

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

**REGULAR MEETING OF THE CITY
COUNCIL VIA ZOOM CONFERENCE
Wednesday, November 18, 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/94477485347?pwd=MGE2ZGo1UjlqNUdOY1NRbkhBUW5vdz09>

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

Webinar ID: 944 7748 5347

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 November 4, 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. Residents may be heard on matters for Council consideration that do not appear on the agenda.
5. Resolution to waive parking restrictions and parking fees in all downtown parking lots and Purchase Street for the period between December 7, 2020 and December 26, 2020.
Roll Call.

6. Consideration of a request from the Chamber of Commerce to use the Village Green on November 28 & 29, 2020 from 11 AM – 4 PM for puppet and science shows as well as a children’s singer. All events will be by sign-up only and limited to 50 people with a new event beginning every hour.
7. Resolution designating the days and time of regular meetings of the City Council for 2021 setting January 6, 2021 as the first regular meeting.
8. Old Business/New Business.
9. Adjournment

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The next regular meeting of the City Council will be held on Wednesday, December 2, 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 under “RyeTV Live”.

UNAPPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on November 4, 2020, at 6:30 P.M.

PRESENT:

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

ABSENT:

PAMELA TARLOW
Councilmember

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 6:30 P.M. The meeting was streamed live at 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.

City Clerk D'Andrea explained that there would be one correction regarding the second resolution on the food scrap issue, in order to adequately capture that the Council voted to keep the program permanent with the listed conditions.

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. 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

Mayor Cohn invited the representatives from Midland Rye LLC to speak.

Councilman Stacks recused himself from the discussion due to a conflict of interest.

Steven Wrabel, McCullough Golberger and Staudt, gave a summary of what had transpired since September 2019 when a petition was proposed to the Council to amend the zoning ordinance to allow additional uses in the B-5 district. The Council referred Midland Rye LLC to the Planning Commission and is returning to the Council with a recommendation from the Planning Commission with some key changes.

Per the Planning Commission's recommendations, Midland Rye LLC made revisions to their proposed Amendment. The Commission recommended that day/child care should be made a principal use rather than a permitted accessory use independent of any other tenants in a B-5 property. In response to input from prospective tenants, finishing, assembling, and testing of products has been added as a principal use. Per the Commission's request, parking requirements and ratios have been added for all of the uses. The Commission requested that restrictions be implemented regarding what materials can be stored on the property for both the self-storage and product testing uses. Mr. Wrabel introduced Peter Feroe, AKRF, Inc., to present the planning rationale.

Mr. Feroe detailed some of the reasons why a change in the zoning text would be beneficial. Mr. Feroe noted that the need for medical office space has increased in recent years (and is projected to continue to increase), and the proximity to major thoroughfares, corridors, and ample parking makes the property ideal for medical office space usage. Also noted were several reasons why the zoning text should be amended to include self-storage in the B-5 District. Mr. Feroe then discussed why finishing and assembling of products, as well as testing of products, fit in with the city and county's comprehensive plans of maintaining central business districts and character of the neighborhoods and how the amendments fit with the market demand for the proposed uses. Mr. Feroe asked the Council if they had any questions.

Councilwoman Souza asked Mr. Feroe to elaborate on what types of products would be finished, assembled, and tested. Mr. Feroe stated that pieces of products that have already been manufactured would be put together to meet market demand.

Mayor Cohn asked for clarification on the differences between manufacturing, finishing, and assembling. He also asked if there would be language added to the proposed amendment that would prevent loud noises and harmful chemicals on the property.

Councilwoman Goddard asked for specific examples of the types of products that would be finished and assembled and how the parts would be transported to the facility and the finished products from the facility.

Councilwoman Souza expressed concern that there is no industry caveat on permitting a use.

Christian Miller, City Planner, stated that there are provisions required for both assembly and finishing of products, and that the Council may manage potential impacts by imposing additional restrictions on that use.

Mr. Feroe discussed the differences between manufacturing (i.e. converting raw materials into products) and finishing/assembly (i.e. items that have already been changed from a raw material into a product being put together to create a finished product). He also stated that the zoning text amendment would include language that would prohibit noise, dust, fumes, or vibrations beyond the project boundary, and that the Commission made recommendations on the amount of hazardous chemicals that can be stored on the property. Mr. Feroe reiterated that the goal of the zoning change was to permit flexibility in the uses, hem it in the zoning, and when it comes to the site plan, the Planning Commission will take all of these factors into account.

City Planner Miller suggested that the property size and location would play a role in what variety of products would be finished/assembled or tested on site.

Councilwoman Goddard noted that while the facility is smaller than other similar facilities, it is located in close proximity to a residential area, and the zoning change would likely increase truck traffic.

Mr. Feroe replied that it is difficult to predict the exact number of trucks that would be visiting the site, and that once there is a prospective tenant, the Planning Commission will make more specific recommendations.

Councilwoman Souza asked how the data was gathered to inform what is being petitioned for. Peter Duncan, Manager of Midland Rye LLC, stated that the intention of amending the zoning text to include the new uses was based on ensuring flexibility when acquiring tenants for the property.

Mayor Cohn asked Mr. Feroe if there was more specific language that could be written into the proposed zoning law amendment that would add more distinction between manufacturing and finishing/assembling products. Mr. Feroe confirmed that if there were ways to add more distinction, they would be open to adding it to the zoning text. There was discussion regarding mitigating the noise impact on the neighboring residents. Mr. Duncan reminded the Council that the primary use of the property will be office space.

Mayor Cohn asked if there would be outdoor testing of products. Mr. Feroe confirmed that there may be outdoor testing of products to allow for flexibility with prospective tenants, but any testing outdoors would be subject to the same zoning requirements.

Mayor Cohn asked if the self-storage signage plan allowed for signage on the railroad tracks side and a discrete sign located at the property entrance on Midland Ave. Mr. Duncan confirmed that that was still the plan. There was discussion regarding the property entrance and exit on both Midland Ave. and Peck Ave.

Mayor Cohn asked about the process that prospective tenants would encounter as they seek to occupy the building, and Mr. Wrabel confirmed that a site plan application and approval would be required from the Planning Commission. Mayor Cohn requested that the language distinguishing manufacturing and finishing/assembling be sharpened. Councilwoman Goddard

clarified that the presentation made by Midland Rye LLC was not yet at the public hearing stage, and that the purpose was to review and discuss the zoning text amendment.

