

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

**REGULAR MEETING OF THE CITY COUNCIL VIA
ZOOM CONFERENCE
Wednesday, December 16, 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-CONFERCING 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/97330963345?pwd=WHdjRk1qZXNvZEFxc3ZjSTFkWDk1Zz09>

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

Webinar ID: 973 3096 3345

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 December 2, 2020 as well as the minutes from the Budget Work Sessions on November 17 & 23, 2020.
3. Continue a public hearing to consider a petition from Midland Rye LLC to amend the City of Rye Zoning Code to expand the list of permissible uses in the B-5 "Interchange Office Building" Zoning District. All public hearing comments should be emailed to publichearingcomments@ryeny.gov with "Midland Rye LLC" as the subject no later than 12:00 pm on December 2, 2020.
4. Continue the public hearing on the 2021 Budget.

5. Open the public hearing to adopt a Local Law to override the State enacted tax levy limitation, if necessary.
6. Resolution to adopt the 2021 Budget and establish the 2021 tax levy and 2021 tax rate.
Roll Call
7. Resolution authorizing the City Comptroller to make the necessary year-end closing transfers.
8. Resolution authorizing the City Manager to waive permit and application fees related to local government projects.
9. Resolution to appropriate Building & Vehicle Maintenance Fund Balance for the refurbishment of Ladder 25 and authorizing the City Manager to enter into a rental agreement for temporary replacement.
10. Residents may be heard on matters for Council consideration that do not appear on the agenda.
11. Resolution authorizing the Mayor to execute an agreement with the Rye Free Reading Room to furnish library services for 2021.
Roll Call
12. 2021 Participation in the Tree City program.
13. Approve three appointments to the Rye Golf Club Commission for a three-year term expiring December 31, 2023, and three reappointments of current commissioners to fill 3 vacancies.
14. Adjourn until January 6, 2021 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 January 6, 2021.
15. Old Business/New Business.
16. Adjournment

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The next regular meeting of the City Council will be held on Wednesday, January 6, 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”.

APPROVED MINUTES of the Special Meeting of the City Council of the City of Rye held in City Hall on November 17, 2020 at 5:15 P.M.

PRESENT:

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

ABSENT:

None

1. Roll Call.

City Comptroller Fazzino took the roll; there was a quorum present at the budget workshop.

2. Discussion of the FY 2021 Budget:

● *Rye Free Reading Room Budget Review*

Chris Shoemaker, Director of the Rye Free Reading Room, addressed the Council. He reported on challenges faced by the library during the pandemic, including a lower visitor rate and reduced programming. He stated that despite the pandemic, the staff worked very hard to answer many reference questions and connect the community digitally to resources. He reported that having a more flexible layout within the library has been helpful for social distancing and welcomes the community. The request from the library was \$1.315 million. This will allow the library to maintain the operations and the building. Mr. Shoemaker read the highlights from the library that helped members of the Rye community in 2020.

● *Public Works Department Budget Review*

Joseph Fazzino, Deputy Comptroller, gave an overview of the finances of the Department of Public Works.

City Manager Usry mentioned there was a decrease in salaries and wages due to the hiring freeze imposed by the City to deal with shortfalls in revenues and unanticipated expenditures due to the pandemic.

There was discussion regarding the funding levels for street resurfacing in 2020 and 2021, storm-related expenses and COVID-related expenses.

Ryan Coyne, DPW Superintendent and City Engineer, discussed the proposed position of Assistant Superintendent of Public Works.

- *Police Department Budget Review*

Mr. Fazzino gave an overview of the finances of the Police Department. Robert Falk, Public Safety Commissioner, and Thomas Scapaticci, Police Accountant, addressed the Council. There was discussion regarding various needs for the department, such as body cameras and radar equipment.

There was general discussion over COVID and how it affected calls to the police and self-protection of the department.

There was general discussion regarding police overtime.

- *Boat Basin Budget Review*

Mr. Fazzino gave an overview of the finances of the Boat Basin. Rodrigo Paulino, Boat Basin Supervisor, gave an overview of the Boat Basin, which is set up as an enterprise fund. The Council and staff discussed items such as dredging and compliance with different agencies and additional revenues.

There was general discussion about mooring fees and enforcement and debate as to whether mooring fees should be split between the Boat Basin fund and the General Fund.

3. Adjournment.

The Council adjourned the budget workshop at 7:05 P.M.

APPROVED MINUTES of the Special Meeting of the City Council of the City of Rye held in City Hall on November 23, 2020 at 5:15 P.M.

PRESENT:

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

ABSENT:

PAMELA TARLOW
Councilmember

1. Roll Call.

City Comptroller Fazzino took the roll; there was a quorum present at the budget workshop.

2. Discussion of the FY 2021 Budget:

- *Fire Department Budget Review*

Joseph Fazzino, Deputy Comptroller, gave an overview of the finances of the Fire Department. There was discussion regarding staffing levels and overtime. City Manager Usry explained that there will be a significant reduction in 2022 of Fire Department overtime if the department is fully staffed. A large portion of the overtime in 2021 is for backfilling positions for new hires that are in the Fire Academy.

There was discussion about refurbishing the fire ladder truck.

- *Rye Golf Club Budget Review*

Mr. Fazzino, along with Jim Buonaiuto, Golf Club Manager, gave an overview of the finances of the Golf Club. There was discussion regarding challenges and impacts on revenue faced due to the pandemic. Due to the late start in the season, pool membership numbers were down, but golf revenue had increased.

There was discussion on the overall impact of the pandemic on Lessings, who runs the catering operations at Whitby Castle and the Golf Club snack bar.

There was discussion regarding an impact on capital improvements at the Golf Club due to the pandemic.

There was discussion regarding a possible decrease of inter-fund service charges that the Golf Club fund pays to the General Fund for the 2021 budget year.

- *Rye Recreation Budget Review*

Sally Rogol, Recreation Superintendent, gave an overview of COVID on Recreation operations for 2020. While several large programs were impacted, the Recreation Department started other programs to benefit the community, which also resulted in enhanced revenues.

Ms. Rogol talked about the COVID impacts on the Recreation improvements that were budgeted for 2020.

Mr. Fazzino gave an overview of the finances of the Recreation Department. Ms. Rogol provided additional details on the financials of each program for 2020, and projections for 2021.

3. Adjournment.

There being no further business to discuss, the City Council adjourned the budget workshop at 6:37 P.M.

UNAPPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on December 2, 2020, at 6:45 P.M.

PRESENT:

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

ABSENT:

None

The Council convened at 5:15 P.M. by videoconference pursuant to Governor Cuomo's Executive Order 202.1 waiving requirements of the Open Meetings Law. Councilman Mecca made a motion, seconded by Councilwoman Souza, to adjourn briefly into executive session to discuss litigation and personnel matters. The Council reconvened in a public videoconference at 6:45 P.M. The meeting was streamed live at www.ryeny.gov 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 November 18, 2020.

City Clerk D'Andrea stated that a resident comment was inadvertently left out of the meeting minutes regarding the zoning amendment application of Midland Rye LLC and that she would amend accordingly.

Mayor Cohn asked the City Clerk to amend the minutes to reflect two separate signage discussions with regard to the zoning amendment application of Midland Rye LLC.

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 November 18, 2020, as amended above.

3. County Executive George Latimer Discussion of Coronavirus in Westchester (subject to availability).

Mayor Cohn invited County Executive County Executive George Latimer to speak.

