, as it would facilitate the transitioning of former office space to medical office use. The Project Site location, with easy access to I-95 and the Rye Metro-North Station, is well suited for medical office use. While a site plan has not been developed as tenants have not been secured, it is presumed that the building would ultimately contain a mix of permitted uses. As such, the higher parking needs of medical office space could be balanced by the lower parking needs of a potential self-storage use.

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<sup>9</sup> Donelson, Dave. "Healthcare Generates Big Demand for Westchester Commercial Real Estate – Medical Tenants are Prescribing More Space." *Westchester Magazine*, Q3 2014.

<sup>10</sup> CBRE Research. "U.S Medical Office Buildings – a Cure for Market Vitality." August 2017.

<sup>11</sup> Cuddy, William. "Westchester County Market Overview and Development Trends." Alfred B. DelBello Land Use and Sustainable Development Conference, 7 Dec 2017, Pace University, White Plains, NY.

<sup>12</sup> Donelson, Dave. "Healthcare Generates Big Demand for Westchester Commercial Real Estate – Medical Tenants are Prescribing More Space." *Westchester Magazine*, Q3 2014.

<sup>13</sup> CBRE Research. "U.S Medical Office Buildings – a Cure for Market Vitality." August 2017.

## ADAPTIVE REUSE - SELF-STORAGE FACILITIES

Self-storage facilities are a growing \$39 billion industry with an annual growth of 3.1%.<sup>14</sup> Vacancy rates for self-storage in the New York-Newark-Jersey City mega market have fallen for three consecutive years, reaching 6 percent in 2019.<sup>15</sup> According to IBIS World, demand for self-storage facilities is typically from households that rent rather than own their residences. However, as disposable income rises and homeowners purchase more items, demand for self-storage increases from this demographic as well.<sup>16</sup> County Executive George Latimer's office estimated in 2019 that 16,000 new rental units were under construction or planned for Westchester in the near future. This represents an 11% increase from 2017, and this growing rental market supports the demand for new self-storage facilities.<sup>17</sup> In Rye, a 95-unit luxury condominium development for active adults age 55 and over is under development. This, and similar developments geared towards downsizers in the luxury market within Rye, also support the demand for new self-storage facilities.<sup>18</sup>

Another market that is driving the need for self-storage space is growing small businesses. Private businesses comprise 19% of customers at a typical storage complex. As businesses expand, or relocate to smaller footprint offices in the central business district, self-storage facilities offer a cost-effective option compared to office or retail rents. Businesses use these facilities to house items such as excess inventory or records.<sup>19</sup> With office vacancy rates decreasing and rental rates rising in central business districts in Westchester,<sup>20</sup> the adaptive re-use of suburban office space by businesses for self-storage fills the vacancy left by the relocating office tenant and is a cost effective solution for their storage needs.

In terms of re-purposing spaces for self-storage use, vacant office park properties are the sites most readily available in Westchester. There is very little industrial or warehouse space within Westchester County, and the demand for this space is being driven up by industrial tenants relocating from the Bronx. Supply is further restricted by the loss of industrial inventory due to multi-family conversions in prime locations within the County.<sup>21</sup> Therefore, the Proposed Action would meet current market needs by adding self-storage as a new use within the B-5 Zoning District, and permit the potential conversion of existing and underutilized office space to self-storage use.

AKRF identified two self-storage uses within the Town of Rye and obtained their 2019 assessed value and estimated building size. (The Town of Rye was chosen as the City of Rye does not currently contain a self-storage use.) As shown in **Table 2**, the two self-storage uses identified in the Town of Rye have assessed values of between \$102 per square foot and \$123 per square foot. While the Applicant is not proposing a self-storage use of the same kind evaluated in the Town (i.e., "Westy's,") it is reasonable to assume that a self-storage use on the Project Site could result in a similar, or greater, per square foot assessed value as the facilities in the Town of Rye.

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<sup>14</sup> IBIS World. "Storage & Warehouse Leasing Industry in the US – Market Research Report." July 2019.

<sup>15</sup> Marcus & Millichap. "2019 Self-Storage U.S. Investment Forecast." 2019.

<sup>16</sup> IBIS World. "Storage & Warehouse Leasing Industry in the US – Market Research Report." July 2019.

<sup>17</sup> Donelson, Dave. "Development Boom Strengthens commercial Real Estate Market." *Westchester Magazine*, Q2 2019.

<sup>18</sup> Matsuda, Akiko. "St. Regis Residences Draws Empty-Nesters Seeking Luxury Living and a Downsized Lifestyle." *LoHud*, July 8, 2019.

<sup>19</sup> Marcus & Millichap. "2019 Self-Storage U.S. Investment Forecast." 2019.

<sup>20</sup> Greenberg, Howard. "Westchester Commercial Real Estate Market is Healthier than It Has Been in Decades." *Westchester Business Journal Daily Voice Plus*, August 5, 2019.

<sup>21</sup> Greenberg, Howard. "Westchester Commercial Real Estate Market is Healthier than It Has Been in Decades." *Westchester Business Journal Daily Voice Plus*, August 5, 2019.



**Table 2**  
**Self-Storage and Office Assessed Value**

Name-Address	Tax Lot	Acreage (approximate)	2019 Assessed Value	Building GSF (approximate)	Assessed Value per GSF
Westy's 251 N. Main Street, Port Chester	136.80-1-4	1.54 ac	\$15,432,700	125,000 sf	\$123.46
Westy's 299 Boston Post Road, PC	142.45-1-11	1.8 ac	\$14,812,400	145,000 sf	\$102.15
<b>Notes:</b> Town of Rye assesses property at 100% of market value.					
<b>Sources:</b> 2019 Town of Rye Assessment Roll; Town of Rye GIS for storage building sizes					

### ADAPTIVE REUSE – FINISHING AND PRODUCT ASSEMBLY FACILITIES

Finishing and product assembly is often the last step before project delivery, but perhaps the most time- and quality sensitive. This process can be separate from the manufacturing and production of materials and often relies on highly skilled labor, technical expertise, and advanced machinery to ensure that product quality and custom designs can be made to order. The impacts of this use, therefore, are often considerably less than traditional manufacturing uses. In fact, the special permit standards proposed by the Applicant would prohibit any use from resulting in dust, fumes, or offensive noise or vibrations beyond the Project Site. As proposed, all uses would be conducted within enclosed facilities and would not cause a nuisance to other proximate uses. An example of this use, while not necessarily one that the Applicant is contemplating, is custom computer assembly. In this example, computer parts, including cases, screens, keyboards, hard drives, processors, graphic cards, etc., would be stored at the Site and assembled into a finished computer system based on a unique consumer order.

While the Applicant is not proposing to locate manufacturing uses on the Site, nor would the Proposed Zoning permit manufacturing uses, the finishing and assembling of products use proposed is intimately related to manufacturing uses. As stated in *Westchester Magazine*, “even though Westchester has not been a hotbed of manufacturing for decades, a surprising number of companies in several industries are managing to grow in the County by creating highly specialized, high-return niche products that sell around the world.”<sup>22</sup> Food manufacturing, computer and electronic product manufacturing, and fabricated metal product manufacturing are among the top manufacturing industries that employ thousands of workers in Westchester County today.<sup>23</sup> Locating a facility that can provide finishing and assembly services for these and other products, that is both close to the manufacturer and close to the consumer, could represent a competitive advantage.

Another important factor in locating assembly and finishing operations is access to skilled labor, which is increasingly important to the final assembly of many modern products. In this respect, the Project Site benefits from being located within a County that has a highly skilled workforce—49.1 percent of Westchester’s population has a Bachelor’s degree compared to 37.2 percent within the State as a whole and 32.6 percent in the country as a whole.<sup>24</sup>

As previously described, the demand for stand-alone office buildings is declining in Westchester. However, the supply of quasi-industrial and production spaces has had trouble keeping up with growing demand in the County. This fact, when combined with the trends described above, indicates that allowing the assembly or finishing of products on the Project Site would meet current market needs and allow the potential conversion of existing and underutilized office space on the Project Site into a productive use.

<sup>22</sup> Donelson, Dave. “Westchester Manufacturers Are Navigating to Success.” *Westchester Magazine*.

<sup>23</sup> Donelson, Dave. “Westchester Manufacturers Are Navigating to Success.” *Westchester Magazine*.

<sup>24</sup> 2018 American Community Survey. U.S. Census.

## **ADAPTIVE REUSE – PRODUCT TESTING FACILITIES**

As with the finishing and assembly use described above, the proposed “testing of products” use is separate from the manufacturing and production of materials and would rely on skilled labor, technical expertise, and specialty tools and machinery. Therefore, the impacts of the “testing” use would be considerably less than traditional manufacturing uses. In order to further minimize the potential for impacts from this use, the Applicant proposes the same special permit standards for the “testing” use as the “finishing and assembly” use, which standards would prohibit the use from resulting in dust, fumes, or offensive noise or vibrations beyond the Project Site. Therefore, the proposed “testing of products” use, as is the case with the finishing and assembling use, is a low-impact use that could allow the conversion of the existing underutilized office space on the Project Site into a productive use.

## **D. CONCLUSION**

Although corporate office buildings on Westchester’s Platinum Mile and Westchester Avenue have declined over the past two decades, the affected communities have been able to adapt and preserve their tax base by permitting the re-purposing or adaptive reuse of these properties. The Proposed Action would build on this trend by updating the zoning text to permit medical office, self-storage uses, and the finishing, assembling, or testing of products—uses that are in demand. This zoning text change would facilitate the adaptive reuse of underutilized office buildings in the B-5 Zoning District, such as the former Avon building. Adaptive reuse of vacant and underutilized office space is consistent with the City of Rye’s comprehensive plan, as well as Westchester County’s *2025 Context for County and Municipal Planning and Policies to Guide County Planning*. By amending the current B-5 Zoning District to include medical office, self-storage uses, and the finishing, assembling, or testing of products, the Proposed Action would enable contextual reuse of existing building stock and would help sustain the City’s commercial tax base.

# **Local Law redline**

**CITY COUNCIL  
CITY OF RYE, NEW YORK**

**LOCAL LAW NO. \_\_\_-~~2019~~2020**

**A LOCAL LAW TO REVISE THE ZONING ORDINANCE  
OF THE CITY OF RYE**

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

**Section One.** Section 197-1 of the City of Rye Zoning Ordinance shall be amended by adding a new defined term entitled “~~Personal~~Self-Storage”, which shall state as follows:

**~~PERSONAL~~SELF-STORAGE**

A fully enclosed commercial and/or business establishment providing varying sizes of individual compartmentalized and/or controlled access to stalls or lockers for the storage of ~~business and personal property~~individual vehicles and business, recreation, and/or household goods. Such facilities shall not include warehouse or distribution uses.