Mayor Cohn proposed that this agenda item be put on the agenda for the next City Council meeting with request that Midland Rye LLC return with language responsive to the Council's concerns.

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

City Manager Usry read the following statement to the Council:

“Earlier this afternoon we submitted the proposed 2021 budget. It will be posted on the City website. The proposed operating budget is \$40,585,302 and will require an increase in the real property tax rate of 4.19%. The tentative increase is within the mandated tax cap of 2.61% (including a Levy Growth Factor of 1.56% and tax base growth factor of 1.05%). Next year's projected revenues, spending and capital reinvestment is consistent with the financial goals and policies of the City, as established by the Charter and City Council action.

In composing the 2021 budget, I am struck by what we have experienced in the last nine months and how this is impacting both next year's budget and possibly budgets for the foreseeable future. In navigating 2020, we have been forced to re-think, modify and adjust certain City-wide operations. Many of these changes, notably the migration of most business activities to web-based or phone transactions, have made our delivery of administrative services more efficient and convenient for residents.

As I look toward next year and 2022 we must compose budgets with less than perfect information. Past assumptions of year over year growth or changes in revenues and expenses is no longer as simple as an inflation adjustment or a decision of how to staff certain services. Rather, we are forced to make projections which rely on factors never faced before, including the nature and timing of our recovery from the pandemic, human behavior relating to shopping and dining, State and County budgets impacted by the pandemic, necessary clearance from the Department of Health for recreation activities, etc. It is an understatement to say that the need for continued financial fluidity will remain well into 2021.

With that as a backdrop, the proposed budget for 2021 is a direct reflection of the vast knowledge we gained this year. The themes and challenges I identified in the budget letter accompanying the proposed 2020 budget have been rethought and reflected in the budget package you have before you for your consideration. The themes and longer-term goals that were identified in the 2020 budget have not changed, but rather, have been modified to reflect our new normal.

As I noted last year, and throughout 2020, Rye continues to be extraordinarily fortunate relative to many other communities in the County and throughout the region. That can be best seen when comparing our early financial projections in May to our current expected year-end results. The City was well positioned going into 2020 as a result of our well-funded reserves and

conservative budgeting. Our ability to deliver the level of services expected by our residents was largely uninterrupted, in spite of the pandemic. This was the direct result of the dedication of the City staff, and the patience and cooperation of the entire community.

Below, and on the following pages you will find highlights for the proposed budget, as well as rationale for certain revenue assumptions and the resulting changes in expenses.

Sales and Use Taxes

In August 2019 the County sales tax was increased by 1% (Rye receives a proportionate share). Although collections were impacted between mid-March and June, we have seen a significant recovery in recent months and we are now on track to exceed our 2020 budget projection. With the 1% increase applying to the entire year (2020 sales tax increase applied only to the period beginning August 1, 2019), we are budgeting sales taxes of \$3.2 million for 2021, \$200,000 higher than the 2020 budget.

Salaries, Wages and Benefits

Salaries, Wages and Benefits each year are impacted by a number of factors including overall staffing levels, union contract pay increases, state determined retiree benefits, medical insurance costs, and workers' compensation costs. For 2021 we are budgeting an increase of \$1.2 million.

Staffing

Beginning in early April, I froze all hiring Citywide, including filling positions of retiring employees. This allowed the City to navigate the financial impact of the COVID-led economic slowdown. As we look to 2021 we are beginning to fill the critical positions across departments. Like other suspended positions I chose not to fill the Assistant to the Head of Public Works, as well as the Assistant City Manager positions. The proposed 2021 budget assumes filling all open positions. A detailed summary of staffing by department may be found on page 12-3 of the proposed budget document. It is important to note that summary in the budget reflects staffing on October 1 vs. positions authorized, and not unfilled positions throughout the year. For 2020 we had four employees retire or resign in Public Works, two in the Fire Department, and one in the Police Department. This budget reflects the addition of two new positions City wide, one position in the Clerk's office and one additional in the Building Department.

One specific note in staffing, over the last few years the budget has included the expense for the Public Safety Commissioner position in addition to a stipend for the current Interim Safety Commissioner. For this budget, the salary and associated benefits for the Public Safety Commission position is not being included, resulting in a savings of \$198,000.

Recreation Department

No single City department was more impacted by COVID this year than Recreation. Beginning in March, every program for the year was either cancelled or modified. The heroic and

tireless efforts of the Rec staff resulted in creative alternatives throughout this most difficult year. However, the stark reality of the financial impact was felt with the cancellation of summer camp, the single biggest contributor to the Department's revenues.

For 2021, we are projecting that recreation will be COVID-impacted for at least a portion of next year. That assumption leads us to budget \$2.09 million for next year, \$233,000 higher than the 2020 budget. This is in line with our projected results for 2020. The expense recovery for 2021 is projected to be 36.5%; below the target of 40% but reflective of the expected modifications likely in 2021, including summer camp.

Fire Department

With the settlement of the Firefighters' union contract in the first quarter we have no open union contracts for the first time in many years. We are now undertaking the transition of the fire department command to an all career staff, along with an appropriate and cost-effective shift staffing of the firehouses. With this transition comes expenses related to the fire academy and other officer training. In recent weeks we hired two additional firefighters and are moving ahead with hiring two more. These are expected to be filled in early January. This will complete the County Civil Service authorized staffing, and will begin bringing expenses under control.

I do expect additional extraordinary expenses in both 2021 and 2022 as we complete the staffing and command structure. The proposed 2021 Fire Department budget is \$6.18 million, an increase of \$280,000 over projected 2020 results. It is important to note that approximately \$350,000 of the 2021 budget is attributable to overtime directly associated with the fire academy and FLIP school. Similar to this year, we will be pursuing Federal grant support for our fire services, including staffing.

State Aid

As noted this summer, the State has informed all local jurisdictions that State aid is being reduced by 20% for this year, and is expected to do the same for 2021. As a result we have budgeted a reduction of \$242,000 for 2021.

Interest Income

With the severe economic slowdown this year, the Federal Reserve has reduced short-term interest rates to near 0%. Because the City receives 70% of its total revenues early in the year and invests that cash until it is needed for annual expenses, the assumed interest earnings is an important factor in the annual budget. For the proposed 2021 budget we are projecting interest earnings will be down \$200,000 versus the 2020 budget.