County Executive Latimer reported that active cases in Westchester have gotten worse as of late, with an approximate number of 6,500 active cases currently. A month ago, Westchester was only at 1,500 cases. He spoke about infection rates and hospitalization rates. Currently there are about 250 people hospitalized. The maximum number that Westchester can handle is 3,000. He also spoke about the death rate, which has unfortunately increased. He said that the vaccine is coming, and that the state is regulating the distribution. That plan is unknown currently, but Westchester will likely be helping in that process. It is likely that first responders and hospital workers will receive the vaccine. He discussed the fact that the state has designated the Rye border of Port Chester as a yellow zone. Port Chester is currently in an orange zone. He discussed schools, houses of worship and businesses. He stated that if there should be an orange zone, indoor dining will be closed. Non-essential businesses would need to halt work, including personal care services. A “red zone” would be more like a full lockdown mode that the County and State saw in March. He said that while Rye is not currently in any of the major zones, it is important to be prepared. He mentioned that he and the County representatives have objected to the “yellow” designation in Rye with the state. It can create problems for the schools, etc. He said that it was important to work together to anticipate any situation that may arise.

County Executive Latimer said that the County budget was being finalized. Last year, the County cut from last year’s budget, lowering the payment for each homeowner in Rye, and will hopefully be doing the same this year.

Councilwoman Tarlow asked Mr. Latimer to tell the community about the Virtual Summit sponsored by New York State.

Mr. Latimer said that there was a Webex conference scheduled for 10am on December 3, 2020. Councilwoman Tarlow gave information on how to attend virtually.

4. Open a public hearing to consider a petition from Midland Rye LLC to amend the City of Rye Zoning Code to expand the list of permissible uses in the B-5 “Interchange Office Building” Zoning District. All public hearing comments should be emailed to publichearingcomments@ryeny.gov with “Midland Rye LLC” as the subject no later than 12:00 pm on December 2, 2020.

Mayor Cohn invited Christian Miller, Rye’s City Planner, to give an overview of the Rye Zoning Code amendment process and how that will relate to later Planning Commission and site plan action. Mr. Miller noted that in the land use planning context, there are two phases that an applicant, in this case, Midland Rye LLC, must go through. First, is changing the City’s Zoning Code. That requires the applicant to appear before the City Council and for the council to decide if the proposed uses are appropriate for the zoning district. Second, after the applicant has complied with the zoning code, they would appear before Rye’s Planning Commission.

Mayor Cohn invited Steven Wrabel of McCullough Goldberger and Staudt, attorney for the applicant, to address the Council and the Public. Mayor Cohn asked that the applicant address the timeline the applicant plans to move forward with, confirm that plan is to keep and renovate the existing building for the foreseeable future, address the concerns expressed by the public in

regard to the use and storage of chemicals in the building, and speak to plan for the treatment of the wooded area that borders the property.

Councilwoman Johnson asked that the applicant address the timeline for the project.

Councilwoman Goddard asked that the applicant address a concern that resident John Leonard, 1 Apawamis Ave, noted in his letter to the Council regarding the change in tone on the outlook for the future from their 2019 memo to their more recent memo.

Mr. Wrabel confirmed that the intention is to keep the old Avon building in place but to allow new special permit uses within the building. He noted that the zoning code amendment would allow the applicant to market the existing building to new tenants which would improve the value of the property for themselves and the City.

Mr. Wrabel noted that Midland Rye LLC first appeared in front of the City Council in September 2019. The Council then referred the applicant to the Planning Commission, where the applicant made revisions based on the Commission's recommendations. The Planning Commission ultimately issued a positive recommendation for the adoption of the local law and sent the application back to the Council.

The applicant appeared back in front of the City Council on November 4, 2020, where comments and questions were heard and then revisions made on the proposed zoning text amendment. On November 18, 2020, the applicant came back to the Council with those revisions, heard additional concerns and recommendations made by the Council, and made additional revisions.

The specific uses that are not currently permitted in the B-5 district that the applicant is proposing are medical office space, self-storage, day/child care, light finishing and assembling of products, and product testing for consumer goods.

Mr. Wrabel noted that chemical storage is not a proposed use by the applicant, but rather there is language that was put in at the request of the Planning Commission to prevent chemicals from being stored in the self-storage, finishing and assembling, and product testing uses.

Mr. Wrabel reiterated that the existing Zoning Code has very stringent restrictions on impacts for any existing or proposed special permit use in the B-5 district. He also stated that no changes are proposed to remove protections for any of the plantings on the property.

Peter Feroe, of AKRF, stated that the intention of the zoning amendment is to provide options and flexibility to successfully market the property considering the decline in the need for office space.

Mayor Cohn asked if the COVID-19 pandemic had had any impact on the decline in office use and if there were any projected implications for the project.

Mr. Feroe said that the long term trends have likely not changed due to the pandemic, and that office buildings inside of central business districts tend to do better than those not in central

business districts. He reiterated that the goal of the zoning text amendment was to provide options and flexibility to market and tenant the building with mutual benefit to the City and to the owner with sensitivity to the neighborhood and to the potential impacts of the proposed uses.

Mr. Feroe stated that the zoning code has many restrictions on potentially noxious uses already in place, and on top of that, there are two layers of restrictions in the B-5 zoning district. There are standard restrictions on special exception uses that give the Planning Commission leverage over those uses. There are also site-specific zoning restrictions. The applicant has taken that list and added on to it to further constrain the potential that reuse of the existing building with the proposed uses could adversely affect the neighborhood.

Mr. Feroe stated that a new requirement has been added that primary access, including all deliveries, will be on Midland Ave. There will also be no outside storage of equipment or materials. Mr. Feroe stated that when a potential tenant is bringing a site plan to the Planning Commission, it is the Commission's responsibility to find that the potential site plan's proposed uses would not have greater impact than an office use.

Mr. Feroe reiterated that the language regarding chemical storage came from the Planning Commission with the goal to prohibit the storage of chemicals, and that the storage of chemicals requires community notice based on how much of a certain chemical is stored on site.

Mayor Cohn asked what constitutes a "reportable quantity" of a chemical.

Mr. Feroe said that it depends on the state that the material is in and its use. He stated that the intention of the Planning Commission was to create a standard that made sense without going chemical by chemical. He also said it is the responsibility of the Commission at the time of the site plan to get as much information as possible to ensure that the intent of the legislation is met. He said that until there is a prospective tenant and a site plan, there won't be a definitive answer to that question.

Peter Duncan of George Comfort and Sons stated that Midland Rye LLC is hoping to find tenants that are looking to sign 10-15 year leases with the option to extend the lease. They are marketing it primarily as office space for the foreseeable future. He also noted that there is no intention of removing any of the plantings along Peck Ave., and they hope to do a better job of landscaping than the previous property owners.

Councilwoman Tarlow made a motion, seconded by Councilman Mecca and unanimously carried, to open a public hearing to consider a petition from Midland Rye LLC to amend the City of Rye Zoning Code to expand the list of permissible uses in the B-5 "Interchange Office Building" Zoning District.

Pamela Hass, 3 Peck Ave., Apt 35C, speaking on behalf of herself and James Russo, 2 Peck Ave., Apt 26B, addressed their traffic and environmental concerns. She suggested that the property owner invite residents to tour the property.

Brian Arrow, 3 Peck Ave., expressed concern over environmental impacts, the possibility of renovations by prospective tenants, and traffic implications.