~~Section Two.~~ Section ~~197-28.A~~ of the City of Rye Zoning Ordinance shall be amended by adding a new use to the Schedule of Off Street Parking Requirements, as follows:

~~A. Schedule of parking requirements. Off-street automobile parking facilities shall be provided as follows:~~

Use	Number of Spaces per Unit (by Parking District)			Unit of Measurement and Conditions
	A	B	C	
Personal Storage	±	±	±	100 storage units

~~Section Two.~~ Section 197-12 of the City of Rye Zoning Ordinance shall be amended by adding a new section .C., which shall state as follows:

~~C. Nothing shall prohibit two or more principal uses on any one property within the B-5 District, provided all applicable standards and requirements are met pursuant to this Chapter.~~

**Section Three.** Section 197-86 of the City of Rye Zoning Ordinance shall be amended by adding new sections (3), ~~(4)~~, ~~(5)~~, ~~(6)~~ and ~~(7)~~ to Table B, Column 2, under the heading “B-5 Interchange Office Building District”, which shall state as follows:

- (3) Medical offices for physicians or dentists, exclusive of bed care of patients. Said offices shall comply with all dimensional regulations applicable to office buildings within the B-5 District and shall have a minimum parking requirement of 5.0 parking spaces per 1,000 square feet of gross floor area.
- (4) ~~Personal-Self~~-storage, provided the following criteria are met:
- (a) Signage must comply with all elements of the Rye Sign Ordinance (Chapter 165).
  - (b) Unless expressly provided otherwise, ~~personal-self~~-storage uses shall comply with all other dimensional requirements applicable to office buildings within the B-5 District.
  - (c) No self-storage use shall exceed 2/3 of the usable floor area of any existing or proposed building within the B-5 District.
  - (d) Self-storage facilities shall not be constructed to appear industrial in nature or out of keeping with the character of the surrounding neighborhood.
  - (e) Self-storage facilities shall have a minimum parking requirement of 0.25 parking spaces per 1,000 square feet of gross floor area.
  - (f) Storage of chemicals in such state and quantities so as to be “reportable” as defined by Section 313 of the Emergency Planning and Community Right-to-Know Act (“EPCRA”), shall not be permitted, regardless of the number of employees on site.
- (5) Duly licensed daycare and child-care facilities, which shall comply with all dimensional regulations applicable to office buildings within the B-5 District, and shall have a minimum parking requirement of 4.0 parking spaces per 1,000 square feet of gross floor area.
- (6) Finishing or assembling of products within a fully enclosed building, provided the following standards are met:
- (a) Manufacturing shall not be permitted, and any associated machinery shall be incidental to the assembly or finishing of products.
  - (b) Finishing and assembling of products shall not result in any dust, fumes, or offensive noise or vibrations beyond the property boundary of the site on which the use is located.
  - (c) Finishing and/or assembling facilities shall have a minimum parking requirement of 2.0 parking spaces per 1,000 square feet of gross floor area.
  - (d) Storage of chemicals in such state and quantities so as to be “reportable” as defined by Section 313 of the EPCRA shall be generally prohibited, regardless of the number of employees on site. The use of one or more chemicals in amounts that are “reportable” may be permitted if it can be demonstrated to the satisfaction of the Planning Commission that such chemicals shall be handled, stored, and disposed of in a manner that is protective of the health and safety of neighboring properties and the environment, inclusive of the sanitary sewer system.
- (7) Testing of products, provided the following standards are met:
- (a) Manufacturing shall not be permitted, and any associated machinery shall be incidental to the testing of products.
  - (b) Testing of products shall not result in any dust, fumes, or offensive noise or vibrations beyond the property boundary of the site on which the use is located.

- (c) Testing shall have a minimum parking requirement of 2.0 parking spaces per 1,000 square feet of gross floor area.
- (d) Storage of chemicals in such state and quantities so as to be “reportable” as defined by Section 313 of the EPCRA shall be generally prohibited, regardless of the number of employees on site. The use of one or more chemicals in amounts that are “reportable” may be permitted if it can be demonstrated to the satisfaction of the Planning Commission that such chemicals shall be handled, stored, and disposed of in a manner that is protective of the health and safety of neighboring properties and the environment, inclusive of the sanitary sewer system.

**Section Four.** If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

**Section Five.** This Local Law shall take effect immediately upon filing with the Secretary of State.

# **JMC memo**



Site Planning	Environmental Studies
Civil Engineering	Entitlements
Landscape Architecture	Construction Services
Land Surveying	3D Visualization
Transportation Engineering	Laser Scanning

## MEMORANDUM

DATE: September 11, 2020

TO: Hon. Mayor Josh Cohn and Members of the City of Rye Council

FROM: James Ryan, RLA, JMC  
Marc Petrero, PE, PTOE, JMC

RE: JMC Project 19109  
Proposed Redevelopment  
601 & 621 Midland Avenue  
City of Rye, New York

### **Recommended Parking Requirements**

We have prepared this memorandum to provide a recommendation for off-street parking requirements within the City of Rye for the proposed land uses for the above mentioned redevelopment that contain no or limited information in the city zoning ordinance. The City of Rye Zoning Code does not specify a definition or provide off-street parking requirements for day care centers and is limited in the requirements provided for an office for physicians and dentists. Section 197-28 of the Code specifies 4 spaces per each doctor in practice on the site on the first floor and 2 spaces per each doctor in practice on the site on other floors in Parking District A (Core Central Business District), 2 spaces per each doctor in practice on the site in Parking District B (Peripheral Central Business District), and at least 4 spaces per each doctor in practice on the site in Parking District C (Remainder of City of Rye) for an office for physicians and dentists. The information presented on parking generation rates is based on industry standards as well as nearby communities within Westchester County.

### **Parking Generation:**

The Institute of Transportation Engineers (ITE) publication, “Parking Generation Manual, 5<sup>th</sup> Edition”, dated January 2019, presents data and information to assist in forecasting parking demand by time of day on a specific day of the week, at a specific land use. ITE provides data on the 85<sup>th</sup> percentile parking demand ratio for each specific land use code. The 85<sup>th</sup> percentile parking demand represents the point at which 85 percent of the studied parking demands fall at or below. Parking requirements have also been presented below from the City of Yonkers, City of White Plains and the Town of Greenburgh.



Medical-dental office building (ITE Land Use Code 720) is defined by ITE as a facility that provides diagnoses and outpatient care on a routine basis but is unable to provide prolonged in-house medical and surgical care. One or more private physicians or dentists generally operate this type of facility. The 85<sup>th</sup> percentile parking demand ratio provided by ITE is 4.59 and 1.12 spaces per 1,000 square feet for a weekday and Saturday, respectively. The City of Yonkers, City of White Plains, and Town of Greenburgh require 5.0 spaces per 1,000 square feet of GFA for medical offices.

Self-storage (ITE Land Use 151) is defined by ITE as a building in which a number of storage units or vaults are rented for the storage of goods. The 85<sup>th</sup> percentile parking demand ratio provided by ITE is 0.25 and 0.14 spaces per 1,000 square feet for a weekday and Saturday, respectively. The City of Yonkers requires 1 parking space for the office plus 0.13 parking spaces per 1,000 square feet of gross floor area (GFA). The Town of Greenburgh requires 10 spaces or 0.20 spaces per 1,000 square feet of GFA, whichever is greater.

Day care center (ITE Land Use Code 565) is defined by ITE as a facility where care for pre-school age children is provided, normally during the daytime hours. Day care facilities generally include classrooms, offices, eating areas, and playgrounds. Some centers also provide after-school care for school-age children. The 85<sup>th</sup> percentile parking demand ratio provided by ITE for a weekday is 3.74 spaces per 1,000 square feet or 1.78 spaces per employee or 0.34 spaces per student. The City of Yonkers requires 1 space per employee, plus 1 space per each facility vehicle, plus 0.05 spaces per student; the City of White Plains requires 1.0 space per 1,000 square feet of gross GFA; and the Town of Greenburgh requires 1 space per employee, plus 1 space per each facility vehicle, plus 0.20 spaces per student.

Finishing or assembling use is categorized as a general light industrial use by ITE. ITE defines general light industrial (ITE Land Use 110) as a facility having an emphasis on activities other than manufacturing and typically has minimal office space. The 85<sup>th</sup> percentile parking demand ratio provided by ITE is 1.94 spaces per 1,000 square feet for a weekday.

Product testing use is categorized as a general light industrial use by ITE. ITE defines general light industrial (ITE Land Use 110) as a facility having an emphasis on activities other than manufacturing and typically has minimal office space. The 85<sup>th</sup> percentile parking demand ratio provided by ITE is 1.94 spaces per 1,000 square feet for a weekday.

Conclusion:

Based upon the information published by ITE and the current parking requirements in other nearby Westchester communities, our office recommends the following parking ratios. We recommend 5.0 spaces per 1,000 square feet of GFA for a medical office. We recommend 0.25 spaces per 1,000 square feet of GFA for a self-storage. We recommend 4.0 parking spaces per 1,000 square feet of GFA for a day-care center. We recommend 2.0 spaces per 1,000 square feet of GFA for a finishing or assembling use. We recommend 2.0 spaces per 1,000 square feet of GFA for a product testing use.

# Full EAF

**Full Environmental Assessment Form  
Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

Name of Action or Project: Proposed Zoning Text Amendment		
Project Location (describe, and attach a general location map): 601 and 621 Midland Ave, Rye, NY 10580.		
Brief Description of Proposed Action (include purpose or need): The Applicant is proposing a zoning text amendment to expand the list permissible uses within the B-5 District to include “medical office”, “self storage,” “finishing or assembling of products,” and “testing of products” as “special exception” uses (the “Proposed Action”). The Proposed Action would facilitate the adaptive reuse of an existing 160,000 square foot (sf) office building located at 601 and 621 Midland Avenue in the City of Rye (the “Project Site”). The Project Site is located in the B-5 Zoning District, “Interchange Office Buildings,” and is approximately 18.09 acres.  The Proposed Action requires a zoning text amendment from the City of Rye’s City Council. As such, the Proposed Action is required to comply with the State Environmental Quality Review Act (SEQRA) and its implementing regulations (6 NYCRR Part 617). The Applicant does not have a specific user, and therefore is not pursuing site plan approval at this time.		
Name of Applicant/Sponsor: Midland Rye LLC	Telephone: (212) 481-1137	E-Mail: pduncan@gcomfort.com
Address: c/o George Comfort & Sons, Inc., 200 Madison Avenue, 26th Floor		
City/PO: New York	State: NY	Zip Code: 10016
Project Contact (if not same as sponsor; give name and title/role):	Telephone:	E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):	Telephone:	E-Mail:
Address:		
City/PO:	State:	Zip Code:

**B. Government Approvals**

**B. Government Approvals, Funding, or Sponsorship.** (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	City of Rye City Council - zoning amendment for special exceptions in the B-5 zoning district.	Fall 2019
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Zoning petition referral	Fall 2019
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	239-m referral	TBD
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<p>i. Coastal Resources.</p> <p><i>i.</i> Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><i>ii.</i> Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>iii.</i> Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>		

**C. Planning and Zoning**

**C.1. Planning and zoning actions.**

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?  Yes  No

- **If Yes**, complete sections C, F and G.
- **If No**, proceed to question C.2 and complete all remaining sections and questions in Part 1

**C.2. Adopted land use plans.**

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?  Yes  No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?  Yes  No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)  Yes  No

If Yes, identify the plan(s):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?  Yes  No

If Yes, identify the plan(s):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No  
If Yes, what is the zoning classification(s) including any applicable overlay district?