Debt Service

This year the City made its final payment on certain outstanding debt, freeing up \$708,000 in annual debt service. However, with the significant capital improvement program (CIP) under way and the expectation that the City may need to borrow sometime next year the proposed budget

assumes \$350,000 of debt service in 2021. This reflects an assumed borrowing by mid-year. This annual expense will increase to \$700,000-750,000 for the 2022 budget.

Fees and Permits (non Recreation and Enterprise Fund)

Fees and permits across the City were heavily impacted by the pandemic. There has been a significant loss this year in many areas, including parking revenue and related enforcement. For the proposed 2021 budget we are projecting fees and permits will recover in part, but we are heavily suspect. The overall impact assumes fees and permits will be down \$73,539 versus the 2020 budget. Most notable in this assumption is an expected decline in parking revenues and related enforcement. Even with the extended parking hours in the Central Business District, we are budgeting a reduction of \$143,500 versus the 2020 budget.

Street Resurfacing

The 2021 proposed budget calls for \$1.65 million for street resurfacing. Of this amount, \$600,000 is included in the property tax levy, a reduction of \$200,000 from the 2020 budget. The remaining funds come from state aid, City surcharges and unassigned fund balances.

Hotel Taxes

The proposed 2021 budget reflects the continued impact of COVID on hotel stays. For the proposed 2021 budget we are reducing hotel tax collections by \$50,000.

General Fund

This is the principal fund of the City and includes all operations not required by law or policy to be recorded in other funds. The 2021 General Fund Budget is \$40,585,302. \$39,210,302 of this amount are operating expenditures, up \$445,233 (1.2%) over the 2020 adopted budget. The proposed property tax rate is \$187.66 per \$1,000 of assessed valuation. The property tax levy of \$26,525,714 equals 65.4% of General Fund appropriations.

The City is budgeting approximately \$1.2 million of General Fund unassigned fund balances to fund certain items including the annual contingency account, street resurfacing and the Building and Vehicle Maintenance fund.

Capital Projects Fund

In recent years, the City's financial outperformance versus budget allowed us to increase the Capital Projects Fund. By Council action in 2019 the General Fund reserve was set at 10% of total expenses. Furthermore, a Capital Projects Reserve was established with the excess General Fund reserve monies (over the 10% policy along with single, non-reoccurring revenues and the transfer of the former Rye TV Fund). The 2021 proposed budget leaves the Fund unchanged versus 2020. We began the year with \$6.2 million and with the Rec Park improvements of \$1 million, we remain at \$5.2 million for 2021. For 2021 we do expect a number of the identified priority capital projects will be underway with design and planning. As a result I do reasonably

expect that the Capital Project Fund balance will begin to decline through the year, and will be accompanied by city bonding in 2021 or 2022.

Boat Basin Enterprise Fund

This fund is responsible for the operation and maintenance of the DePauw Municipal Boat Basin. Revenues for 2021 are forecasted to be \$790,700 with budgeted expenses (less depreciation) of \$618,060. Increases in slip fees range from 4% to 6%. For 2021, the Boat Basin has estimated unrestricted net assets of \$2.2 million.

Rye Golf Club Enterprise Fund

This fund is responsible for the operation and maintenance of the Rye Golf Club. For 2021, revenues are forecasted to be \$4,224,441 with budgeted expenses (less depreciation) of \$4,933,166. All renewing memberships were increased by 2%. All new memberships are increased by at least 10%. For 2021, the Golf Club has estimated unrestricted net assets of approximately \$2.6 million.

Building and Vehicle Maintenance Fund

This fund is responsible for costs of maintaining and operating the City's buildings and its fleet of motor vehicles. As such, the costs are distributed to various cost centers. For 2021, expenses are budgeted to be \$3,284,375 down \$565,785 compared to 2020. For 2021 I expect we will revise our approach to the City fleet management with a goal of budgeting for the annual replacement of vehicles (PD), as well as larger, longer term fleet needs (FD, DPW).

Risk Retention Internal Service Fund

This fund is used to expense liability insurance for the entire City, as well as, claims, judgements and losses. For 2021 total expenses are forecasted to \$818,000, up \$68,500 compared to 2020, as the City estimates a 10% increase for the 2021 insurance renewals.

I cannot overstate how dynamic this budget is, and how we may or will likely need to review and modify as the year progresses. The COVID-related operational and economic recovery in 2021 and 2022 will drive our actual results. However, the proposed budget presented here does reflect what we have learned and experienced in 2020. It also reflects the extremely strong financial position the City had going into this year. To stay within the tax cap, department heads and the City Comptroller looked critically at every aspect of City operations and expenses. We do not take the financial responsibility entrusted in us lightly.

One final note, in past budget letters City Managers have specifically thanked Department Heads and the Comptroller. There is no doubt that this budget again reflects those individuals, and Joe Fazzino and his staff specifically. However, it is worth noting that the entire City staff should be thanked for their work this year. Without exception they continued to deliver critical City services under extraordinary circumstances. The financial results for this year and the proposed budget for 2021 reflect their hard work. My thanks to each of them.”

City Comptroller Fazzino gave the following presentation and overview of the proposed 2021 General Fund Budget to the Council:

“This first slide comes shows information from the budget document on page 3-3 which is the highest level summary of the General Fund budget.

Total General Fund Expenditures are \$40,585,302 dollars. General Fund Revenues other than Property Taxes are \$12,864,088 dollars. Use of fund balance is \$1,205,100 dollars. Which leaves us with the property tax levy to balance the budget.

The 2021 property tax levy is \$26,516,114 dollars, or a levy increase of \$1,099,156 dollars over the 2020 Budgeted tax levy.

For this Budget and pretty much all recent budgets, the property tax levy is two-thirds of our total revenues. This translates to a tax rate of \$187.80 per thousand dollars of assessed value or 4.19% tax rate increase. This is an annual increase of roughly \$178 DOLLARS to the average home in Rye. (Home with a **market value** of \$1,505,000)

The 2021 total levy amount is 47,096 dollars under the tax levy cap. (Mr. Fazzino discussed the components of the levy allowance and the retirement exemption due to retirement rates being so high, resulting in an allowance not seen since 2013).

(Mr. Fazzino discussed the process of calculating the increase in the 2021 property tax levy).

Before we get into the 2021 budget information, I would like to give a summary of where the City will be at the end of 2020. Based on our 2020 projections, we expect the City to an overall deficit of about 3 million dollars. Once again, similar to prior years, this is actually a very positive item as The City’s 2020 Budget had planned to use Fund balance of over 3.9 million dollars, so the 2019 projections show the City to be around \$940,000 better than originally planned. The difference between this year and years’ past is that this year’s number was more a result of the City’s expenditures performing better than budget while the City’s revenues other than property taxes came in at budget or less than budget, most of which are related to the pandemic. These results have again given us the ability to apply fund balance to the 2021 Budget. Here is a list of these items and I will highlight a few.