Catherine Buckley, Rye Colony Resident, Apt 54B, expressed concern over increased traffic, environmental impacts, and asked if the property's owners and tenants will carry appropriate insurances for the various uses.

Councilwoman Souza asked for clarification on the use and storage of chemicals on the property.

Mr. Wrabel stated that the Planning Commission's intention is to prohibit the storage of chemicals in the self-storage use and thus recommended that language in the zoning code amendment reflect that. The applicant then carried over that language to the other uses. Chemical storage as a use is not in the proposed zoning code amendment.

Councilwoman Goddard asked if other business zoning districts have similar restrictions.

Councilman Mecca stated that the Planning Commission wanted to prohibit anyone from buying large amounts of a chemical and storing it on the property. He stated that the Commission's intention is not to allow chemical storage, but to prohibit it.

Mayor Cohn suggested that the term "reportable quantity" in regard to chemicals on the property may not be communicating clearly the intention of the property owners.

Councilwoman Johnson noted that space wouldn't be conducive to storing large amounts of chemicals even if that was allowed.

Councilwoman Goddard suggested that the burden is on the applicant to provide comfort to its neighbors in regard to the language used in the zoning text amendment.

Matthew Sullivan, Rye Colony Resident, suggested that the applicant's request is vague, expressed concern for pedestrian safety on Peck Ave., and wondered if self-storage may increase crime.

Laura Newman, Rye Colony Resident Apt. 311B, asked that the Council keep in mind the population density of the neighborhood when making their decisions.

John Leonard, 1 Apawamis Ave., made a statement reflecting his written public comment, previously submitted to the Council. He asked what Rye would be getting for this zoning amendment. He stated he hoped there would be tenants on a longer-term basis. He discussed specific zoning issues, such as FAR in the B4 District. He said he welcomed flexibility with regard to this zoning.

Christine Downes, 2 Peck Ave., Apt 210A, expressed concern over the current traffic situation becoming worse with new tenants in the building. She asked if there would be 24-hour security on the property.

Jane Bronfield, 7 Peck Ave., expressed concern that the current traffic and construction-noise situation would be made worse with new tenants on the property.

Ken Taylor, President of the Rye Colony Board, expressed the board's concern over the finishing and assembling use. He also expressed concern over the likelihood of increased traffic in the area.

Pamela Hass spoke again and asked how the regulations banning chemical storage would be monitored and enforced.

Danielle Tagger-Epstein, 10 Sound Road, spoke to the long history of problematic traffic on Peck Ave.

Brian Arrow spoke again against light manufacturing in the neighborhood and expressed concern regarding enforcement of regulations for the self-storage use.

Mayor Cohn suggested that residents continue to submit their comments to publichearingcomments@ryeny.gov and suggested that the applicant have a discussion session with the public and continue to look into changes in the text amendment. He stated that the Council would continue the Public Hearing.

Councilwoman Souza made a motion, seconded by Councilman Mecca, to leave the Public Hearing open until the December 16, 2020 City Council Meeting.

Greg Usry, Rye's City Manager, reminded the public that all of the zoning text amendments and any public comments can be found on the City's website under Active Projects and Pending Matters.

Councilwoman Goddard reminded the Council that there is a lot to consider, stressed the importance of getting this right, and providing all of the pertinent information to the community.

Mayor Cohn thanked the applicant and the public for speaking on the matter.

5. Mayor and Council amendments to the proposed 2021 City of Rye Budget.
Roll Call

Councilwoman Tarlow asked to remove the \$40,000 from the Boat Basin reimbursement to the General Fund. She said they needed the funds available to begin the projects to have dredging done.

Councilwoman Tarlow also recommended to set aside funds for the City's management team based on merit. She said she would also like to see funds set aside for a possible raise for the City Manager. She said she was skeptical about filling the Assistant City Manager position, as it is a position that should be hired by whoever becomes the permanent City Manager.

Mayor Cohn said that the City is only \$47,000 under the tax cap. The request from the Boat Basin for \$40,000 was then mirrored by a request from the Golf Club for \$75,000, including a reduction in the inter-fund transfer and a reduction of the amount of non-resident user fees that are paid over to the City. An issue with respect to both of those requests is that the Boat Basin and the Golf Club are both structured as Enterprise Funds and the basis for their operation is that they are to stand on their own. Mayor Cohn said the City violated that principle last year to the extent that it allowed the Boat Basin to keep the \$40,000 that otherwise would have been paid over. He said it has been a difficult year for the City, and the City is up against the tax cap. The Boat Basin and Golf Club have done a great job even faced with difficulty this year. He discussed the general principle of the enterprise funds. He asked for further Council comment.

Councilman Mecca said that the Boat Basin and Rye Golf Club do a wonderful job. However, they are City owned properties. He felt that the funds in question should come to the City.

Councilwoman Tarlow said that the nature of an enterprise funds is that they operate as a separate business. She discussed the history of the mooring fees being raised. She said that an enterprise fund's purpose is to self-support. If the Boat Basin is the one that is providing the service and collecting the fee, then the City should leave it with the Basin and/or the golf course. She said that last year, the passing of that money over to the City was done as an enforcement matter for the moorings, except the Council discussed at that time, there should be an enforcement fee. She asked for the resolution from the early 2000s that designates the mooring fee as a source of general fund revenue. Councilwoman Tarlow talked about organizing values and implementing the budget in accordance with those values. She said that the Boat Basin should be required to have a business plan.

Councilwoman Goddard said that as the enterprise funds are to retain their revenues and operate on their own, she felt that they should be kept as such. She said that the inter-fund transfer already happens, so this is on top of the inter-fund transfer.

Mayor Cohn clarified that the Boat Basin is asking to keep more of the mooring fee than it had been in the past. In the case of the golf club request, he believed the request was to reduce the standard inter-fund transfer by \$40,000 and to reduce the transfer of visitor subscription funds by \$35,000. This might be analogous to the collection of mooring fees.

City Manager Usry said that the mooring permit was put in place in 2002. That amount was remitted to the City. It was raised from \$100 to \$250 per permit in 2016. There are approximately 400 moorings in the basin. Two hundred of those are operated by American Yacht Club. The other 200 are individual moorings operated by the Boat Basin. Last year, the Basin liaison asked that the \$40,000 be kept so that the full amount was kept by them. Mr. Usry said that the mayor is correct that the Golf Club is asking to reduce their inter-fund transfer by \$40,000 and to keep an addition \$35,000 of nonresident surcharge.

Councilwoman Goddard said that minutes from last year do not discuss last year's arrangement being permanent or not permanent. City Manager Usry agreed that it was not stated in the resolution.

Councilwoman Johnson asked if a reasonable compromise was possible.

Councilwoman Souza suggested perhaps that \$20,000 to the Boat Basin and \$20,000 to the Golf Club be a possible compromise. She said it had been a remarkable year.

Councilwoman Goddard said it may be unfair to dip into the enterprise funds because the City is suffering. The Boat Basin did a phenomenal job even with the current challenges of the pandemic.

Mayor Cohn said that he liked the idea of a split for this year. He reminded that the money is from the taxpayer. In this year, the City would be asking the taxpayer to support the enterprise funds with an additional \$20,000.

Councilwoman Goddard added that these are above the inter-fund transfers. The City is supplementing its shortfall and dipping into the enterprise funds to do that.

Councilwoman Johnson added that the fees in question would go right back into the operation.

Councilman Stacks added that enterprise funds should be self-sufficient to begin with and benefit those who use the facilities. By doing this, the City would be asking the taxpayer to help pay for them.