The Project Site is zoned B-5, "Interchange Office Buildings" This zone permits, among other uses, hotels, professional offices, and schools. The applicant proposes a zoning text amendment to add medical office, self-storage, finishing, assembling and testing facilities as "special exception uses" in the district.

b. Is the use permitted or allowed by a special or conditional use permit?  Yes  No

c. Is a zoning change requested as part of the proposed action?  Yes  No

If Yes,

i. What is the proposed new zoning for the site? Amend to allow med office, self-storage, finishing or assembly, product testing uses in the District

**C.4. Existing community services.**

a. In what school district is the project site located? Rye City School District

b. What police or other public protection forces serve the project site?

Rye Police Department

c. Which fire protection and emergency medical services serve the project site?

Rye Fire Department

d. What parks serve the project site?

Abendroth Park, Garibaldi Park, Columbus Park, Playland Park, Gagliardo Park

**D. Project Details**

**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Zoning text amendment to facilitate the re-tenanting of an existing office building.

b. a. Total acreage of the site of the proposed action? +/-18.09 acres  
b. Total acreage to be physically disturbed? 0 acres  
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? +/-18.09 acres

c. Is the proposed action an expansion of an existing project or use?  Yes  No  
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed?  Yes  No

iii. Number of lots proposed? \_\_\_\_\_

iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will the proposed action be constructed in multiple phases?  Yes  No

i. If No, anticipated period of construction: \_\_\_\_\_ months

ii. If Yes:

- Total number of phases anticipated \_\_\_\_\_
- Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year
- Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year

• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

f. Does the project include new residential uses?  Yes  No  
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)?  Yes  No  
 If Yes,

i. Total number of structures \_\_\_\_\_

ii. Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ height; \_\_\_\_\_ width; and \_\_\_\_\_ length

iii. Approximate extent of building space to be heated or cooled: \_\_\_\_\_ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?  Yes  No  
 If Yes,

i. Purpose of the impoundment: \_\_\_\_\_

ii. If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: \_\_\_\_\_

iii. If other than water, identify the type of impounded/contained liquids and their source. \_\_\_\_\_

iv. Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ million gallons; surface area: \_\_\_\_\_ acres

v. Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ height; \_\_\_\_\_ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): \_\_\_\_\_

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)  Yes  No  
 If Yes:

i. What is the purpose of the excavation or dredging? \_\_\_\_\_

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): \_\_\_\_\_
- Over what duration of time? \_\_\_\_\_

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. \_\_\_\_\_

iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No  
 If yes, describe. \_\_\_\_\_

v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres

vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres

vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet

viii. Will the excavation require blasting?  Yes  No

ix. Summarize site reclamation goals and plan: \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No  
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

iii. Will the proposed action cause or result in disturbance to bottom sediments?  Yes  No

If Yes, describe: \_\_\_\_\_

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation?  Yes  No

If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

c. Will the proposed action use, or create a new demand for water?  Yes  No

If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

ii. Will the proposed action obtain water from an existing public water supply?  Yes  No

If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No
- Do existing lines serve the project site?  Yes  No

iii. Will line extension within an existing district be necessary to supply the project?  Yes  No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site?  Yes  No

If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

d. Will the proposed action generate liquid wastes?  Yes  No

If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

iii. Will the proposed action use any existing public wastewater treatment facilities?  Yes  No

If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No

• Do existing sewer lines serve the project site?  Yes  No  
 • Will a line extension within an existing district be necessary to serve the project?  Yes  No  
 If Yes:  
 • Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?  Yes  No  
 If Yes:  
 • Applicant/sponsor for new district: \_\_\_\_\_  
 • Date application submitted or anticipated: \_\_\_\_\_  
 • What is the receiving water for the wastewater discharge? \_\_\_\_\_

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?  Yes  No  
 If Yes:  
 i. How much impervious surface will the project create in relation to total size of project parcel?  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (impervious surface)  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (parcel size)  
 ii. Describe types of new point sources. \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?  
 \_\_\_\_\_  
 \_\_\_\_\_  
 • If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_  
 \_\_\_\_\_  
 • Will stormwater runoff flow to adjacent properties?  Yes  No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?  Yes  No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?  Yes  No  
 If Yes, identify:  
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)  
 \_\_\_\_\_  
 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)  
 \_\_\_\_\_  
 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)  
 \_\_\_\_\_  
 \_\_\_\_\_

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?  Yes  No  
 If Yes:  
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)  Yes  No  
 ii. In addition to emissions as calculated in the application, the project will generate:  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)  
 • \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflouorocarbons (HFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)



h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  No

If Yes:

i. Estimate methane generation in tons/year (metric): \_\_\_\_\_

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

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i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?  Yes  No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_

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j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?  Yes  No

If Yes:

i. When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend  
 Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): \_\_\_\_\_

iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_

iv. Does the proposed action include any shared use parking?  Yes  No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: \_\_\_\_\_

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site?  Yes  No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?  Yes  No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?  Yes  No

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k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?  Yes  No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): \_\_\_\_\_

iii. Will the proposed action require a new, or an upgrade, to an existing substation?  Yes  No

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l. Hours of operation. Answer all items which apply.

<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>
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<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>Describe: _____</p> <p>_____</p>	
<p>n. Will the proposed action have outdoor lighting? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>Describe: _____</p> <p>_____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p> <p>_____</p> <p>_____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p> <p>_____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> <li>• Construction: _____ tons per _____ (unit of time)</li> <li>• Operation : _____ tons per _____ (unit of time)</li> </ul> <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>• Operation: _____</li> </ul> <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>• Operation: _____</li> </ul>	

s. Does the proposed action include construction or modification of a solid waste management facility?  Yes  No  
 If Yes:  
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_  
 ii. Anticipated rate of disposal/processing:  
 • \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or  
 • \_\_\_\_\_ Tons/hour, if combustion or thermal treatment  
 iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?  Yes  No  
 If Yes:  
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_  
 \_\_\_\_\_  
 ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month  
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No  
 If Yes: provide name and location of facility: \_\_\_\_\_  
 \_\_\_\_\_  
 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:  
 \_\_\_\_\_  
 \_\_\_\_\_

### E. Site and Setting of Proposed Action

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.  
 i. Check all uses that occur on, adjoining and near the project site.  
 Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)  
 Forest  Agriculture  Aquatic  Other (specify): Transportation (I-95 and Metro-North)  
 ii. If mix of uses, generally describe:  
 Site is bounded by I-95 to the north and Metro-North tracks to the west. Site is located in a mixed-use area with low-rise multi-family apartments and townhouses to the south of Peck Ave, commercial and retail uses to the north, office uses to the west, and transportation uses to the east.

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	7.8	7.8	0
• Forested	0	0	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0	0	0
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: <u>Maintained lawn and landscaping</u>	10.29	10.29	0

c. Is the project site presently used by members of the community for public recreation?  Yes  No  
i. If Yes: explain: \_\_\_\_\_

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?  Yes  No  
If Yes,  
i. Identify Facilities: \_\_\_\_\_

e. Does the project site contain an existing dam?  Yes  No  
If Yes:  
i. Dimensions of the dam and impoundment:  
• Dam height: \_\_\_\_\_ feet  
• Dam length: \_\_\_\_\_ feet  
• Surface area: \_\_\_\_\_ acres  
• Volume impounded: \_\_\_\_\_ gallons OR acre-feet  
ii. Dam's existing hazard classification: \_\_\_\_\_  
iii. Provide date and summarize results of last inspection: \_\_\_\_\_

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  Yes  No  
If Yes:  
i. Has the facility been formally closed?  Yes  No  
• If yes, cite sources/documentation: \_\_\_\_\_  
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: \_\_\_\_\_  
iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  Yes  No  
If Yes:  
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: \_\_\_\_\_

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  Yes  No  
If Yes:  
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  Yes  No  
 Yes – Spills Incidents database Provide DEC ID number(s): 1004096, 8904438  
 Yes – Environmental Site Remediation database Provide DEC ID number(s): \_\_\_\_\_  
 Neither database  
ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_  
NA \_\_\_\_\_  
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No  
If yes, provide DEC ID number(s): 360086, C360086  
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): \_\_\_\_\_

Spills 1004096 and 8904438 have been closed by NYSDEC. NYSDEC Environmental Site Remediation database 360086 is classified as "N" (No Further Action at this Time), and C360086 is classified as "A" (Active). C360086 is located at 38-40 Purchase Street and is in the Brownfield Cleanup Program.

v. Is the project site subject to an institutional control limiting property uses?  Yes  No

- If yes, DEC site ID number: \_\_\_\_\_
- Describe the type of institutional control (e.g., deed restriction or easement): \_\_\_\_\_
- Describe any use limitations: \_\_\_\_\_
- Describe any engineering controls: \_\_\_\_\_
- Will the project affect the institutional or engineering controls in place?  Yes  No
- Explain: \_\_\_\_\_  
\_\_\_\_\_

**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ 1.5 - 4 feet

b. Are there bedrock outcroppings on the project site?  Yes  No  
If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_ %

c. Predominant soil type(s) present on project site:

Ub	_____	22.9 %
UIC	_____	21.2 %
Uf	_____	48.8 %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ feet

e. Drainage status of project site soils:  Well Drained: 21.2 % of site  
 Moderately Well Drained: 22.9 % of site  
 Poorly Drained \_\_\_\_\_ % of site

f. Approximate proportion of proposed action site with slopes:  0-10%: 64.6 % of site  
 10-15%: 35.4 % of site  
 15% or greater: \_\_\_\_\_ % of site

g. Are there any unique geologic features on the project site?  Yes  No  
If Yes, describe: \_\_\_\_\_  
\_\_\_\_\_

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?  Yes  No

ii. Do any wetlands or other waterbodies adjoin the project site?  Yes  No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?  Yes  No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Lakes or Ponds: Name Small un-named pond Classification PUBHx
- Wetlands: Name \_\_\_\_\_ Approximate Size \_\_\_\_\_
- Wetland No. (if regulated by DEC) \_\_\_\_\_

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?  Yes  No  
If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_  
\_\_\_\_\_

i. Is the project site in a designated Floodway?  Yes  No

j. Is the project site in the 100-year Floodplain?  Yes  No

k. Is the project site in the 500-year Floodplain?  Yes  No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?  Yes  No  
If Yes:  
i. Name of aquifer: \_\_\_\_\_

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%; border-bottom: 1px solid black;">Raccoon</td> <td style="width: 33%; border-bottom: 1px solid black;">Gray squirrel</td> <td style="width: 33%; border-bottom: 1px solid black;">_____</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Norway rat</td> <td style="border-bottom: 1px solid black;">Field mice</td> <td style="border-bottom: 1px solid black;">_____</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Coyote</td> <td></td> <td></td> </tr> </table>	Raccoon	Gray squirrel	_____	Norway rat	Field mice	_____	Coyote			
Raccoon	Gray squirrel	_____								
Norway rat	Field mice	_____								
Coyote										
<p>n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul>										
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing (endangered or threatened): _____</p> <p>_____</p> <p>_____</p>										
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing: _____</p> <p>_____</p>										
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p>										
<b>E.3. Designated Public Resources On or Near Project Site</b>										
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes, provide county plus district name/number: _____</p>										
<p>b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): _____</p>										
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p>										
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</p>										

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
<i>ii.</i> Name: _____	
<i>iii.</i> Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	
If Yes:	
<i>i.</i> Describe possible resource(s): _____	
<i>ii.</i> Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Identify resource: _____	
<i>ii.</i> Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____	
<i>iii.</i> Distance between project and resource: _____ miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Identify the name of the river and its designation: _____	
<i>ii.</i> Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

**F. Additional Information**

Attach any additional information which may be needed to clarify your project.