Excluding Fire and Recreation, Salaries are expected to be down City-wide, almost \$900,000. Similar to last year, this is mostly due to vacancies in certain positions throughout the course of the year. As Greg mentioned earlier, given the uncertainties initially projected due to the pandemic, City Management implemented a hiring freeze, effectively creating savings for vacant or budgeted positions throughout various departments in the City. From May to September, there were additional resignations/retirements, creating further positions that remained unfilled, resulting in additional savings. Positions that were subject to the hiring freeze are expected to be filled by November. These positions were vacated much longer than first projected, resulting in even more savings to the City.”

City Comptroller Fazzino continued with his presentation:

“The 2020 Budget included a conservative estimate of 10% for increased employee and retiree healthcare costs. 2020 premium rates for employees were flat compared to 2019 rates and the 2020 premium rates for retirees actually decreased compared to 2019 rates, resulting in these savings.

The 2020 Budget was flat compared to the 2019 workers’ compensation premium, as the City’s experience rating continued to decline in 2019. This trend continued in 2020 and the City’s experience rating again decreased, leading to an overall decrease in the 2020 workers’ compensation premium.

With the cancellation of summer camp, the recreation department lost its largest source of revenue, but also realized savings from the lack of expenses related to not only camp, but other programs that were shut down due to the pandemic. There were other programs run by Recreation Staff and planned for in the 4th quarter that have resulted in a projected loss of roughly \$75,000 less than budgeted. \$1,782,000.

Obviously there are expenses related to COVID, some of which will not be reimbursed. About \$53,000 has been submitted to FEMA for reimbursement.

Interest Income, which had once again become a significant source of revenue is forecasted to be \$50,000, as the Federal Reserve reduced rates to down almost zero as a result of the pandemic.

Parking meter revenue is expected to be down \$196,000 or 40%. Parking Meter fees were suspended during April and May. The month of June was down, as businesses slowly began to open, and remained down for the summer. Revenue from the commuter parking meters has been minimal. Even with an uptick from parking hours being extended until 9pm, revenues still will fall short of budget.

(Councilwoman Souza asked about parking permit revenues with regard to the pandemic. City Clerk D’Andrea reported that out of approximately 1,000 commuter permit holders, only 125 had not renewed their parking permits for 2021. With a waitlist of 553 people, the City will be able to have this revenue source remain flat for 2021).

Building Department Revenues are expected to be \$300,000 under budget. In 2020, this revenue source, like all others, saw a decline due to COVID-19, as construction was halted for a period of time. Moving violations are forecast to be down \$105,000. Even as businesses across the State re-open, overall traffic volume remains down, with many businesses allowing for telecommuting if possible, resulting in less fines. There is also a backlog in court cases, resulting in even less fines being paid.

As we had assumed since May, State Revenue Sharing is expected to decline in 2020 and 2021 by 20%, as the State tries to close its own budget gaps as a result of COVID-19.

Helping offset these decreases in revenue, due to a continued high volume of utility projects, a large portion of police overtime has been reimbursed by utility companies and estimated to be up about \$430,000.

This year mortgage tax will be \$139,230 more than budgeted. Again this remains the most volatile and difficult revenue to budget each year. We started to see signs for the month of September that this number may be on the rise as home sales are increasing, and homeowners are taking advantage of low interest rates.

Conservative budgeting allowed for Sales Tax to meet budgeted expectations, even with the pandemic slowing activity for almost 3 months. 2020 was the first full year that the City received the additional 1 percent sales tax increase effective August 1 of last year. The amount the City will receive for the 3rd quarter this year is about \$108,000 more than the same period last year.

Fund balance actually dipped below in 2010 as the City was still feeling the effects of the recession. You can see the fund balance begin to climb back above 10%, but at the expense of Capital projects as the City began a period of using very little or no fund balance to fund capital projects. Over the past few years, the City has tried to remain close to 10 % fund balance, while using any excess on Capital. The Capital Reserve fund was created in 2019 for this purpose. The overall tax levy has increased about \$6 million from 2010-2020 for an average tax rate increase of a little over two percent each year.

This is history of the tax rate increases since 2010, with only 3 years above 3%. In 2017 the City added annual street resurfacing to the tax rate, after previously using fund balance, which added close to 3 percent alone to the tax rate. Prior to that Tax rate increase had not been above 3.5% since 2010.

The 2021 City budget proposes expenditure increases of \$445,233 over the originally budgeted 2019 expenditures. The largest component of this increase is Employee Salaries up about 649,000 dollars. This is mostly a result of contracted salary and step increases for 2021, as ALL union contracts are settled. Again it is nice to get into a budget, and know exactly how much to budget as opposed to assuming some increase for the next year. There are also two additional positions budgeted for 2021, which we discuss shortly.

Contributions to the NYS retirement system and FICA expenses are both up, due to the increased Salaries mentioned above and double digit increases. 11% for the Employee Retirement rates and 16% for the Police and Fire Retirement rates.

For the second year in a row, a saving grace is health insurance for both current employees and retirees continues to be budgeted to be down. As mentioned earlier, premium rates remained flat year over year.

More on expenditures, salaries and benefits are the highest at 68% combined. (Mr. Fazzino discussed expenditures by program, NYSHIP, and Retirement expenses).

As for the revenue side, revenues other than property taxes are up \$476,223 over the 2020 budget. This is the first time since the recession that these numbers have actually went down. As we mentioned earlier we are conservatively budgeted sales tax for 2020. With a shutdown of almost three months, we still were able to meet budgeted expectations. Since we are unsure what next year will look like, we are budgeting parking meter revenue down \$143,500 30% of the 2019 actual results.

It was a nice run, with interest income bouncing back for 3 whole years, but sadly this source of revenue will be minimal for the foreseeable future, down \$200,000. Thank goodness we conservatively budgeted this number last year, or the gap could have been much greater.

State revenue sharing is down 20%. The state mandated tax cap is still in play with double digit retirement rate increases and a decline in aid. The City had received and is budgeted to receive the same amount of state aid for 6 consecutive years, before the decrease this year,

Sales tax, Mortgage Tax and Building permit revenues CONTINUE to be the largest contributors to major revenues over the last few years, with interest income now moving off the chart. Major revenues have been consistently at least 25% and in recent years over 30% total expenditures.