Councilwoman Souza said that the enterprise funds would be dipping into the taxpayer's fund, but these are not normal times. This would be a compromise.

Councilwoman Souza made a motion, seconded by Councilwoman Tarlow, to adopt the following changes to the proposed 2021 budget:

RESOLVED, the City of Rye proposed 2021 be amended to include the following:

- Decrease 2021 Budgeted General Fund Mooring Fee Revenue by \$20,000 and Increase the 2021 Budgeted Boat Basin Fund Mooring Fee Revenue by \$20,000;
- Decrease 2021 Budgeted General Fund Inter-Fund Golf Club Non-Resident Surcharge Revenue by \$20,000 and Decrease the 2021 Budgeted Golf Club Fund Inter-Fund General Fund Non-Resident Surcharge Expense by \$20,000.

ROLL CALL

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

6. Open the public hearing on the 2021 Budget.

Councilwoman Souza made a motion, seconded by Councilman Mecca, to open the public hearing on the 2021 Budget.

Joseph Pecora, Rye resident and Boat Basin Commission, said he wanted to clarify some issues with the Boat Basin. The first thing is we are talking about is and inter-fund transfer with regard to non-resident fees and mooring fees. All are slightly different. With the mooring fees, he said that when the Commission weighed in last year, if this was to be on a permanent basis, he felt that they made the case that the \$40,000 would be kept with the Boat Basin. He said that the Boat Basin is doing all of the work associated with this fee and the funds goes toward the maintaining the channel. He said that to be clear, the scenario discussed actually is giving \$20,000 to the Boat Basin and \$20,000 to the Golf Club. He said there are two different issues here.

Mayor Cohn thanked Mr. Pecora for his comments.

Councilwoman Tarlow made a motion, seconded by Councilman Mecca and unanimously carried, to adjourn the public hearing on the proposed 2021 budget to December 16, 2020.

7. Consideration to set a public hearing to adopt a Local Law to override the State enacted tax levy limitation for December 16, 2020.

Councilman Mecca made a motion, seconded by Councilwoman Souza, and unanimously carried, to set a public hearing to adopt a Local Law to override the State enacted tax levy limitation for December 16, 2020.

City Manager Usry stated that given the changes above, the City is about \$7,000 under the tax cap.

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

Sue Drouin, 57 Morehead, commented about the Osborn Home's rezoning proposal. She spoke about the importance of preservation old growth trees. She expressed concern that the Osborn had not offered to amend their proposal regarding this issue.

9. Adjourn until January 6, 2021 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 January 6, 2021.

Councilwoman Souza a motion, seconded by Councilwoman Tarlow, and unanimously carried, to adjourn until January 6, 2021 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.

10. Old Business/New Business.

Councilwoman Souza thanked City staff and the Chamber of Commerce for their work with Purchase Street Plaza and the modified plain for this year’s Mistletoe Magic.

Councilwoman Tarlow announced that the Rye Free Reading Room is accepting nominations for the Mayor’s Award, which will recognize a local individual for significant contributions to advancing the Literary Arts. The recipient will be honored in February 2021. Nominations may be submitted at <https://www.ryelibrary.org/mayorsaward/>.

11. 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 9:25 P.M.

Respectfully submitted,

Carolyn D’Andrea
City Clerk



CITY COUNCIL AGENDA

DEPT.: Planning

DATE: December 16, 2020

CONTACT: Christian Miller, City Planner

AGENDA ITEM: Continue a public hearing to consider of a petition from Midland Rye LLC to amend the City of Rye Zoning Code to expand the list of permissible uses in the B-5 “Interchange Office Building” Zoning District. All public hearing comments should be emailed to publichearingcomments@ryeny.gov with “Midland Rye LLC” as the subject no later than 12:00 pm on December 2, 2020.

FOR THE MEETING OF:
December 16, 2020
RYE CITY CODE,

RECOMMENDATION: That the City Council open the public hearing.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

The former Avon property at 601-602 Midland Avenue was purchased by Midland Rye LLC. The petitioner believes the proposed zoning changes would allow them to better market the property and make use of the underutilized site by providing more flexibility in pursuing potential tenants. The original petition was previously referred to the Planning Commission, which provided its advisory recommendation to the City Council in November 2019 memorandum (attached hereto). The Petitioner’s September 18, 2020 petition revises its original zoning text amendment and is attached hereto. The November 24, 2020 addresses the Council’s comments from the November 18th City Council meeting and better refines the proposed use regulations. The most recent submission of December 11, 2020 revises the local law to more clearly prohibit and restrict chemical storage in conjunction with the newly proposed uses. All submissions have been included.

McGULLOUGH, GOLDBERGER & STAUDT, LLP

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FRANK S. McCULLOUGH (1905-1998)
EVANS V. BREWSTER (1920-2005)

December 11, 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 14.84-acre lot identified as 601 Midland Avenue (the “Property”) and the 3.25-acre lot identified as 621 Midland Avenue, which is vacant. 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 better market the Property to prospective tenants in an increasingly difficult environment for office uses.

As you know, we had a public hearing at the City Council’s December 2, 2020 meeting, at which we received a number of comments and questions from neighbors, which were largely concerned with the question of chemical storage and the issue of traffic associated with light industrial and self-storage uses. Since the December 2nd meeting, our team has endeavored to address these issues.

First, it must be noted again that chemical storage has never been proposed as a use on the Property. Language intended to prohibit chemical storage in self-storage units was added at the request of the Rye Planning Commission and was thereafter extended to the proposed product testing and light assembly uses as an act of good faith by Petitioner. Nevertheless, the standard previously adopted from the Planning Commission’s recommendation resulted in some confusion as to the intent of the proposed zoning. We have therefore revised the local law to more clearly prohibit and restrict chemical storage in conjunction with the newly proposed uses. Redlined and clean copies of the updated Local Law are enclosed herewith for your review.

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, we have reviewed potential traffic impacts from the proposed self-storage, product testing, and light product assembly/finishing uses. Pursuant to data from the Institute of Traffic Engineers (“ITE”), which has been analyzed and applied by JMC Engineering, it is anticipated that each of these uses will generate *less* overall traffic than the currently permitted office use. This breakdown is detailed in a memorandum prepared by JMC, dated December 9, 2020 and enclosed herewith. The traffic analysis also shows that self-storage facilities will have significantly less truck traffic than a permitted office use (almost none), and the proposed testing and light assembly uses will have slightly higher truck trips than an office use, though total vehicular traffic will still be less than an office use. It should also be reiterated that all truck traffic for the proposed uses is prohibited from using the Peck Avenue entrance to the Property, and all trucks will be subject to the City Code’s existing restrictions on Peck Avenue.

In addition to the foregoing, user-specific analysis will be required as part of the Planning Commission’s site plan approval process. Furthermore, in accordance with Petitioner’s proposed Amendment, any tenants for light industrial uses must demonstrate to the Planning Commission that their use will be no more impactful than a permitted office building.

Peter Duncan, the President and CEO of George Comfort, has also met with Ken Taylor, the Rye Colony Board President, acting as a representative of the neighborhood, to discuss the proposed zoning and plans for the Property, as well as neighborhood concerns. This meeting was productive, and Petitioner is now working to address issues raised with existing site lighting and noise that predate George Comfort’s ownership of the Property. Mr. Duncan has also extended an invitation through Mr. Taylor to other members of the neighborhood to walk the site or discuss any additional questions they may have.