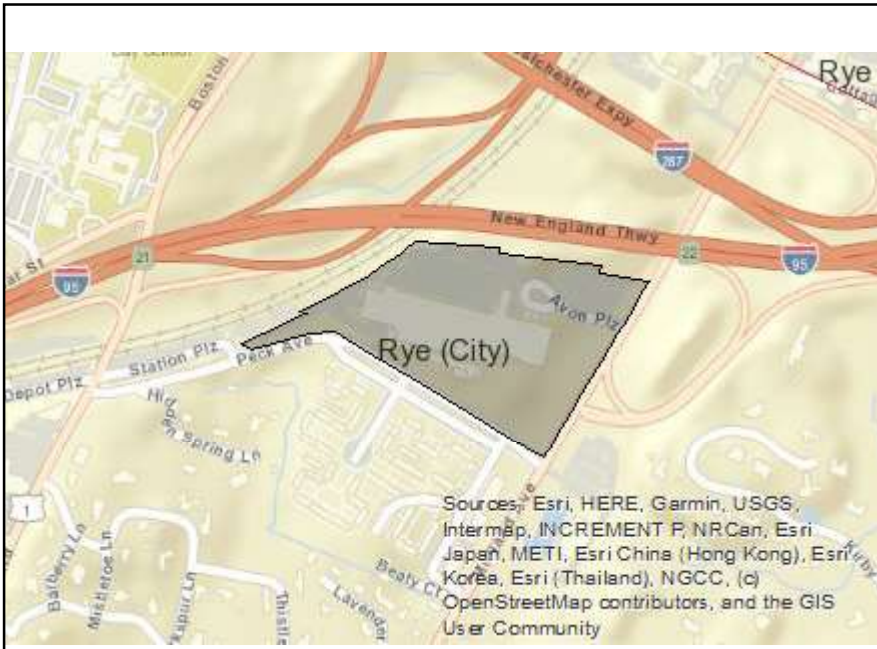
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**

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

Applicant/Sponsor Name Midland Rye LLC      Date 9/3/2020

Signature Peter Ferrel      Title Sr. Technical Director - AKRF Inc., for the Applicant



**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	360086, C360086
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No



E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

Nick Everett, Chairman  
Martha Monserrate, Vice Chair  
Andy Ball  
Laura Brett  
Richard Mecca  
Steven Secon  
Birgit Townley



Planning Department  
1051 Boston Post Road  
Rye, New York 10580  
Tel: (914) 967-7167  
Fax: (914) 967-7185  
www.ryeny.gov

## **CITY OF RYE Planning Commission**

### **Memorandum**

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To: Rye City Council

From: Rye City Planning Commission

Date: November 19, 2019

Subject: **Zoning Text Amendments to the B-5 District**

Pursuant to your request, this memorandum provides the Planning Commission's advisory opinion with respect to the petition of Midland Rye, LLC to amend the B-5, *Interchange Office Building*, District to expand the list of currently permitted uses.

In response to the comments of the Commission at a series of public meetings over the last few months and in response to the petitioner's request, the initial petition submitted to the City Council has been modified. Initially, the petition proposed to add medical office and storage use to the list of permitted uses in the B-5 District. The current petition includes the following revisions or additions:

- The Commission requested that the definition of "personal storage" be revised to "self-storage" so that it would be more descriptive of the intended use.
- Day-care, which is currently permitted only as an accessory use, was modified to also be a main use in the B-5 District.
- "Finishing or assembling of products" was added at the petitioner's request as a permitted use.
- A parking standard was provided for medical use, which currently exceeds the parking standard for other medical uses in the City Zoning Code.
- Parking standards for each use was either added or modified based on discussions with the Planning Commission and parking data from the Institute of Transportation Engineers (ITE) Trip Generation Manual.

The Commission supports the proposed zoning text amendments. The current B-5 District, which currently consists of just three properties located on the west side of Midland Avenue between Peck Avenue and the Port Chester/Rye boundary, has a fairly limited number of uses. Expanding the list of uses will help the former Avon property be more marketable for the adaptive reuse of the vacant building on the property.



# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: November 1, 2020

CONTACT: Greg Usry, Interim City Manager

**AGENDA ITEM:**

Presentation of the proposed FY 2021 Budget by the City Manager.

**FOR THE MEETING OF:**

November 4, 2020

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council hear the presentation

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** This is an annual message.



# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: November 1, 2020

CONTACT: Greg Usry, Interim City Manager

**AGENDA ITEM:**

Consideration to set a public hearing on the 2021 Budget for December 2, 2020.

**FOR THE MEETING OF:**

November 4, 2020

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council set the public hearing.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**



# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: November 1, 2020

CONTACT: Greg Usry, Interim City Manager

**AGENDA ITEM:**

Adjourn, until December 2, 2020, the public hearing for consideration of a petition from The Miriam Osborn Memorial Home to amend the text of the City of Rye Zoning Code Association to create new use and development standards for “Senior Living Facilities” in the R-2 Zoning District. All public hearing comments should be emailed to [publichearingcomments@ryeny.gov](mailto:publichearingcomments@ryeny.gov) with “Osborn Zoning Change” as the subject no later than 12:00 pm on December 2, 2020.

**FOR THE MEETING OF:**

November 4, 2020

**RYE CITY CODE,**

**CHAPTER**

**SECTION**

**RECOMMENDATION:** That the Council adjourn the public hearing.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** In November 2018 the City Council has received a petition from Miriam Osborn Memorial Home Association (“The Osborn”) to amend Chapter 197, *Zoning*, of the City Code to allow “Senior Living Facilities” (“SLF”) in the City’s R-2, *Single-Family Residence*, District. The petition submitted by The Osborn seeks to amend the text of the City Zoning Code to allow SLF in the City’s R-2 District. The proposed amendment would allow SLF as a new permitted use in the R-2 Residence District on those properties with 50 or more contiguous acres. The proposed amendment also includes new restrictions and requirements regarding maximum floor area, building setbacks, lot coverage and other development standards. Currently, The Osborn is regulated outside of the City Zoning Code by way of a Declaration of Covenants and Restrictions, dated October 15, 1993.

The petition has been reviewed by the City Planning Commission, which recommended revisions to the proposed zoning petition in a December 2019 memorandum to the City Council. The applicant submitted a revised petition to the City Council in March 2020 incorporating the comments of the Planning Commission. The March petition submission remains the current petition that is the subject of the current public hearing (click here to see: [March petition](#)). In September, the applicant submitted a response to comments on its petition (click here to see: [September responses](#)).

City staff has created a webpage on the City website of all submission information and public comments (click here to see: [Osborn Zoning Petition](#)). The public can email comments to the City Council to [publichearingcomments@ryeny.gov](mailto:publichearingcomments@ryeny.gov) with “Osborn Zoning Change” as the subject or participate in the zoom session at the public hearing. Instructions for the zoom meeting are under the calendar event for the next Council meeting posted on the City website at [www.ryeny.gov](http://www.ryeny.gov).



# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: November 1, 2020

CONTACT: Greg Usry, Interim City Manager

**AGENDA ITEM:**

Authorization for the City Manager to enter into a contract with the County of Westchester for participation in the Residential Food Scrap Transportation and Disposal Program upon signing through September 30, 2023.

**FOR THE MEETING OF:**

November 4, 2020

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council authorize signature.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

See attached.

**Refuse Disposal District No. 1 Inter-Municipal Agreement:  
Residential Food Scrap Transportation & Disposal Program**

**This Agreement** made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between

THE COUNTY OF WESTCHESTER, acting by and through REFUSE DISPOSAL DISTRICT NO. 1, a district created pursuant to Article 5-A of the New York State County Law, having an office and place of business at 270 North Avenue, New Rochelle, New York 10801 (hereinafter the "County" or "RDD"),  
and

\_\_\_\_\_, a municipal Corporation of the State of New York, having an office and place of business at

\_\_\_\_\_, and a member of the County of Westchester Refuse Disposal District No. 1 (hereinafter the "Municipality").

**WITNESSETH:**

**WHEREAS**, in 1967, the County of Westchester ("County") undertook to investigate the problem of Solid Waste disposal in the County and to formulate environmentally sound, and economically viable solutions; and

**WHEREAS**, in 1974, pursuant to Resolution No. 162-1974, and as a result of the aforesaid investigation, the County Board of Legislators (hereinafter "WCBOL") adopted a Plan for Solid Waste Disposal in the County pursuant to which the County undertook to assist municipalities with the disposal of Municipally Collected Solid Waste, and placed an emphasis on resource recovery; and

**WHEREAS**, the WCBOL approved Act No. 32-1982 and created the District pursuant to Article 5-A of the New York State County Law; and

**WHEREAS**, the RDD from time-to-time develops additional programs to promote resource recovery for the benefit of the District members and the environment; and

**WHEREAS**, the County has determined that there exists an environmental benefit to the recycling of residential food scraps, has endeavored to make the collection and processing of residential food scraps economically feasible for municipalities, and has, therefore, established the Residential Food Scrap Transportation and Disposal Program ("RFSTAD"), participation in which is voluntary; and

**WHEREAS**, in order to memorialize and permit participation in RDD programs, the County enters into inter-municipal agreements ("IMAs") with the municipalities, and has created this IMA to permit participation in the RFSTAD; and

**WHEREAS**, the aforementioned Municipality seeks to take part in the RFSTAD and agrees to be bound by the terms and conditions of the RFSTAD as set forth herein, and as may be established or amended from time to time;

**NOW, THEREFORE**, in consideration of the terms and conditions contained herein, the parties agree as follows:

**Refuse Disposal District #1 Inter-Municipal Agreement:  
Residential Food Scrap Transportation & Disposal Program**

**Section 1: Term and Purpose**

(a) The term of this Agreement shall commence upon execution by the Commissioner of the County of Westchester Department of Environmental Facilities, and terminate on September 30, 2023, unless sooner terminated as hereinafter provided.