With less fund balance available this year, there is obviously less funding for 2021 Capital Projects. These Capital projects are the annual funding of various infrastructure improvements throughout the City. On streets, expenditures are proposed to be at \$1.3 million from the general fund (\$600,000 through the tax rate up \$200,000 from last year), thanks to the savings and increased revenue mentioned above. For 2020, the City plans to transfer \$350,000 the Capital Projects Fund for general capital projects, representing about half of the savings for the decrease in annual bond payments as mentioned earlier. This will leave the Capital Reserve fund with about \$5.5 million at the end of 2020.”

Councilwoman Goddard asked about capital projects and paving. There was general discussion among the Council regarding these fiscal priorities and getting important items done.

Mr. Fazzino gave an overview of total property tax breakdown, with the school taxes accounting for 60%, County taxes at 23%, and the City taxes being the lowest portion at 17%.

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

Councilwoman Goddard made a motion, seconded by Councilwoman Souza and unanimously carried, 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 with “Osborn Zoning Change” as the subject no later than 12:00 pm on December 2, 2020.

This item was adjourned.

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

There was nothing to report under this agenda item.

8. Virtual Arbor Day Declaration to be read by Mayor making all days between now and year end virtual Arbor Days for the appreciation of our trees.

Mayor Cohn read the following statement:

“Since Julie, Ben, Sara and I have been in our respective positions we have steered the City, with the help of the Sustainability Committee, back to being a Tree City, USA. That status is both recognition of the wealth of trees within our City and recognition of the respect we, as a City, have for our trees, for their beauty and for the environmental benefits they bestow.

In the usual course of a year, as a Tree City, we are obliged to designate an Arbor Day that need not be the official April date. Given the continuing pandemic, the Arbor Day Foundation has said that we need not have an Arbor Day ceremony on a designated Arbor Day. Nonetheless, we recently tried to obtain a native tree to plant in conjunction with the Sustainability Committee before the year end, but could not. We will do so as early in the spring as we can.

In the absence of the occasion and to keep us all thinking of our trees, I would like to read just a bit of the standard Arbor Day declaration, and do so by way of declaring each remaining day of 2020 an Arbor Day in the City of Rye, and asking that we each find some special moments of appreciation of our trees, as some show us their fall colors and others hold their green, during this period. (Mayor Cohn read the following Arbor Day resolution):

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal;

NOW, THEREFORE, I, Josh Cohn, Mayor of the City of Rye, NY do hereby proclaim each day in the remainder of 2020 as Arbor Days in the City of Rye, NY and I urge all citizens to celebrate these Arbor Days and to support efforts to protect our trees and woodlands; now be it further

***RESOLVED**, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.*

Since we took office, many of us have hoped we would have the opportunity to enhance the City’s Chapter 187 which provides limited protected for the City’s trees. I remarked at a Council meeting earlier this year that I thought the constraints of the pandemic might give us the opportunity to do that review. Of course, the pandemic only added to the work of this Council. Nonetheless, I have asked Carolina Johnson, Richard Mecca and Julie Souza to look into updating our tree law, and hope they will be reporting back to us on this soon.”

9. 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.

Councilwoman Goddard made a motion, seconded by Councilman Stacks, and unanimously carried, 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

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

10. 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.

Councilwoman Goddard made a motion, seconded by Councilman Stacks, and unanimously carried, to authorize 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

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

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

Mayor Cohn, with Council approval, appointed Rita Capek to the Human Rights Commission with a term expiring December 31, 2022.

Mayor Cohn noted the departure of Nicholas Loddo, long-term member and valuable contributor to the Traffic and Pedestrian Safety Committee, as he has moved out of Rye.

Mayor Cohn thanked Martha Monserrate, longtime member of the Planning Commission, and previous service on the CCAC, for her years of service to Rye. Councilman Mecca also thanked Ms. Monserrate for her service and recognized her diligence as an engineer and valuable addition to the Commission.

12. Old Business/New Business: Settlement with Verizon Wireless.

Councilman Mecca made a motion, seconded by Councilwoman Souza, to adjourn into executive session to discuss litigation matters.

The Council met briefly in executive session.

Councilman Mecca made a motion, seconded by Councilwoman Souza, to enter back into the public meeting.

Corporation Counsel Wilson explained that the City is ready to enter into a stipulation of settlement and lease agreement in the matter of Verizon v. City of Rye. The litigation commenced as a result of the City denying a proposed cell tower site at 182 Purchase Street. She explained that if the City enters into the stipulation and lease agreement (five years with four additional opportunities to renew), an 80-foot tower would be constructed on City property adjacent to the train station and result in Verizon withdrawing the lawsuit with prejudice if all conditions are met. Verizon would be required to maintain their equipment in a safe and operational manner.

Mayor Cohn reminded everyone that the settlement is more in line with the City's intent in Chapter 196, which attempts to remove these types of installation to the extent possible from residential areas.

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

RESOLVED, that the City Council hereby authorizes Corporation Counsel to enter into a Stipulation of Settlement and land lease agreement in the matter of Verizon v. City of Rye, which will result in the construction of an 80-foot tower located on City property adjacent to the MTA parking lot, in lieu of the location proposed initially at 182 Purchase Street, upon receiving confirmation of the City's rights under existing federal law, and to take any necessary actions for the filing of such settlement and agreement as required in federal court.

ROLL CALL

AYES: Mayor Cohn, Councilmembers Goddard, Johnson, Mecca, Souza, Stacks

NAYS: None

ABSENT: Councilwoman Tarlow

Mayor Cohn added that the site that the installation may take place is the same site that was agreed upon on similar litigation by a prior City Council about 15-20 years ago. This would be a much shorter poll than the poll that was settled upon in prior litigation.

Councilwoman Souza said that the Council did not want to do this, but that this keeps it out of residential neighborhoods, and so is the better option.

The Council thanked Corporation Counsel Wilson.

13. Adjournment.

There being no further business to discuss, Councilman Mecca made a motion, seconded by Councilwoman Souza and unanimously carried, to adjourn the meeting at 9:19 P.M.

Respectfully submitted,

Carolyn D'Andrea
City Clerk



CITY COUNCIL AGENDA

DEPT.: Planning

DATE: November 13, 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 18, 2020

RECOMMENDATION: That the City Council review and discuss the revised petition, EAF and related materials provided in the Petitioner's November 13, 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. That submission also includes a revised Full Environmental Assessment Form (EAF), additional impact analysis and an analysis of parking requirements.