We look forward to discussing this matter with the Council in greater detail at your December 16th meeting. Please do not hesitate to contact this office with any questions.

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 TO EXPAND THE LIST OF PERMITTED USES WITHIN THE
B-5 ZONING DISTRICT TO INCLUDE SELF-STORAGE, MEDICAL OFFICE,
DAYCARE, PRODUCT TESTING, AND PRODUCT FINISHING/ASSEMBLY**

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 new sections C. and D., 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.
- D. Primary access to sites improved with one or more special exemption uses, including all access for delivery vehicles, shall be from a State or County highway.

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). No signage, other than necessary directional or minor signage, may face a local or County Road.

- (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) All rental contracts for self-storage shall include clauses prohibiting the storage of flammable liquids and highly combustible, radioactive or explosive materials, hazardous chemicals, or substances considered illegal under state or federal statutes.
- (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) Light 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, materials, or finished products shall be permitted.
 - (c) Light 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) The use shall not produce, or use in large quantities as an integral part of their finishing or assembling use, toxic, hazardous, or explosive materials.
 - (e) The Planning Commission shall make 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.
 - (f) The Planning Commission shall describe the specific light 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) Any light finishing/assembly facility shall comply with all dimensional regulations applicable to office buildings within the B-5 District.
- (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) The use shall not produce, or use in large quantities as an integral part of their finishing or assembling use, toxic, hazardous, or explosive materials.
- (f) The Planning Commission shall make 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) 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 TO EXPAND THE LIST OF PERMITTED USES WITHIN THE
B-5 ZONING DISTRICT TO INCLUDE SELF-STORAGE, MEDICAL OFFICE,
DAYCARE, PRODUCT TESTING, AND PRODUCT FINISHING/ASSEMBLY**

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Section Two. Section 197-12 of the City of Rye Zoning Ordinance shall be amended by adding new sections C. and D., 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.
- D. Primary access to sites improved with one or more special exemption uses, including all access for delivery vehicles, shall be from a State or County highway.

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). No signage, other than necessary directional or minor signage, may face a local or County Road.

- (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) All rental contracts for self-storage shall include clauses prohibiting the storage of flammable liquids and highly combustible, radioactive or explosive materials, hazardous chemicals, or substances considered illegal under state or federal statutes. 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) Light 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, materials, or finished products shall be permitted.
 - (c) Light 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) The use shall not produce, or use in large quantities as an integral part of their finishing or assembling use, toxic, hazardous, or explosive materials. 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.
 - (e) The Planning Commission shall make 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.
 - (f) The Planning Commission shall describe the specific light 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) Any light finishing/assembly facility shall comply with all dimensional regulations applicable to office buildings within the B-5 District.

(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) The use shall not produce, or use in large quantities as an integral part of their finishing or assembling use, toxic, hazardous, or explosive materials.

~~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) The Planning Commission shall make 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) 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.



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

MEMORANDUM

DATE: December 9, 2020

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

FROM: Marc Petrero, PE, PTOE, JMC

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

Traffic and Truck Trip Generation

We have prepared this memorandum to respond to comments from the members of the City Council and the public which were mentioned at the December 2, 2020 City Council meeting. Based on the meeting, there were comments related to traffic associated with the self-storage use, light finishing or assembling use, and the product testing use. In addition to the general traffic generated by these uses, there were comments related to truck traffic associated with these same uses.

The Institute of Transportation Engineers (ITE) publication, “Trip Generation Manual, 10th Edition”, presents data and information to assist in forecasting the traffic generated by a specific land use. This published data is based on studies conducted at existing facilities of the specific land use. Since the square footage of these potential uses is not known at this time, we have provided average traffic generation rates for the uses.

Office (ITE Land Use 710) is defined by ITE as a location where affairs of business, commercial or industrial organizations, or professional persons or firms are conducted. Based on the ITE data, the currently permitted office use has a projected average weekday trip generation rate of 1.16 and 1.15 trips per 1,000 square feet during the peak hour occurring between 7:00 and 9:00 AM as well as 4:00 and 6:00 PM, respectively.

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. Based on the ITE data, a self-storage use has a projected average weekday trip generation rate of 0.10 and 0.17 trips per 1,000 square feet during the peak hour occurring between 7:00 and 9:00 AM as well as 4:00 and 6:00 PM, respectively.

Light 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. Based on the ITE data, a light finishing or assembling use has a projected average weekday trip generation rate of 0.70 and 0.63 trips per 1,000 square feet during the peak hour occurring between 7:00 and 9:00 AM as well as 4:00 and 6:00 PM, respectively.

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. Based on the ITE data, a product testing use has a projected average weekday trip generation rate of 0.70 and 0.63 trips per 1,000 square feet during the peak hour occurring between 7:00 and 9:00 AM as well as 4:00 and 6:00 PM, respectively.

For ease of comparing the different uses and their traffic generation rates, we have provided Table 1 below which provides the ITE traffic generation rates in tabular format.

Table 1
ITE Trip Generation Rates

Land Use	Peak Weekday AM Hour Between 7:00 and 9:00 AM	Peak Weekday PM Hour Between 4:00 and 6:00 PM
Permitted General Office	1.16 trips per 1,000 S.F.	1.15 trips per 1,000 S.F.
Self-Storage	0.10 trips per 1,000 S.F.	0.17 trips per 1,000 S.F.
Light Finishing or Assembling	0.70 trips per 1,000 S.F.	0.63 trips per 1,000 S.F.
Product Testing	0.70 trips per 1,000 S.F.	0.63 trips per 1,000 S.F.

In addition to the overall trip generation for the uses, we reviewed the average truck traffic generated related to these uses. ITE also provides truck traffic data related to different uses in their publication. The below Table 2 provides the average truck traffic generation rate per 1,000 square feet during the peak hour occurring between 7:00 and 9:00 AM as well as 4:00 and 6:00 PM, respectively, based on ITE data.

Table 2
ITE Truck Traffic Generation Rates

Land Use	Peak Weekday AM Hour Between 7:00 and 9:00 AM	Peak Weekday PM Hour Between 4:00 and 6:00 PM
Permitted General Office	0.0116 trips per 1,000 S.F.	0.0115 trips per 1,000 S.F.
Self-Storage	0.00 trips per 1,000 S.F.	0.00 trips per 1,000 S.F.
Light Finishing or Assembling	0.021 trips per 1,000 S.F.	0.0126 trips per 1,000 S.F.
Product Testing	0.021 trips per 1,000 S.F.	0.0126 trips per 1,000 S.F.

In conclusion, the permitted general office use generates more traffic than the self-storage, light finishing or assembly, or product testing uses based on ITE data as shown in the above Table 1. Additionally, the self-storage use generates less truck traffic than the permitted office use based on ITE as shown in Table 2. The light finishing or assembly use and the product testing use generate

slightly higher truck traffic than the permitted office use; however, it is not a significant increase based on the existing building square footage of the 601 Midland Avenue property. Even though the truck traffic is slightly higher for the light finishing or assembly use and the product testing use, the overall traffic generated by these uses is less than the permitted office use.

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CHARLES A. GOLDBERGER
COUNSEL

November 24, 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 14.84-acre lot identified as 601 Midland Avenue (the “Property”) and the 3.25-acre lot identified as 621 Midland Avenue, which is vacant. 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 better market the Property to prospective tenants in an increasingly difficult environment for office uses.