(b) The Municipality shall, at its sole cost and expense, arrange for the collection of residential food scraps, as later defined herein, either through curbside collection arranged for or collected by the Municipality, or by establishing one (1) dedicated food scrap drop-off collection point using toters for collection.

(c) All toters used in connection with this IMA shall be 64 gallons in size (“Toters”) and shall be clearly and permanently marked with appropriate “Recycling” and “Food Scrap” designations.

(d) The Municipality shall not accept commercial food scraps or food waste for handling, transportation, and/or disposal in connection with this IMA.

(e) “Food Scraps” shall be defined as edible and inedible, residential, spoiled, excess, and/or fragmented food, liquids, grease, food soiled non-coated papers, and compostable bags and items that have been certified as compostable by the Biodegradable Products Institute (“Food Scraps”). This definition may be modified from time to time, as may be required, or in accordance with the selected Organics Recycler’s requirements, upon 30-days notice to the Municipality. Current requirements are provided in Schedule C.

(f) The County, either directly or through an agent, has or will enter into an agreement with one or more contractors for the transportation and disposal of residential food scraps to an end-point Organics Recycler, and shall pay for such transportation and disposal costs.

(g) The Municipality will receive from the County a notification of the designated transportation and disposal collection day. The County reserves the right to alter the collection schedule on 30 days prior notice.

(h) This Agreement shall be deemed executory only to the extent of money duly appropriated and made available by the County for the performance of the RFSTAD Program.

**Section 2: Contamination**

(a) Compliance with the acceptable materials guidelines of the Organics Recycler is required. Current requirements are annexed hereto as Schedule C. The County reserves the right to modify the acceptable materials from time to time, as may be required, upon 30-days notice to the Municipality.

(b) The Municipality shall monitor Food Scraps for contamination with unacceptable materials, and shall make best efforts to reduce and/or eliminate contamination.

(c) Copies of any educational materials provided to residents, if any have already been developed, shall be provided to the RDD.

(d) The RDD shall work with the Municipality to provide and to coordinate education programs to combat contamination of the Food Scraps, and to inform residents of and promote participation in the RFSTAD Program.

**Section 3: Payment**

(a) For the services to be rendered by the County pursuant to Section 2 above, the Municipality shall pay fees to the RDD in accordance with the fee schedule set forth in Schedule B, which is attached hereto and made a part hereof.



**Refuse Disposal District #1 Inter-Municipal Agreement:**  
**Residential Food Scrap Transportation & Disposal Program**

(b) Payments shall be made within thirty (30) days of receipt of an invoice from the County, by check payable to: "Refuse Disposal District No. 1, c/o Westchester County Department of Environmental Facilities", and shall be mailed or delivered to the Division of Solid Waste Management, Westchester County Department of Environmental Facilities, 270 North Avenue, 6<sup>th</sup> Floor, New Rochelle, New York 10801.

**Section 4: Reporting**

No later than March 1<sup>st</sup> of each year, the Municipality shall provide statistical information with respect to its residential food scrap recycling collections as may be maintained by the Municipality, including number of households participating.

**Section 5: Insurance, and Defense and Indemnification**

The Municipality shall procure and maintain insurance naming the County as additional insured, as provided and described in Schedule E, which is attached hereto and made a part hereof. The Municipality shall provide proof of such insurance with the submittal of the signed IMA, upon request of the County, and upon any renewal of the term of the IMA. In addition to, and not in limitation of the insurance provisions contained in Schedule E, the Municipality agrees:

(a) Except for the amount, if any, of damage contributed to, caused by, or resulting from the sole negligence of the County, the Municipality shall indemnify and hold harmless the County, its officers, employees, agents, and elected officials from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorney's fees or loss arising directly or indirectly out of the performance or failure to perform hereunder by the Municipality or third parties under the direction or control of the Consultant; and

(b) the Municipality shall provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of this Agreement and to bear all other costs and expenses related thereto; and

(c) In the event the Municipality does not provide the above defense and indemnification to the County, and such refusal or denial to provide the above defense and indemnification is found to be in breach of this provision, then the Municipality shall reimburse the County's reasonable attorney's fees incurred in connection with the defense of any action, and in connection with enforcing this provision of the Agreement.

**Section 6: Termination**

This Agreement may be terminated at any time by mutual agreement of the parties or upon thirty (30) days written notice by one party to the other party. In the event that this Agreement is terminated prior to the expiration date set forth in Section 1(a), above, all fees and payments owing to the County shall be immediately due and payable by the Municipality.

**Section 7: Assignment, Subcontracting, and Agency**

(a) Any purported delegation of duties or assignment of rights under this Agreement without the prior express written consent of the County is void. The Municipality shall not subcontract any part of its work or duties under this Agreement without the written consent of the County. All subcontracts shall provide that subcontractors are subject to all terms and conditions set forth in the contract documents. All work performed by a subcontractor shall

**Refuse Disposal District #1 Inter-Municipal Agreement:  
Residential Food Scrap Transportation & Disposal Program**

be deemed work performed by the Municipality.

(b) Nothing herein contained shall be construed to create a co-partnership between the County and the Municipality or to constitute either party as the agent of the other.

**Section 8: Compliance with Law**

(a) If the Municipality's residential food waste collection program includes a drop-off collection point, the Municipality shall provide to the RDD proof of compliance with 6 NYCRR Part 360 for its designated drop-off collection point.

(b) To the extent required by law, the Municipality shall conduct such site-specific environmental review(s) as necessary to comply with the State Environmental Quality Review Act ("SEQRA") and its implementing regulations. Such reviews shall be coordinated with the County as an involved agency. The Municipality shall include with this signed Agreement evidence of its compliance with SEQRA, e.g., a Negative Declaration, a Findings Statement, or the minutes or a Resolution of the Municipality's governing body including a statement as to its Type II classification, if so determined.

(c) In executing their respective responsibilities under this Agreement, the County and the Municipality shall comply with all applicable federal, state, and local laws, rules and regulations.

**Section 9: No Discrimination**

The County and the Municipality shall not discriminate against any person on the basis of race, creed, religion, color, gender, age, national origin, ethnicity, alienage or citizenship status, disability, marital status, sexual orientation, familial status, genetic predisposition or carrier status in the performance of this Agreement.

**Section 10: Notices**

All notices of any nature referred to in this Agreement shall be in writing and sent by registered or certified mail postage pre-paid, to the respective addresses set forth below or to such other addresses as the respective parties hereto may designate in writing:

To the County:

Department of Environmental Facilities  
Division of Solid Waste Management  
270 North Avenue, 6<sup>th</sup> Floor  
New Rochelle, New York 10801

with an electronic copy to:

Louis Vetrone, Deputy County Attorney  
to: LJV3@westchestergov.com

Melissa-Jean Rotini, Director of Environmental Management Operations  
to: MJR9@westchestergov.com

with a copy to:

Westchester County Attorney  
148 Martine Avenue, 6<sup>th</sup> Floor  
White Plains, New York 10601

**Refuse Disposal District #1 Inter-Municipal Agreement:  
Residential Food Scrap Transportation & Disposal Program**

To the Municipality:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

or to such other addresses as either party may designate by notice.

**Section 11: General Clauses**

(a) This Agreement and any attachments constitute the entire Agreement between the parties with respect to the subject matter hereof and shall supersede all previous negotiations, commitments, and writings. It shall not be released, discharged, changed, or modified except by an instrument in writing signed by a duly authorized representative of each of the parties.

(b) Notwithstanding the foregoing, the RDD reserves the right to alter or amend the definition of Food Scraps from time-to-time as necessary for compliance with the regulations of the Organics Recycler responsible for final disposal.

(c) This Agreement shall not be enforceable until executed on behalf of the parties and approved by the Office of the County Attorney.

(d) This Agreement may be executed simultaneously in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

(e) This Agreement shall be construed and enforced in accordance with the laws of the State of New York.

IN WITNESS WHEREOF, the County and the Municipality have caused this Agreement to be executed.

THE COUNTY OF WESTCHESTER

\_\_\_\_\_  
By:  
Vincent F. Kopicki, P.E.  
Commissioner  
Department of Environmental Facilities

\_\_\_\_\_  
Dated

THE MUNICIPALITY

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_  
Dated

Authorized by the Municipality by \_\_\_\_\_ on the  
\_\_\_\_\_ day of \_\_\_\_\_.

**Refuse Disposal District #1 Inter-Municipal Agreement:  
Residential Food Scrap Transportation & Disposal Program**

Authorized by Act No.: 2020-170 adopted by the Board of Legislators of the County of Westchester on the 5<sup>th</sup> day of October 2020, and signed by County Executive George Latimer on \_\_\_\_\_.

Approved by the Westchester County Board of Acquisition and Contract on the 8<sup>th</sup> day of August 2020 (No.: 78564: Sani-Pro Disposal Services Corp/.d/b/a Suburban Carting, Co.).

Approved as to form and manner of execution:

\_\_\_\_\_  
David Vutera  
Associate County Attorney

**Refuse Disposal District #1 Inter-Municipal Agreement:  
Residential Food Scrap Transportation & Disposal Program**

**MUNICIPALITY'S ACKNOWLEDGEMENT**

STATE OF NEW YORK                    )  
COUNTY OF WESTCHESTER    ) ss.:

On this \_\_\_\_\_ day of \_\_\_\_\_, 2020, before me personally came  
\_\_\_\_\_, to me known, and known to me to be  
the \_\_\_\_\_ of \_\_\_\_\_, the municipal  
corporation described in and which executed the within instrument, who being by me duly  
sworn did depose and say that he/she resides at  
\_\_\_\_\_ and  
that he/she signed his/her/their name(s) thereto by authority of the board of said municipal  
corporation.

\_\_\_\_\_  
Notary Public

**Refuse Disposal District #1 Inter-Municipal Agreement:**  
**Residential Food Scrap Transportation & Disposal Program**

**CERTIFICATE OF AUTHORITY**  
(Municipality)

STATE OF NEW YORK                    )  
COUNTY OF WESTCHESTER    ) ss.:

I, \_\_\_\_\_, and officer other than the officer signing the agreement, hereby certify that I am the \_\_\_\_\_ of the \_\_\_\_\_, a municipal corporation duly organized in good standing under the New York State \_\_\_\_\_ Law named in the foregoing agreement that \_\_\_\_\_, who signed said agreement on behalf of the Municipality was, at the time of execution \_\_\_\_\_ of the Municipality, that said agreement was duly signed on behalf of said Municipality by authority of its \_\_\_\_\_ thereunto duly authorized, and that such authority is in full force and effect at the date hereof.