The most recent submission of November 13, 2020 (also attached) responds to the discussion from the November 4th meeting, incorporating several changes into the proposed local law to better articulate and regulate the proposed uses in the Amendment. The revised Text Amendment now better defines the proposed finishing and assembly use and seeks to further distinguish this use from manufacturing. Furthermore, the Amendment now requires the Rye Planning Commission to define the specific finishing/assembly use during Site Plan approval, so that a change of user will trigger a new Site Plan application, ensuring adequate City review of all such tenants.

McGULLOUGH, GOLDBERGER & STAUDT, LLP

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KEVIN E. STAUDT
STEVEN M. WRABEL

CHARLES A. GOLDBERGER
COUNSEL

November 13, 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 LLC¹, (hereinafter, “Petitioner” or “George Comfort”). Petitioner is the owner of a tract of land totaling approximately 18.09 acres of real property, which includes the 14.84-acre lot identified as 601 Midland Avenue (the “Property”) and the 3.25-acre lot identified as 621 Midland Avenue. The Property is primarily located in the B-5 “Interchange Office Building” Zoning District and is currently improved with the now-vacant Avon office building. Petitioner is proposing a Zoning Text Amendment (the “Amendment”) to expand the list of permissible uses in the B-5 District in order to market the Property to perspective tenants in an increasingly difficult environment for office uses.

In response to our discussion with the Council at its November 4th meeting, several changes have been incorporated into the proposed local law to better articulate and regulate the proposed uses in the Amendment. The revised Text Amendment now better defines the proposed finishing and assembly use and seeks to further distinguish this use from manufacturing. Furthermore, the Amendment now requires the Rye Planning Commission to define the specific finishing/assembly use during Site Plan approval, so that a change of user will trigger a new Site Plan application, ensuring adequate City review of all such tenants.

We have also sought to address concerns regarding truck traffic on Peck Avenue by requiring all trucks to use an entrance on a State or County road for the product testing and product finishing/assembly uses. This requirement will limit all related trucks to the Midland Avenue entrance, and will be imposed in addition the City Code’s existing restrictions pertaining to vehicles over five (5) tons on Peck Avenue.

¹ 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.

Additionally, the revised Amendment now requires any outdoor testing be located out of view from any residential districts, and prohibits any outdoor storage of materials. The Amendment also now imposes a requirement that product testing and assembly/finishing shall be no more impactful than a permitted office use. This provision will provide the Planning Commission with a stringent standard to impose on prospective tenants for the Property when assessing any potential impacts.

It should be noted that in addition to the criteria proposed in the Amendment, the Zoning Ordinance already provides several standards that are already applicable to all “uses subject to additional standards and requirements” (hereinafter, “Special Permit Uses”), which provide strict controls for noise, dust, odor, and other impacts. Specifically, Section 197-11 of the Zoning Ordinance, as incorporated by Section 197-12, imposes the following restrictions on all Special Permit Uses in the B-5 District:

No operation or process shall be permitted which creates smoke, dust, dirt, fly ash, noise, glare, heat, odor, gases, vibration, electrical radiation or interference or any other evidence of potential nuisance which is detectable at the property line at levels objectionable or inappropriate in a residential area.

This standard will be applied by the Planning Commission during its review of any new Special Permit Use on the Property. It is respectfully submitted that this language, coupled with the revisions to the Zoning Amendment, will serve to provide the City of Rye with substantive planning and zoning criteria that will ensure a thorough review and careful consideration of new uses on the Property.

Please find enclosed a copy of the proposed zoning language, together with a redline showing the most recent changes to the Amendment. Kindly place this matter on the November 18, 2020 City Council agenda for continued discussion and 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

**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) and (6) 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, subject to the following requirements:
- (a) Manufacturing shall not be permitted, and any associated machinery shall be incidental to the assembly or finishing of products. For purposes of this section, manufacturing uses are those that are engaged in basic processing of materials from extracted or raw materials. Manufacturing uses differ from finishing or assembling uses in their size, scale, traffic, intensity of energy usage, and pollution potential.
 - (b) No outside storage of equipment or materials shall be permitted.
 - (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) Primary access for a finishing or assembling use, including all access for delivery vehicles, shall be from a State or County highway.
 - (e) 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.
 - (f) A finding that the proposed use in the specific location contemplated will not result in greater impacts to adjoining residence districts than an otherwise permitted office building use.
 - (g) The Planning Commission shall describe the specific finishing and assembly use, including the size, scope, and potential impacts of any ancillary or accessory uses thereof, being permitted as part of any Site Plan approval.
 - (h) Any finishing/assembly facility shall comply with all dimensional regulations applicable to office buildings within the B-5 District, and
- (7) Testing of products, subject to the following requirements:
- (a) Manufacturing shall not be permitted, and any associated machinery shall be incidental to the testing of products. For purposes of this section, manufacturing uses are those that are engaged in basic processing of materials from extracted or raw materials. Manufacturing uses differ from finishing or assembling uses in their size, scale, traffic, intensity of energy usage, and pollution potential.
 - (b) No outside storage of equipment or materials shall be permitted.
 - (c) Any product testing that occurs outside shall not be visible from a residential district.

- (d) Testing shall have a minimum parking requirement of 2.0 parking spaces per 1,000 square feet of gross floor area.
- (e) Primary access for a finishing or assembling use, including all access for delivery vehicles, shall be from a State or County highway.
- (f) 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.
- (g) A finding that the proposed use in the specific location contemplated will not result in greater impacts to adjoining residence districts than an otherwise permitted office building use.
- (h) Any product testing facility shall comply with all dimensional regulations applicable to office buildings within the B-5 District.

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.