Following our discussion with the Council at its November 18th meeting, additional changes have been made to the Amendment to address the Council’s comments and better refine the proposed use regulations. All newly proposed uses are now explicitly prohibited from utilizing the Peck Avenue entrance for truck traffic. Additional language has also been included to ensure that principal signage for a self-storage use must be directed at the railroad or Interstate-95 and may not face Peck Avenue or Midland Avenue.

We have also limited the proposed product finishing/assembly use to light finishing and assembly. The local law now makes it clear that any materials, equipment, or finished products associated with an assembly use may not be stored outside. This distinction will prohibit heavier assembly tenants, which would require outdoor storage to accommodate a more intensive use. Moreover, the permitted use terminology has been revised to reflect “light” assembly, and the Planning Commission must describe a specific light assembly use as part of the Site Plan approval process. This will ensure a heavy assembly use may not be permitted on the Property.

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.

Please find enclosed a copy of the proposed zoning language, together with a redline showing the most recent changes to the Amendment. We look forward to discussing this matter with the Council in greater detail at the December 2nd public hearing.

Very truly yours,

A handwritten signature in black ink, appearing to read "Steve Wrabel". The signature is written in a cursive, somewhat stylized font.

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
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Section Two. Section 197-12 of the City of Rye Zoning Ordinance shall be amended by adding new sections .C. and .D., 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.
- D. Sites in the B-5 District improved with one or more uses subject to additional standards and requirements in accordance with Section 197-86 of this Chapter shall have their primary access, including all access for delivery vehicles, from a State or County highway.

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). No signage, other than necessary directional or minor signage, may face a local or County Road.
 - (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) Light 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.
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 - (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.
 - (e) The Planning Commission shall make 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.
 - (f) The Planning Commission shall describe the specific light 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) Any light finishing/assembly facility shall comply with all dimensional regulations applicable to office buildings within the B-5 District.

- (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) 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) The Planning Commission shall make 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) 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.

RECEIVED
CITY OF RYE
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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

-----X

In the Matter of the Petition of

MIDLAND RYE LLC
Petitioner,

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

For Amendment to the City of Rye
Zoning Ordinance.

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

-----X

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

PETITIONER, MIDLAND RYE LLC (“Petitioner”), with its principal place of business at 200 Madison Avenue, 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

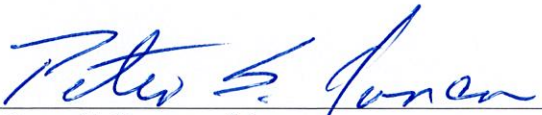
By: 
Peter S. Duncan, Manager

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

34 South Broadway
Suite 401
White Plains, NY 10601
tel: 914 949-7336
fax: 914 949-7559
www.akrf.com

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. DeBello 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	±	±	±	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, or Village Board of Trustees <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	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		
i. Coastal Resources. <ul style="list-style-type: none"> 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 ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 		

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?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> • 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?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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?)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	

C.3. Zoning

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

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

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

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

If Yes,

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

C.4. Existing community services.

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

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

Rye Police Department

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

Rye Fire Department

d. What parks serve the project site?

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

D. Project Details

D.1. Proposed and Potential Development

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

b. a. Total acreage of the site of the proposed action? +/-18.09 acres

b. Total acreage to be physically disturbed? 0 acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? +/-18.09 acres

c. Is the proposed action an expansion of an existing project or use? Yes No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % Units:

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

If Yes,

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

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

iii. Number of lots proposed?

iv. Minimum and maximum proposed lot sizes? Minimum Maximum

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

i. If No, anticipated period of construction: months

ii. If Yes:

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

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

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

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

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

i. Total number of structures _____

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

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

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

i. Purpose of the impoundment: _____

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

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

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

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

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

D.2. Project Operations

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

i. What is the purpose of the excavation or dredging? _____

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

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

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

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

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

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

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

viii. Will the excavation require blasting? Yes No

ix. Summarize site reclamation goals and plan: _____

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

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

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

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

If Yes, describe: _____

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

If Yes:

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

v. Describe any proposed reclamation/mitigation following disturbance: _____

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

If Yes:

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

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

If Yes:

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

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

If Yes:

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

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

If Yes:

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

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

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

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

If Yes:

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

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

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

If Yes:

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

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

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

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

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

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No
 If Yes:
 i. How much impervious surface will the project create in relation to total size of project parcel?
 _____ Square feet or _____ acres (impervious surface)
 _____ Square feet or _____ acres (parcel size)
 ii. Describe types of new point sources. _____

 iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

 • If to surface waters, identify receiving water bodies or wetlands: _____

 • Will stormwater runoff flow to adjacent properties? Yes No

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

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No
 If Yes, identify:
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

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

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

If Yes:

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

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

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 covertypes on the project site.

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

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

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

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

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

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

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

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

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

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

E.2. Natural Resources On or Near Project Site

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

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

c. Predominant soil type(s) present on project site:	Ub	22.9 %
	UIC	21.2 %
	Uf	48.8 %

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

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

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

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

h. Surface water features.

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

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

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

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

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

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

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

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

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

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

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

m. Identify the predominant wildlife species that occupy or use the project site: _____ 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: <i>i.</i> Describe the habitat/community (composition, function, and basis for designation): _____ <i>ii.</i> Source(s) of description or evaluation: _____ <i>iii.</i> 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: <i>i.</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: <i>i.</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>i.</i> If Yes: acreage(s) on project site? _____ <i>ii.</i> 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: <i>i.</i> Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature <i>ii.</i> 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: <i>i.</i> CEA name: _____ <i>ii.</i> Basis for designation: _____ <i>iii.</i> 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. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
ii. Name: _____	
iii. 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. Describe possible resource(s): _____	
ii. 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. Identify resource: _____	
ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____	
iii. 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. Identify the name of the river and its designation: _____	
ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

F. Additional Information

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

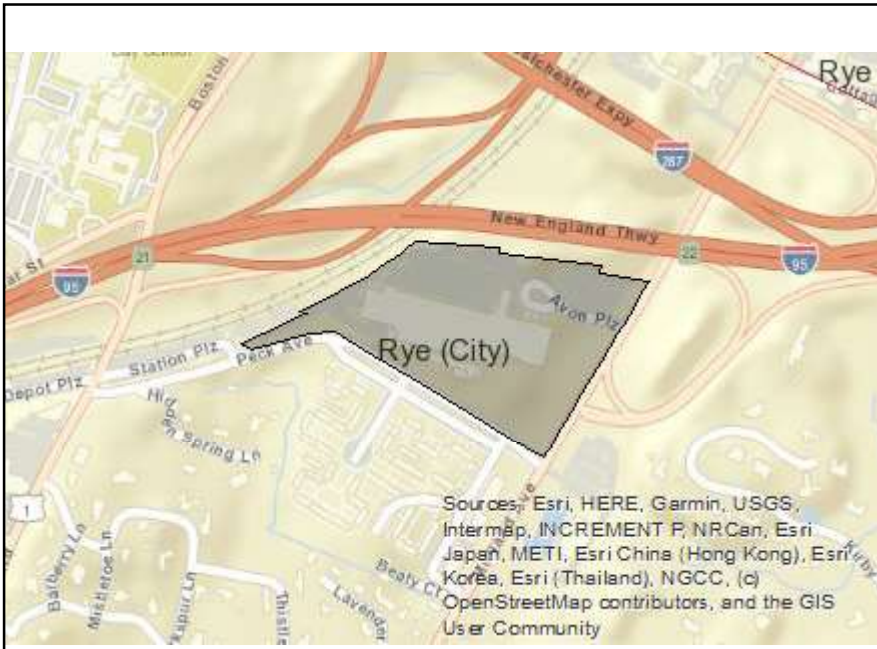
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

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

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

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



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



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

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

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



Planning Department
1051 Boston Post Road
Rye, New York 10580
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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 Manager's Office

DATE: December 11, 2020

CONTACT: Greg Usry, Interim City Manager

AGENDA ITEM: Continue the Public Hearing on the proposed 2021 Budget.