Name: \_\_\_\_\_  
Title: \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 2020, before me personally came \_\_\_\_\_, to me known, and known to me to be the \_\_\_\_\_ of \_\_\_\_\_, the municipal corporation described in and which executed the within certificate, who being by me duly sworn did depose and say that he/she resides at \_\_\_\_\_ and that he/she signed his/her/their name(s) thereto by authority of the board of said municipal corporation.

\_\_\_\_\_  
Notary Public

**Refuse Disposal District #1 Inter-Municipal Agreement:**  
**Residential Food Scrap Transportation & Disposal Program**

**Schedule A: Municipal Residential Food Scrap Collection Program**  
*(to be completed by the Municipality)*

Municipality: \_\_\_\_\_

Program Type:       Drop-off Location       Curbside Collection       Both

Drop-off Location Site Name and Address:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- Registered pursuant to 6 NYCRR Part 362-3.2(c) (attach a copy of the registration)
- Exempt pursuant to 6 NYCRR Part 362-3.3(a)

Program Contact:

Name: \_\_\_\_\_

Telephone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Does the program require enrollment?

- No
- Yes: Number of households currently enrolled: \_\_\_\_\_

Does the program have a limit on the number of households permitted to participate?

- No
- Yes: Limit: \_\_\_\_\_

Service type requested:

- The Municipality will deliver to Contractor's Transfer Station:
- using a curbside collection vehicle.
- by delivering Toters to the Transfer Station.
- The Contractor will collect from one Residential Food Scrap Drop-off Collection Program site.

**Refuse Disposal District #1 Inter-Municipal Agreement:  
Residential Food Scrap Transportation & Disposal Program**

**Schedule B: Fees**

In consideration of the services provided by the County, the Municipality shall pay the RDD in accordance with the following fee schedule for the period from October 12, 2020, through and including October 31, 2020.

<b>Service:</b>	<b>Municipal Fee:</b>
Transportation and Disposal from the Municipality's Residential Food Scrap Drop-off Collection Program, once weekly:	\$29.28/ton*
Transportation and Disposal of the Municipality's Residential Food Scrap Collection Program, which has been delivered to Contractor's Transfer Station:	\$15.00/ton* up to 19.99 tons in a single calendar year
Transportation and Disposal of the Municipality's Residential Food Scrap Collection Program, which has been delivered to Contractor's Transfer Station:	\$10.00/ton* for tonnage of 20 tons or more in a single calendar year

\*For purposes of this fee schedule, tonnage shall be averaged based upon the number of Toters collected from the Municipal Drop-off Location, with the weight of each Toter being calculated at 200 lbs per Toter. It is expressly acknowledged and agreed by the parties that there will be no adjustment or reduction for partially filled Toters and that each Toter will be calculated using the maximum estimated weight.

Effective November 1, 2020, and for each subsequent year of the term of this Agreement, and any extensions thereto, each item in the fee schedule shall increase the amount of the Adjustment Factor as determined in connection with the District's Solid Waste Inter-Municipal Agreement, whether or not the Municipality is party to the Solid Waste IMA.

No local municipality shall charge a fee to any resident or any other local municipality in connection with this Agreement.



**Refuse Disposal District #1 Inter-Municipal Agreement:**  
**Residential Food Scrap Transportation & Disposal Program**

**Schedule C: Organics Recycler's Material Guidelines**

[Page Intentionally Blank- Guidelines Attached]

**Refuse Disposal District #1 Inter-Municipal Agreement:  
Residential Food Scrap Transportation & Disposal Program**

**Schedule D: Grant Information – For Informational Purposes Only**

Currently, the NYSDEC has grant opportunities available for supplies to establish a Food Scrap Drop-off Collection Site. This information is subject to change and/or modification by the NYSDEC and is provided by the County solely for informational purposes.

Ensure your organization is registered in the NYS Grants Gateway:

- 1) Visit <https://grantsmanagement.ny.gov/> to complete the registration.
- 2) Download and complete the Registration Form for Administrators. Send with accompanying documentation by mail to: Grants Management, 99 Washington Avenue Room 1550, Albany, NY 12210-2814.
- 3) If your organization does not already have a New York State SFS Vendor ID, the Grants Management staff will obtain one for you. To do so, you must download, complete, and attach the Substitute W-9 Form. If your organization already has an SFS Vendor ID, do not submit a Substitute W-9 form. Please note, the process for obtaining an SFS Vendor ID can take 3-5 business days.
- 4) Attach an organizational chart showing the head of your organization that identifies current leadership and staff members by position, name, and title. A Sample Organization Chart is available for you to view online.

*Please note:* New York State Grants Management reserves 5-10 business days from the receipt of complete materials to process a registration request.

Once your organization is enrolled, complete the application for the NYS DEC Municipal Waste Reduction and Recycling Program (“MWRR”)

- 1) Search for the “Municipal Waste Reduction and Recycling Program” under grant opportunities. Then begin filling out the electronic Grant Opportunity. *Pro Tip:* The Gateway has a safety feature which automatically logs off after 3 minutes of inactivity.
- 2) Access the Application using the Application Search.
- 3) Click the Forms Menu link.
- 4) Complete the Project Site Address and Program Specific Questions forms. These forms are required for all grant applications.
  - Provide a thorough explanation of the program for which you will use the containers, and provide an estimated lifespan
  - Not all program specific questions listed require answers. If a question is clearly for another type of recycling program just place “N/A” in the answer field.
- 5) Complete the Budget and Workplan forms as directed by the DEC. These forms are required for most grant applications.
- 6) When completing the Budget Table, all composting bins and totes will be placed under the “Equipment” category.
- 7) Upload additionally required materials to the Pre-submission Uploads and/or Grantee Document Folder as directed by the State agency.
- 8) As changes are made, be sure to click the Save button on each page.
- 9) Click the Check Global Errors button to make certain your application is without errors.
- 10) Use the Print Application feature to preview the application.
- 11) To submit the application, ensure the user is logged into the Grants Gateway as either a Grantee System Administrator or a Grantee Contract Signatory. Only users in one of these roles will be able to submit. Verify user roles by clicking on the details link near the top of the page.

**Refuse Disposal District #1 Inter-Municipal Agreement:**  
**Residential Food Scrap Transportation & Disposal Program**

**Schedule E: Standard Insurance Provisions (Municipality)**

1. Prior to commencing work, and throughout the term of the Agreement, the Municipality shall obtain at its own cost and expense the required insurance as delineated below from insurance companies licensed in the State of New York, carrying a Best's financial rating of A or better. Municipality shall provide evidence of such insurance to the County of Westchester ("County"), either by providing a copy of policies and/or certificates as may be required and approved by the Director of Risk Management of the County ("Director"). The policies or certificates thereof shall provide that ten (10) days prior to cancellation or material change in the policy, notices of same shall be given to the Director either by overnight mail or personal delivery for all of the following stated insurance policies. All notices shall name the Municipality and identify the Agreement.

If at any time any of the policies required herein shall be or become unsatisfactory to the Director, as to form or substance, or if a company issuing any such policy shall be or become unsatisfactory to the Director, the Municipality shall upon notice to that effect from the County, promptly obtain a new policy, and submit the policy or the certificate as requested by the Director to the Office of Risk Management of the County for approval by the Director. Upon failure of the Municipality to furnish, deliver and maintain such insurance, the Agreement, at the election of the County, may be declared suspended, discontinued or terminated.

Failure of the Municipality to take out, maintain, or the taking out or maintenance of any required insurance, shall not relieve the Municipality from any liability under the Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the contractual obligations of the Municipality concerning indemnification.

All property losses shall be made payable to the "County of Westchester" and adjusted with the appropriate County personnel.

In the event that claims, for which the County may be liable, in excess of the insured amounts provided herein are filed by reason of Municipality's negligent acts or omissions under the Agreement or by virtue of the provisions of the labor law or other statute or any other reason, the amount of excess of such claims or any portion thereof, may be withheld from payment due or to become due the Municipality until such time as the Municipality shall furnish such additional security covering such claims in form satisfactory to the Director.

In the event of any loss, if the Municipality maintains broader coverage and/or higher limits than the minimums identified herein, the County shall be entitled to the broader coverage and/or higher limits maintained by the Municipality. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the County.

2 The Municipality shall provide proof of the following coverage (if additional coverage is required for a specific agreement, those requirements will be described in the Agreement):

**Refuse Disposal District #1 Inter-Municipal Agreement:**  
**Residential Food Scrap Transportation & Disposal Program**

- a) Workers' Compensation and Employer's Liability. Certificate form C-105.2 or State Fund Insurance Company form U-26.3 is required for proof of compliance with the New York State Workers' Compensation Law. State Workers' Compensation Board form DB-120.1 is required for proof of compliance with the New York State Disability Benefits Law. Location of operation shall be "All locations in Westchester County, New York."

Where an applicant claims to not be required to carry either a Workers' Compensation Policy or Disability Benefits Policy, or both, the employer must complete NYS form CE-200, available to download at: <http://www.wcb.ny.gov>.

If the employer is self-insured for Workers' Compensation, he/she should present a certificate from the New York State Worker's Compensation Board evidencing that fact (Either SI-12, Certificate of Workers' Compensation Self-Insurance, or GSI-105.2, Certificate of Participation in Workers' Compensation Group Self-Insurance).

- b) Commercial General Liability Insurance with a combined single limit of \$1,000,000 (c.s.1) per occurrence and a \$2,000,000 aggregate limit naming the "County of Westchester" as an additional insured on a primary and non-contributory basis. This insurance shall include the following coverages:

- i. Premises - Operations.
- ii. Broad Form Contractual.
- iii. Independent Contractor and Sub-Contractor.
- iv. Products and Completed Operations.

- c) Commercial Umbrella/Excess Insurance: \$2,000,000 each Occurrence and Aggregate naming the "County of Westchester" as additional insured, written on a "follow the form" basis.

NOTE: Additional insured status shall be provided by standard or other endorsement that extends coverage to the County of Westchester for both on-going and completed operations.

- d) Automobile Liability Insurance with a minimum limit of liability per occurrence of \$1,000,000 for bodily injury and a minimum limit of \$100,000 per occurrence for property damage or a combined single limit of \$1,000,000 unless otherwise indicated in the contract specifications. This insurance shall include for bodily injury and property damage the following coverages and name the "County of Westchester" as additional insured:

- (i) Owned automobiles.
- (ii) Hired automobiles.
- (iii) Non-owned automobiles.

3. All policies of the Municipality shall be endorsed to contain the following clauses:

(a) Insurers shall have no right to recovery or subrogation against the County (including its employees and other agents and agencies), it being the intention of the parties that the insurance policies so effected shall protect both parties and be primary coverage for

**Refuse Disposal District #1 Inter-Municipal Agreement:**  
**Residential Food Scrap Transportation & Disposal Program**

any and all losses covered by the above-described insurance.