**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:

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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) and (6) 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~~subject to the following requirements:
- (a) Manufacturing shall not be permitted, and any associated machinery shall be incidental to the assembly or finishing of products. For purposes of this section, manufacturing uses are those that are engaged in basic processing of materials from extracted or raw materials. Manufacturing uses differ from finishing or assembling uses in their size, scale, traffic, intensity of energy usage, and pollution potential.
 - ~~(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.~~
 - (b) No outside storage of equipment or materials shall be permitted.
 - (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) Primary access for a finishing or assembling use, including all access for delivery vehicles, shall be from a State or County highway.~~
 - (d) Primary access for a finishing or assembling use, including all access for delivery vehicles, shall be from a State or County highway.
 - (e) 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.
 - (f) A finding that the proposed use in the specific location contemplated will not result in greater impacts to adjoining residence districts than an otherwise permitted office building use.
 - ~~(g) The Planning Commission shall describe the specific finishing and assembly use, including the size, scope, and potential impacts of any ancillary or accessory uses thereof, being permitted as part of any Site Plan approval.~~
 - (g) The Planning Commission shall describe the specific finishing and assembly use, including the size, scope, and potential impacts of any ancillary or accessory uses thereof, being permitted as part of any Site Plan approval.
 - (h) Any finishing/assembly facility shall comply with all dimensional regulations applicable to office buildings within the B-5 District, and
- (7) Testing of products, ~~provided the following standards are met~~subject to the following requirements:
- (a) Manufacturing shall not be permitted, and any associated machinery shall be incidental to the testing of products. For purposes of this section, manufacturing uses are those that are engaged in basic processing of materials from extracted or raw materials. Manufacturing

uses differ from finishing or assembling uses in their size, scale, traffic, intensity of energy usage, and pollution potential.

(b) No outside storage of equipment or materials shall be permitted.

(c) Any product testing that occurs outside shall not be visible from a residential district.

~~(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.~~

(d) Testing shall have a minimum parking requirement of 2.0 parking spaces per 1,000 square feet of gross floor area.

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(g) A finding that the proposed use in the specific location contemplated will not result in greater impacts to adjoining residence districts than an otherwise permitted office building use.

~~(d)(h) Any product testing facility shall comply with all dimensional regulations applicable to office buildings within the B-5 District.~~

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.

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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 LLC¹, (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.² 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.

¹ 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.

² 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.

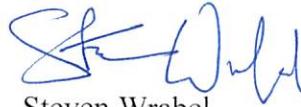
Enclosed please find the following materials in support of the petition to the City Council:

- 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.³

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

³ 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

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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

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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, 26th 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, 26th 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

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White Plains, NY 10601
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Memorandum

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

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 million¹ (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.

¹ The 2019 equalization rate for the City of Rye is 1.56%.

Table 1
Project Site Property Taxes

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

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.²

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

² 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.³ In terms of space, this means a more open floorplan with shared spaces and fewer dedicated offices.⁴ 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.⁵

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.⁶

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%.⁷

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%.⁸

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

³ 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.

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

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

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

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

⁸ 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.⁹

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."¹⁰ 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.¹¹

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.¹² 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.¹³

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.

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

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

¹¹ 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.

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

¹³ 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%.¹⁴ Vacancy rates for self-storage in the New York-Newark-Jersey City mega market have fallen for three consecutive years, reaching 6 percent in 2019.¹⁵ 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.¹⁶ 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.¹⁷ 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.¹⁸

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.¹⁹ With office vacancy rates decreasing and rental rates rising in central business districts in Westchester,²⁰ 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.²¹ 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.

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

¹⁵ Marcus & Millichap. "2019 Self-Storage U.S. Investment Forecast." 2019.

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

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

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

¹⁹ Marcus & Millichap. "2019 Self-Storage U.S. Investment Forecast." 2019.

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

²¹ 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
Notes: Town of Rye assesses property at 100% of market value.					
Sources: 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.”²² 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.²³ 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.²⁴

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.

²² Donelson, Dave. “Westchester Manufacturers Are Navigating to Success.” *Westchester Magazine*.

²³ Donelson, Dave. “Westchester Manufacturers Are Navigating to Success.” *Westchester Magazine*.

²⁴ 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	1	1	1	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, 5th 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 85th percentile parking demand ratio for each specific land use code. The 85th 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 85th 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 85th 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 85th 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 85th 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 85th 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? Yes No
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
 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

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? _____ <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____</p> <p>If Yes:</p> <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>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):</p> <p>_____</p> <p>_____</p>	
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____</p> <p>_____</p>	
<p>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? _____</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p style="padding-left: 40px;">_____ Square feet or _____ acres (impervious surface)</p> <p style="padding-left: 40px;">_____ Square feet or _____ acres (parcel size)</p> <p>ii. Describe types of new point sources. _____</p> <p>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)?</p> <p>_____</p> <p>_____</p> <ul style="list-style-type: none"> • If to surface waters, identify receiving water bodies or wetlands: _____ _____ _____ • Will stormwater runoff flow to adjacent properties? _____ 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
<p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>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? _____</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)</p> <p>_____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)</p> <p>_____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)</p> <p>_____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>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? _____</p> <p>If Yes:</p> <p>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) _____</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflouorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

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): _____

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): _____

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

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

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

<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
--	---

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input type="checkbox"/> Yes <input type="checkbox"/> No</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? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p> <p>_____</p>	
<p>n. Will the proposed action have outdoor lighting? <input type="checkbox"/> Yes <input type="checkbox"/> No</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? <input type="checkbox"/> Yes <input type="checkbox"/> No</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? <input type="checkbox"/> Yes <input type="checkbox"/> No</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? <input type="checkbox"/> Yes <input type="checkbox"/> No</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? <input type="checkbox"/> Yes <input type="checkbox"/> No</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? <input type="checkbox"/> Yes <input type="checkbox"/> No</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)? <input type="checkbox"/> Yes <input type="checkbox"/> No</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"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <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"> • Construction: _____ • Operation: _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ 	

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 coverytypes on the project site.

Land use or Coverytype	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: _____

m. Identify the predominant wildlife species that occupy or use the project site: <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										
n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <ul style="list-style-type: none"> i. Describe the habitat/community (composition, function, and basis for designation): _____ ii. Source(s) of description or evaluation: _____ iii. Extent of community/habitat: <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 										
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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <ul style="list-style-type: none"> i. Species and listing (endangered or threatened): _____ 										
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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <ul style="list-style-type: none"> i. Species and listing: _____ 										
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, give a brief description of how the proposed action may affect that use: _____ _____										
E.3. Designated Public Resources On or Near Project Site										
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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide county plus district name/number: _____										
b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No i. If Yes: acreage(s) on project site? _____ ii. Source(s) of soil rating(s): _____										
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <ul style="list-style-type: none"> i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____ 										
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <ul style="list-style-type: none"> i. CEA name: _____ ii. Basis for designation: _____ iii. Designating agency and date: _____ 										

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.