FOR THE MEETING OF:

December 16, 2020

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the Mayor and the Council continue the Public Hearing on the proposed 2021 Rye City Budget.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

The City Manager presented the 2021 budget on November 4, 2020. The Council held Budget Workshops on November 17th and 23rd.

The Public Hearing on the Budget was opened on December 2, 2020 and the Budget adoption is scheduled for today, December 16, 2020.

The proposed 2021 Budget is available on the City website www.ryeny.gov.



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: December 16, 2020

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Open a public hearing to adopt a Local Law to override the State enacted tax levy limitation for December 16, 2020, if necessary.

FOR THE MEETING OF:

December 16, 2020

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Mayor and the Council open the public hearing to adopt a Local Law to override the State enacted tax levy limitation, only if necessary.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: New York State enacted a 2% tax cap on June 24, 2011. A provision in the law allows a municipality to override this tax cap under certain provisions including:

- Local governments may override the tax levy limit only by first passing a local law that allows for the tax levy limit to be exceeded.
- This override vote requires a 60 percent vote of the total voting power of the governing body to pass.
- In a case where a weighted vote is used to pass the budget, the override will require a 60 percent weighted vote of the local government's governing body.
- The override vote must precede the vote on adoption of the budget although both votes may occur on the same day.

See attached draft Local Law.

CITY OF RYE

LOCAL LAW NO. ___ FOR THE YEAR 2020

**A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED
IN GENERAL MUNICIPAL LAW §3-C**

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

Section 1. Legislative Intent: It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the City of Rye pursuant to General Municipal Law §3-c, and to allow the City of Rye to adopt a budget for the fiscal year beginning January 1, 2021 and ending December 31, 2021 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

The City Council finds that this local law would provide the City the flexibility it may need when it adopts the 2021 budget. Thus, the City Council of the City of Rye finds that it is in the best interests of the City to enact the local law.

Section 2. Authority: This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the City Council to override the tax levy limit by the adoption of a local law approved by vote of at least sixty percent (60%) of the City Council.

Section 3. Tax Levy Limit Override: The City Council of the City of Rye, County of Westchester is hereby authorized to adopt a budget for the fiscal year 2021 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability: If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date: This local law shall take effect immediately upon filing with the Secretary of State.



CITY COUNCIL AGENDA

DEPT.: Finance

DATE: December 16, 2020

CONTACT: Joseph Fazzino, Deputy City Comptroller

AGENDA ITEM: Resolution to adopt the 2021 Budget and establish the 2021 City tax levy and 2021 tax rate.

FOR THE MEETING OF:
December 16, 2020

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, on November 4, 2020 the 2021 Tentative Budget was presented to the City Council, and;

WHEREAS, on November 4, 2020 Councilwoman Souza made a motion, seconded by Councilwoman Tarlow, to adopt the following changes to the proposed 2021 budget;

NOW THEREFORE BE IT RESOLVED: the City of Rye proposed 2021 be amended to include the following:

- Decrease 2021 Budgeted General Fund Mooring Fee Revenue by \$20,000 and Increase the 2021 Budgeted Boat Basin Fund Mooring Fee Revenue by \$20,000;
- Decrease 2021 Budgeted General Fund Inter-Fund Golf Club Non-Resident Surcharge Revenue by \$20,000 and Decrease the 2021 Budgeted Golf Club Fund Inter-Fund General Fund Non-Resident Surcharge Expense by \$20,000.

RESOLVED, that the City Council does hereby certify to the City Comptroller the 2021 City of Rye tax rate of \$187.88 per \$1,000 taxable assessed valuation and the 2021 City of Rye tax levy of \$26,556,114 and be it further;

RESOLVED, that the City Council does hereby direct the City Comptroller to apportion and extend against each taxable property listed upon the assessment roll at the tax rate certified in this resolution to produce the tax levy certified in this resolution, and to render tax notices for, and receive and collect, the several sums so computed and determined, with interest as provided by law, and any special assessments heretofore authorized and approved.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: On November 4, 2020 the City Manager and City Comptroller presented the 2021 Tentative Budget to the City Council. The tentative budget has since been reviewed and amended by resolutions adopted by City Council at public meetings. The above resolution provides for the adoption of the 2021 Budget.



CITY COUNCIL AGENDA

DEPT.: Finance

DATE: December 16, 2020

CONTACT: Joseph Fazzino, Deputy Comptroller

AGENDA ITEM: Resolution authorizing the City Comptroller to make the necessary year-end closing transfers.

FOR THE MEETING OF:

December 16, 2020

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Council adopt the following resolution:

RESOLVED, that the City Comptroller is hereby authorized to make the necessary 2020 fiscal year-end budget transfers in City accounts, provided a list of such transfers over \$10,000 is furnished to the City Council after completion of such transfers.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: While at the fund level total actual expenditures do not exceed the total budgeted amount, there may be several detailed budget lines that show various over and under expended amounts. Funds that are not encumbered or reserved for a specific expense will be moved to Fund Balance from individual financial lines. This resolution authorizes the City Comptroller to make the necessary year-end budget adjustments to ensure that the line item budgets are properly allocated.



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: December 11, 2020

CONTACT: Greg Usry, Interim City Manager

AGENDA ITEM: Resolution authorizing the City Manager to waive permit and application fees related to local government projects.

FOR THE MEETING OF:

December 16, 2020

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council authorize the City Manager to waive the fees.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

See attached resolution.

**RESOLUTION AUTHORIZING THE CITY MANAGER TO WAIVE PERMIT AND
APPLICATION FEES RELATED TO LOCAL GOVERNMENT PROJECTS**

WHEREAS, on occasion, the City of Rye receives applications from other local governmental entities to review, inspect and approve projects located on municipally owned land (“Municipal Projects”); and

WHEREAS, in an effort to assist local governmental entities in reducing expenses of such Municipal Projects, the City of Rye believes it is in the public interest to waive application fees and other municipal related costs typically charged to other non-governmental entities;

NOW, THEREFORE, BE IT RESOLVED THAT:

The City Manager may waive any permit, application or other municipal fee as they relate to the City’s review and/or approval of Municipal Projects on the following conditions:

- a. The Municipal Project is not being funded through a third-party grant or other funding source where such fees and costs are being reimbursed to the local municipality; and
- b. The benefiting municipality offers the same fee/cost waiving courtesy to the City of Rye.

BE IT FURTHER RESOLVED, that any third party costs incurred by the City relating to the review, processing or inspection of the Municipal Project will be charged to the local municipality unless a separate arrangement is made.

This Resolution shall take effect immediately.

On a motion by Councilperson _____, seconded by Councilperson _____, the foregoing Resolution was adopted on a vote of ____ ayes and ____ nays.



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: December 11, 2020

CONTACT: Greg Usry, Interim City Manager

AGENDA ITEM: Resolution to appropriate Building & Vehicle Maintenance Fund Balance for the refurbishment of Ladder 25 and authorizing the City Manager to enter into a rental agreement for temporary replacement.