(b) The clause "other insurance provisions" in a policy in which the County is named as an insured, shall not apply to the County.

(c) The insurance companies issuing the policy or policies shall have no recourse against the County (including its agents and agencies as aforesaid) for payment of any premiums or for assessments under any form of policy.

(d) Any and all deductibles in the above described insurance policies shall be assumed by and be for the account of, and at the sole risk of, the Municipality.



# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: November 1, 2020

CONTACT: Greg Usry, Interim City Manager

**AGENDA ITEM:**

Authorization for the City Manager to enter into an Inter-municipal Agreement with Westchester County for the Mutual Aid and Rapid Response Plan for the Police Departments of Westchester County from July 31, 2020 through July 30, 2025.

**FOR THE MEETING OF:**

November 4, 2020

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council authorize signature.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**Background:** The purpose of the Mutual Aid and Rapid Response Plan for the Police Departments of Westchester County is to formalize operational procedures for Law Enforcement assistance to participating agencies. Each member agrees to make its police personnel and equipment available to the others, pursuant to the provisions of the New York State General Municipal Law Section 209-m, upon the occurrence of a condition beyond the scope of its police resources.

The Agreement is for a five-year period commencing July 31, 2020 through July 30, 2025.

See attached documentation.



Lt. Robert J. Falk  
*Commissioner of Public Safety*

**City of Rye, New York**  
21 McCullough Pl  
Rye, NY 10580  
Phone: (914) 967-1234  
FAX: (914) 967-8341



To: Greg Usry, Rye City Manager  
From: Lt. Robert J. Falk, Public Safety Commissioner  
RE: Westchester County Mutual Aid and Rapid Response Plan  
Date: October 26, 2020

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This is an agreement with the City of Rye to participate in the Rapid Response and Mutual Aid Plan for the Police Departments of Westchester County. The Plan's main objective is to formalize operational procedures for Law Enforcement assistance to participating agencies. I highly recommend your approval to enter into this agreement. This has been the standard procedure for as long as I can remember.

  
\_\_\_\_\_  
Lt. Robert J. Falk  
Public Safety Commissioner

**INTERMUNICIPAL AGREEMENT** made this            day of            ,  
2020 by and between:

**THE COUNTY OF WESTCHESTER**, a municipal corporation of the State of New York, having an office and place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601,

(hereinafter referred to as the "County"),

and

**THE CITY OF RYE**, a municipal corporation of the State of New York having an office and place of business at 1051 Boston Post Road, Rye, New York, 10580,

(hereinafter referred to as the "Municipality," and collectively with other signatory municipalities, as the "Municipalities" or "Signatory Municipalities").

**WHEREAS**, the purpose of the Mutual Aid and Rapid Response Plan for the Police Departments of Westchester County, New York (the "Plan") is to formalize operational procedures for Law enforcement assistance to participating agencies; and

**WHEREAS**, the Signatory Municipalities have executed the Plan by which each member agrees to make available its police personnel and equipment to the others upon the occurrence of a condition which is beyond the scope of its police resources; and

**WHEREAS**, due to prevailing world, national and local security situations, the ever increasing flow of intelligence, and actual threats directed against once benign sites and facilities, the parties desire that the Plan be flexible and subject to review and revision as necessary in a timely manner; and



**WHEREAS**, the Signatory Municipalities desire, inter alia, to ratify and execute this Agreement in order to effectuate the Plan and to agree on the procedures for timely review and revision of the Plan; and

**WHEREAS**, said Plan is governed by and liabilities and costs are apportioned pursuant to the provisions of New York State General Municipal Law (“General Municipal Law”) Section 209-m which provides, inter alia, that absent agreement to the contrary, the municipality receiving police aid (the “Requesting Municipality”) shall reimburse the municipality providing such aid (the “Assisting Municipality”) for any money paid by it for police salaries and other expenses incurred by it including damage to, or loss of, equipment and supplies.

**NOW, THEREFORE**, in consideration of the terms and conditions herein contained, the parties agree as follows:

**FIRST: Definitions**

(1) Chief Executive Officer: The officer within a Signatory Municipality who is authorized pursuant to General Municipal Law Section 209-m to request or grant a request for police assistance from another Signatory Municipality.

(2) Department Head: Any police chief, Commissioner or other official in command or acting command of the police department or police force of a Signatory Municipality.

(3) Requesting Municipality: Any Signatory Municipality requesting the assistance of the police force of another Signatory Municipality pursuant to the terms of this Agreement.

(4) Assisting Municipality: Any Signatory Municipality providing assistance to a Requesting Municipality pursuant to the terms of this Agreement.

(5) Emergency: Shall have its common dictionary definition.

(6) Signatory Municipality: All municipalities that have signed this Agreement, including the County.

**SECOND**: A true and accurate copy of the Mutual Aid and Rapid Response Plan for the Police Departments of Westchester County, New York (hereinafter the “Plan”), is annexed hereto and incorporated herein as Schedule “A”. The Parties further agree to the Plan, as it may be amended from time to time, in accordance with the review and revision procedures set forth in said Plan and this Agreement.

**THIRD**: This Agreement shall commence on July 31, 2020 (the “Commencement Date”) and terminate on July 30, 2025, unless terminated sooner in accordance with the provisions hereof. Any prior agreement signed by a Signatory Municipality for this purpose shall be deemed terminated upon the commencement of this Agreement.

**FOURTH**: The Signatory Municipalities hereby agree to render appropriate police services, in accordance with the Plan, to any Requesting Municipality whenever

the Chief Executive Officer of that municipality deems the general public interest requires it. All such requests for assistance shall be made by the Chief Executive Officer or Department Head of the Requesting Municipality and granted by the Chief Executive Officer or Department Head of each Assisting Municipality as set forth in the Plan.

**FIFTH**: The cost of police services provided pursuant to this Agreement shall be paid by the Requesting Municipality subject to the following exceptions:

(a) The police services provided by the County shall be without cost to the Requesting Municipality.

(b) The police services provided by each Assisting Municipality shall be reimbursed as provided in Section 209-m of the General Municipal Law, as same may be amended, except as provided above in Paragraph (a).

(c) The Requesting Municipality shall reimburse the County and each Assisting Municipality for all liability for damages arising out of acts performed by the Assisting Municipality in rendering aid. In addition, the Requesting Municipality shall provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly resulting from the rendering of aid by the County and each Assisting Municipality. Notwithstanding the foregoing, the Requesting Municipality shall not be liable for any damages resulting from any intentional wrongs or reckless conduct by the police force of the Assisting Municipality.

(d) The requesting Municipality shall reimburse the County and each Assisting Municipality for all expenses incurred pursuant to the provisions of Section 207-c of the

General Municipal Law, as same may be amended, and for any award of compensation made pursuant to the Workers' Compensation Law for salaries and expenses paid to officers of the County and each Assisting Municipality who are injured while rendering assistance to the Requesting Municipality pursuant to the Agreement.

**SIXTH:** Any party to this Agreement may withdraw at any time, upon thirty (30) days written notice to each of the other Signatory Municipalities, and thereafter such withdrawing party shall no longer be a party to this Agreement, but this Agreement and the Plan shall continue to exist among the remaining parties and Signatory Municipalities.

**SEVENTH:** (a) The Westchester County Chiefs of Police Association ("WCCOPA") shall be responsible for the administration and future amendments or revision of the Plan. Administration shall entail, but not be limited to, the development of an organized effort, identification of county-wide special equipment, the addition or removal of participating municipalities or police departments to the Plan, whether they operate within or outside of the physical boundaries of Westchester County, and interface with auxiliary services and agencies for the development of protocols and assumed responsibilities;

(b) A sub-committee of the WCCOPA will review the Plan at least once a year and formulate recommendations for amendments or revisions as necessary; and

(c) In order to effectuate the purposes of this Section and to authorize WCCOPA to determine the operational details of the Plan without need for legislative authorization

each time an amendment to the Plan is required, the Municipality represents and warrants that its representative(s) at WCCOPA is/are duly authorized to administer the Plan and to authorize any and all revisions to the Plan on behalf of the Municipality.

**EIGHTH:** The rights and obligations set forth in this Agreement shall be binding upon and shall inure to the benefit of each municipality which has executed this Agreement with the County.

**NINTH:** As to any signatory municipality, this Agreement shall not be enforceable until signed by both parties and all applicable legal approvals have been obtained.

**TENTH:** If any term or provision of this Agreement is held by a court of competent jurisdiction to be invalid or void or unenforceable, the remainder of the terms and provisions of this Agreement shall in no way be affected, impaired, or invalidated, and to the extent permitted by applicable law, any such term, or provision shall be restricted in applicability or reformed to the minimum extent required for such to be enforceable. This provision shall be interpreted and enforced to give effect to the original written intent of the parties prior to the determination of such invalidity or unenforceability.

**ELEVENTH:** All notices of any nature referred to in this Agreement shall be in writing and either sent by registered or certified mail postage pre-paid, or sent by hand or overnight courier, to the respective addresses set forth below or to such other addresses as the respective parties hereto may designate in writing. Notice shall be effective on the date of receipt.

To the County:

Thomas A. Gleason, Acting Commissioner-Sheriff  
County of Westchester Department of Public Safety  
1 Saw Mill River Parkway  
Hawthorne, New York 10532

with a copy to:

County Attorney  
Michaelian Office Building  
148 Martine Avenue  
White Plains, New York 10601

To the Municipality:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**TWELFTH:** In addition to the aforementioned New York General Municipal Law Section 209-m, this Agreement shall be subject to any applicable laws, rules and regulations.

**THIRTEENTH:** This Agreement shall not be enforceable until signed by both parties and approved by the Office of the County Attorney.

**[NO FURTHER TEXT ON THIS PAGE. SIGNATURE PAGE FOLLOWS].**

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement on  
the day and year first above written.

**THE COUNTY OF WESTCHESTER**

By \_\_\_\_\_  
Name: Thomas A. Gleason  
Title: Acting Commissioner of Public  
Safety / Sheriff

**THE CITY OF RYE**

By \_\_\_\_\_  
Name:  
Title:

Approved by the Westchester County Board of Legislators on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Approved as to form and  
manner of execution:

\_\_\_\_\_  
Senior Assistant County Attorney  
County of Westchester  
*S/Iannace/DPS/Mutual.Aid.IMA.6.5.20*

**MUNICIPALITY'S ACKNOWLEDGEMENT**

STATE OF NEW YORK        )  
                                          ) ss.:  
COUNTY OF WESTCHESTER )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally came \_\_\_\_\_  
\_\_\_\_\_, to me known, and known to me to be the \_\_\_\_\_ of \_\_\_\_  
\_\_\_\_\_, the municipal corporation  
described in and which executed the within instrument, who being by me duly sworn did depose  
and say that he/she, the said \_\_\_\_\_  
resides at \_\_\_\_\_ and that he/she is the \_\_\_\_\_ of  
said municipal corporation.