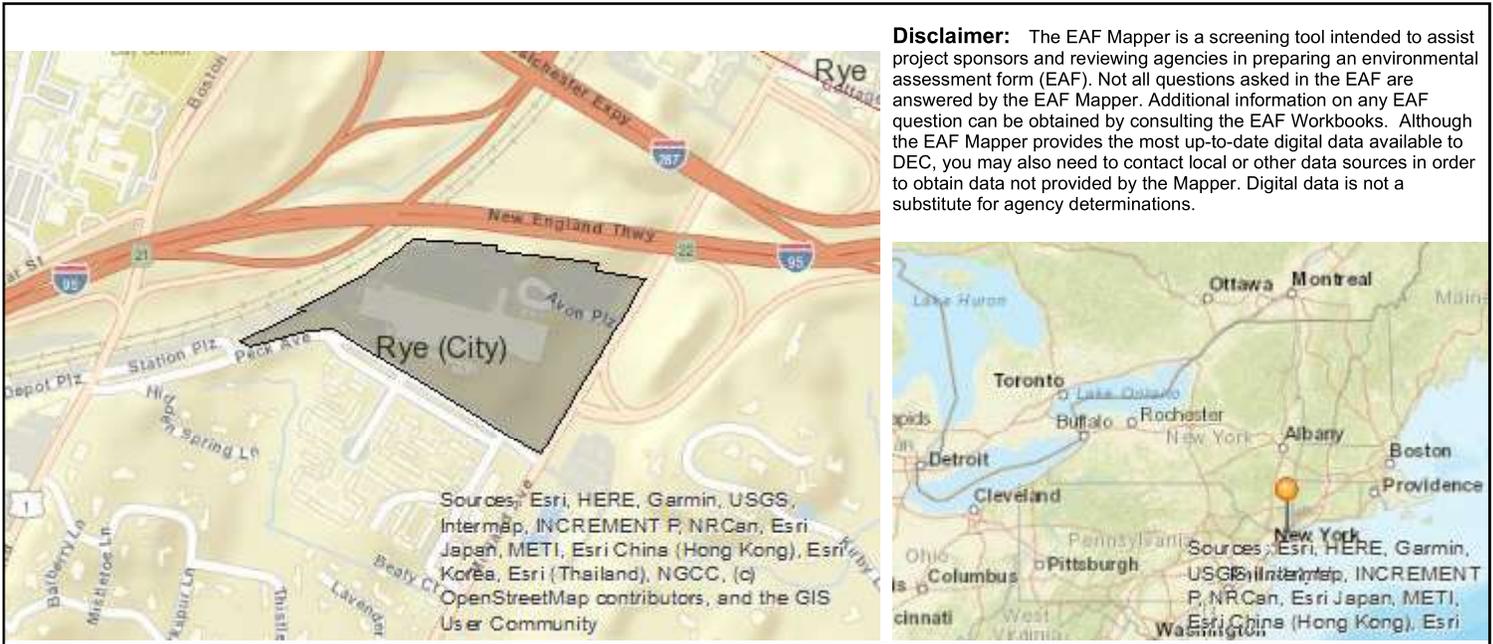
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

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



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CITY OF RYE Planning Commission

Memorandum

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 Council

DATE: November 13, 2020

CONTACT: Mayor Josh Cohn

AGENDA ITEM: Resolution to waive parking restrictions and parking fees in all downtown parking lots and Purchase Street for the period between December 7, 2020 and December 26, 2020.

FOR THE MEETING OF:
November 18, 2020

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, the City Council seeks to support the Central Business District local businesses during the 2020 Holiday Season, and;

WHEREAS, the City Council encourages residents to shop and dine downtown during the holiday season as buying locally helps all of us while strengthening our local economy, and;

RESOLVED, the City Council will provide free parking for the period between December 7, 2020 and December 26, 2020 by waiving parking restrictions and parking fees in all downtown lots (Car Parks 1-5) and Purchase Street at the City's expense.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: In December of 2017, the City Council began waiving parking restrictions for approximately one week leading up to Christmas in an effort to support the Central Business District. The Council hopes to encourage residents to shop and dine downtown during the holiday season since buying locally helps the community and strengthens our local economy.

For 2020, the Council resolution reflects waiving fees for the period which includes Hanukkah, Christmas and Kwanzaa. Based upon past years' revenues the City projects these suspensions will cost \$18,000-23,000. However, given the current minimal use of City parking lots, the loss may be less than projected.



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: November 18, 2020

CONTACT: Greg Usry, Interim City Manager

AGENDA ITEM:

Consideration of a request from the Chamber of Commerce to use the Village Green on November 28 & 29, 2020 from 11 AM – 4 PM for puppet and science shows as well as a children’s singer. All events will be by sign-up only and limited to 50 people with a new event beginning every hour.

FOR THE MEETING OF:

November 18, 2020

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council authorize the use of the Village Green.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

See attached request

From: [Usry, Greg G.](#)
To: [Ruttenberg, Noga P.](#)
Subject: FW: lawn
Date: Wednesday, November 04, 2020 10:48:36 AM

From: Liz Woods [mailto:lizwoods@ryemarkablemoms.com]
Sent: Wednesday, November 04, 2020 10:27 AM
To: Usry, Greg G. <gusry@ryeny.gov>
Subject: Re: lawn

Hi Greg,

Right now, our events are as follows:

11/28/20 and 11/29/20 from 11am-4pm. Events will include a puppet show, a science show, and a children's singer. All will be by sign up only, and limited to 50 people, and a new event will start every hour.

Liz



CITY COUNCIL AGENDA

DEPT.: City Manager's Office

DATE: November 13, 2020

CONTACT: Greg Usry, Interim City Manager

AGENDA ITEM: Resolution designating the days and time of regular meetings of the City Council for 2021 setting January 6, 2021 as the first regular meeting.

FOR THE MEETING OF:

November 18, 2020

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Mayor and City Council schedule the first regular meeting date of the City Council for January 6, 2021.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Rye City Charter stipulates that the City Council meet within the first two weeks of January in each year and shall hold stated meetings at least twice a month, except for the months of June through September when only one stated meeting per month need be held.

See Attached Calendar

2021 City Council Meetings Calendar

January 2021						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

February 2021						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						

March 2021						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

April 2021						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

May 2021						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

June 2021						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

July 2021						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

August 2021						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

September 2021						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

October 2021						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

November 2021						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

December 2021						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	



Council Meeting Dates



Budget Workshops



Joint City Council/School Board Meeting

February 15-19 **School Mid-Winter Recess**
Mar 29 – Apr 2 **School Spring Break**
November 2 **Election Day**