\_\_\_\_\_  
Notary Public        County



**CERTIFICATE OF AUTHORITY**  
(Municipality)

I, \_\_\_\_\_, certify that I am the  
*(Officer other than officer signing contract)*

\_\_\_\_\_ of the \_\_\_\_\_  
*(Title) (Name of Municipality)*

(the "Municipality") a corporation duly organized in good standing under the \_\_\_\_\_

\_\_\_\_\_ *(Law under which organized, e.g., the New York Village Law, Town Law, General Municipal Law)*

named in the foregoing agreement that \_\_\_\_\_ who signed said  
*(Person executing agreement)*

agreement on behalf of the Municipality was, at the time of execution \_\_\_\_\_ of  
*(Title of such person),*

the Municipality, that said agreement was duly signed for on behalf of said Municipality by

authority of its \_\_\_\_\_ thereunto duly authorized,  
*(Town Board, Village Board, City Council)*

and that such authority is in full force and effect at the date hereof.

\_\_\_\_\_  
(Signature)

STATE OF NEW YORK )

ss.:

COUNTY OF WESTCHESTER)

On this \_\_\_ day of \_\_\_\_\_, 20 \_\_\_, before me personally came \_\_\_\_\_  
\_\_\_\_\_ whose signature appears above, to me known, and know to be the  
\_\_\_\_\_ of \_\_\_\_\_

\_\_\_\_\_,  
*(Title)*

the municipal corporation described in and which executed the above certificate, who being by  
me duly sworn did depose and say that he, the said \_\_\_\_\_

resides at \_\_\_\_\_, and that  
he/she is the \_\_\_\_\_ of said municipal corporation.

*(Title)*

\_\_\_\_\_  
Notary Public      County

**SCHEDULE "A"**

[The Mutual Aid and Rapid Response Plan for the Police Departments of Westchester County, New York is attached].

STATE OF NEW YORK  
WORKERS' COMPENSATION BOARD

**CERTIFICATE OF PARTICIPATION IN WORKERS' COMPENSATION  
GROUP SELF-INSURANCE**

<b>1a. Legal Name and Address of Business Participating in Group Self-Insurance (Use Street Address Only)</b>  City of Rye 1051 Boston Post Road Rye, NY 10580	<b>1d. Corporate Contact Name of Business referenced in box "1a" Business Telephone Number of Business referenced in box "1a"</b>  Marcus Serrano (914)967-7404  <b>1e. NYS Unemployment Insurance Employer Registration Number of business referenced in box "1a"</b>
<b>1b. Effective Date of Membership In the Group</b> 07/01/2012	
<b>1c. The Proprietor, Partners, or Executive Officers are</b> <input checked="" type="checkbox"/> included (only check box if all partners/officers included) <input type="checkbox"/> all excluded or certain partners/officers excluded	<b>1f. Federal Employer Identification Number of Business referenced in Box "1a".</b>  136007325
<b>2. Name and Address of the Entity Requesting Proof of Coverage (Entity Being Listed as Certificate Holder)</b>  County of Westchester 148 Martine Avenue White Plains, New York 10601  RE: Proof of Workers' Compensation Coverage; IMA for TRACS program	<b>3. Name and Address of Group Self-Insurer</b>  Public Employer Risk Management Association PO Box 12250 Albany, NY 12212-2250

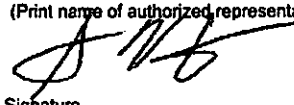
This certifies that the business referenced above in box "1a" is complying with the mandatory coverage requirements of the New York State Workers' Compensation Law as a participating member of the Group Self-Insurer listed above in box "3" and participation in such group self-insurance is still in force. The Group Self-Insurer's Administrator will send this Certificate of Participation to the entity listed above as the certificate holder in "box 2".

The Group Self-Insurer's Administrator will notify the above certificate holder within 10 days IF the membership of the participant listed in box "1a" is terminated. (these notices may be sent by regular mail.) Otherwise, this Certificate is valid for a maximum of one year from the date certified by the group self-insurer.

*If this certificate is no longer valid according to the above guidelines and the business referenced in box "1a" continues to be named on a permit, license or contract issued by the certificate holder, the business must provide the certificate holder either with a new certificate or other authorized proof of the business is complying with the mandatory coverage requirements of the New York State Workers' Compensation Law.*

**Under penalty of perjury, I certify that I am an authorized representative of the Group Self-Insurer referenced above and that the business referenced in box "1a" has the coverage as depicted on this form.**

Certified by: Steve Altieri, President  
(Print name of authorized representative of the Group Self-Insurer)

Certified by:  07/10/2020  
Signature Date

Title: President

Telephone Number: 1-888-737-6269



CERTIFICATE OF INSURANCE COVERAGE
DISABILITY AND PAID FAMILY LEAVE BENEFITS LAW

PART 1. To be completed by Disability and Paid Family Leave Benefits Carrier or Licensed Insurance Agent of that Carrier

1a. Legal Name & Address of Insured (use street address only)
CITY OF RYE
ATTN: FINANCE DEPARTMENT
1051 BOSTON POST ROAD
RYE, NY 10580
1b. Business Telephone Number of Insured
914-967-5400
1c. Federal Employer Identification Number of Insured or Social Security Number
136007325
2. Name and Address of Entity Requesting Proof of Coverage
Westchester County
Department of Health
25 Moore Avenue
Mount Kisco, New York 10549
3a. Name of Insurance Carrier
ShelterPoint Life Insurance Company
3b. Policy Number of Entity Listed in Box "1a"
DBL388206
3c. Policy effective period
01/01/2020 to 12/31/2021

4. Policy provides the following benefits:
A. Both disability and paid family leave benefits.
B. Disability benefits only.
C. Paid family leave benefits only.
5. Policy covers:
A. All of the employer's employees eligible under the NYS Disability and Paid Family Leave Benefits Law.
B. Only the following class or classes of employer's employees:

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has NYS Disability and/or Paid Family Leave Benefits insurance coverage as described above.

Date Signed 7/10/2020 By [Signature]
(Signature of insurance carrier's authorized representative or NYS Licensed Insurance Agent of that insurance carrier)

Telephone Number 516-829-8100 Name and Title Richard White, Chief Executive Officer

IMPORTANT: If Boxes 4A and 5A are checked, and this form is signed by the insurance carrier's authorized representative or NYS Licensed Insurance Agent of that carrier, this certificate is COMPLETE. Mail it directly to the certificate holder.
If Box 4B, 4C or 5B is checked, this certificate is NOT COMPLETE for purposes of Section 220, Subd. 8 of the NYS Disability and Paid Family Leave Benefits Law. It must be mailed for completion to the Workers' Compensation Board, Plans Acceptance Unit, PO Box 5200, Binghamton, NY 13902-5200.

PART 2. To be completed by the NYS Workers' Compensation Board (Only if Box 4C or 5B of Part 1 has been checked)

State of New York
Workers' Compensation Board
According to information maintained by the NYS Workers' Compensation Board, the above-named employer has complied with the NYS Disability and Paid Family Leave Benefits Law with respect to all of his/her employees.
Date Signed \_\_\_\_\_ By \_\_\_\_\_
(Signature of Authorized NYS Workers' Compensation Board Employee)
Telephone Number \_\_\_\_\_ Name and Title \_\_\_\_\_

Please Note: Only insurance carriers licensed to write NYS disability and paid family leave benefits insurance policies and NYS licensed insurance agents of those insurance carriers are authorized to issue Form DB-120.1. Insurance brokers are NOT authorized to issue this form.



## WORKERS COMPENSATION LAW

### **Section 57 Restriction on issue of permits and the entering into contracts unless compensation is secured.**

1. The head of a state or municipal department board, commission or office authorized or required by law to issue any permit for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, and notwithstanding any general or special statute requiring or authorizing the issue of such permits, shall not issue such permit unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter. Nothing herein, however, shall be construed as creating any liability on the part of such state or municipal department, board commission or office to pay any compensation to any such employee if so employed.
2. The head of a state or municipal department, board, commission or office authorized or required by law to enter into any contract for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, notwithstanding any general or special statute requiring or authorizing any such contract, shall not enter into any such contract unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter.

**Please Note:** This Certificate is valid only through the policy dates indicated above, OR, a maximum of one year after this form is approved by the authorized representatives of the Group Self-Insurer. At the expiration of those dates, if the business continues to be named on a permit or contract issued by the above government entity, the business must provide that government entity with a new Certificate. The business must also provide a new Certificate upon notice of

**GSI-105.2 (2-02) Reverse**

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer any rights to the certificate holder in lieu of such endorsement(s).


<b>PRODUCER</b> USI Insurance Services LLC 333 Earle Ovington Blvd., Suite 800 Uniondale, NY 11553	<b>CONTACT NAME:</b> Dana Michielini <b>PHONE (A/C, No, Ext):</b> 516 419-4084 <b>E-MAIL ADDRESS:</b> Dana.Michielini@usi.com	<b>FAX (A/C, No):</b> 877 727-5171
	<b>INSURER(S) AFFORDING COVERAGE</b>	
<b>INSURED</b> City of Rye 1051 Boston Post Road Rye, NY 10580	<b>INSURER A:</b> U. S. Specialty Insurance Company	<b>NAIC #</b> 29599
	<b>INSURER B:</b>	
	<b>INSURER C:</b>	
	<b>INSURER D:</b>	
	<b>INSURER E:</b>	

**COVERAGES**                      **CERTIFICATE NUMBER:**                      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			7CPKG80320264	01/01/2020	01/01/2021	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$1,000,000 MED EXP (Any one person) \$10,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$3,000,000 PRODUCTS - COMP/OP AGG \$3,000,000 \$
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			7CPKG80320264	01/01/2020	01/01/2021	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$50000			7CPKG80320264	01/01/2020	01/01/2021	EACH OCCURRENCE \$10,000,000 AGGREGATE \$10,000,000 \$ PER STATUTE    OTH-ER
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y/N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Sexual Abuse			7CPKG80320264	01/01/2020	01/01/2021	\$1,000,000 Per Occ \$3,000,000 Aggregate

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
 The General Liability policy includes an automatic Additional Insured endorsement that provides Additional Insured status to the County Of Westchester only when there is a written contract that requires such status, and only with regard to work performed on behalf of the named insured. The General Liability policy contains a special endorsement with "Primary and Noncontributory" wording, when required by written contract. The General Liability policy provide a Blanket Waiver of Subrogation when required by written contract, except as prohibited by law.

<b>CERTIFICATE HOLDER</b> County of Westchester 148 Martine Avenue White Plains, NY 10601	<b>CANCELLATION</b> SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
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