FOR THE MEETING OF:

December 16, 2020

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council authorize the City Manager to appropriate funds and enter into a rental agreement as stated.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

See attached resolution.

**RESOLUTION TO APPROPRIATE BUILDING VEHICLE MAINTENANCE FUND
BALANCE FOR THE REFURBISHMENT OF LADDER 25 AND AUTHORIZING THE
CITY MANAGER TO ENTER INTO A RENTAL AGREEMENT FOR TEMPORARY
REPLACEMENT**

WHEREAS, the City of Rye Fire Department fire truck, Ladder 25, failed the New York State fire apparatus structural testing due to rust extending into the frame of the ladder, making it unsafe for fire service; and

WHEREAS, the City of Rye Fire Department is in receipt of a proposal in the amount of \$295,000 to refurbish the ladder structure, turntable, hydraulic pistons, and associated wiring as well as refurbishing the outriggers, hydraulic pistons, associated wiring, and sensors on Ladder 25 to factory new standards; and

WHEREAS, the City of Rye Fire Department recommends that the City of Rye enter into said agreement, based on the facts that the refurbishment project will result in an additional 10 years of service out of Ladder 25 for the City and all repairs come with a limited manufactures warrantee, providing operational efficiencies and cost savings; and

WHEREAS, the refurbishment project is expected to take five months to be completed and the City of Rye will need a replacement truck in the interim while Ladder 25 is refurbished; and

WHEREAS, the City of Rye Fire Department has received a quote from Hudson Valley Fire Equipment, LLC for a short term rental of a truck in the amount of \$8,500.00 per month; and

WHEREAS, the City of Rye Fire Department recommends that the City of Rye enter into said rental agreement as a replacement in the interim is needed and the overall project will provide operational efficiencies and cost savings; and

WHEREAS, the total costs expected for the refurbishment project, including short term rental and transportation costs is approximately \$400,000.00; and

WHEREAS, there are sufficient funds in the fund balance of the Building and Vehicle Maintenance Fund to appropriate for this refurbishment project;

NOW THEREFORE BE IT RESOLVED THAT: The City Council authorizes that the Building and Vehicle Maintenance Fund balance be appropriated in the amount of \$400,000.00 to fund the refurbishment of Ladder 25. The City of Rye reserves its right to reimburse the Building and Vehicle Maintenance Fund by issuing bonds.

BE IT FURTHER RESOLVED THAT: The City Council authorizes the City Manager to enter into temporary rental agreement with Hudson Valley Fire Equipment, LLC for replacement truck in the interim period of time while Ladder 25 is being refurbished.



CITY COUNCIL AGENDA

DEPT.: City Manager's Office

DATE: December 16, 2020

CONTACT: Greg Usry, Interim City Manager

AGENDA ITEM: Resolution authorizing the Mayor to enter into an agreement with the Rye Free Reading Room to furnish library services for 2021.

FOR THE MEETING OF:

December 16, 2020

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Council approve the following resolution:
RESOLVED, that the Mayor be and hereby is authorized to execute an agreement with the Rye Free Reading Room to furnish library services for 2021.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Each year the City of Rye financially supports the operations of the Rye Free Reading Room (RFRR). In FY 2020, the contribution was in the amount of \$1,315,000. The attached agreement for FY 2021 includes an appropriation of \$1,315,000. The agreement stipulates the specific rights and obligations of both parties, pursuant to section 256 of the Education Law of the State of New York.

See attached 2021 Agreement.

THIS AGREEMENT, made as of the ____ day of December, 2020, by and between the CITY OF RYE, a municipal corporation located within the County of Westchester and State of New York, party of the first part, and RYE FREE READING ROOM, a free library association duly registered by the Regents of the University of the State of New York at a meeting thereof on January 24-25, 1917, and maintaining a free library in the City of Rye, County of Westchester and State of New York, party of the second part:

WITNESSETH, that the parties hereto, pursuant to section 256 of the Education Law of the State of New York, do hereby mutually covenant and agree as follows:

1. The party of the second part does hereby agree to furnish library privileges to the people of the City of Rye, under reasonable rules and regulations of the party of the second part, during the terms of this agreement.

2. The party of the second part does hereby agree that the Rye Free Reading Room will make all best efforts to offer service to the public a minimum of 47 hours in the winter and 47 hours in the summer. The Library will make all best efforts to ensure that within its hours of operation that Saturday is open. In addition, the Rye Free Reading Room will guarantee that they will be open for “special events” in accordance with the policies and procedures of the library as they occur throughout the year.

3. The party of the second part does hereby agree to submit to the City of Rye a financial report within two months of the close of its fiscal year and to provide copies of an annual narrative report prepared for association members. Copies of all audit reports prepared by independent audit firms or the State of New York will be filed, within 30 days of receipt, with the City Comptroller and the City Council's Audit Committee.

4. In consideration of the foregoing the party of the first part does hereby agree to pay the sum of One Million Three Hundred Fifteen Thousand Dollars (\$1,315,000) to the party of the second part during the calendar year: Six Hundred Fifty Seven Thousand Five Hundred Dollars (\$657,500) to be paid in January, and Six Hundred Fifty Seven Thousand Five Hundred Dollars (\$657,500) to be paid in July.

5. Pursuant to said statute, such total sum shall be a charge upon the City of Rye and shall be raised, appropriated and paid in the same manner as other City charges.

6. If the capital improvements that were part of the 2012 bond resolution are installed in 2021, the Rye Free Reading Room will be responsible for all maintenance and repair costs of same.

7. This agreement shall be effective and continue for the calendar year 2021.

IN WITNESS WHEREOF, the parties hereto have duly executed this agreement as of the day and year first above written.

CITY OF RYE

By _____
Mayor

RYE FREE READING ROOM

By _____
President

Attest:

City Clerk



CITY COUNCIL AGENDA

DEPT.: Golf Club

DATE: December 16, 2020

CONTACT: Greg Usry, Interim City Manager

AGENDA ITEM: Three appointments to the Rye Golf Club Commission for a three-year term expiring December 31, 2023, and three reappointments of current commissioners to fill 3 vacancies.

FOR THE MEETING OF:

December 16, 2020

RECOMMENDATION: That the Council approve the individuals elected to serve on the Rye Golf Club Commission.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: On November 27, 2020, the following individuals were elected to serve on the Rye Golf Club Commission for the terms as noted. Term begins January 1, 2021.

<u>Electee</u>	<u>Term</u>
Elliot Chait	3-year term
James Mulcahy	3-year term
Darren Johnston	3-year term

The Rye Golf Club Commission further recommends the extension of term for:

Mack Cunningham 1 year (2021),
Terry McCartney 2 year (2021 & 2022)
Akhil Kumar 2 year (2021 & 2022)

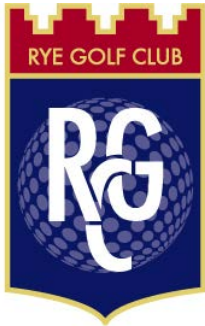
See attached voting results.

Memo

To: Members of the Rye City Council
From: Jim Buonaiuto, Rye Golf Club Manager
CC; Greg Usry, Rye City Manager
Date: December 11, 2020
Re: Rye Golf Club Commission Appointments



CITY OF RYE
CITY HALL • RYE, NEW YORK 10580
TELEPHONE (914) 967-5400



RYE GOLF CLUB

Attached are the results of our most recent election. The golf club commission unanimously recommended that we use this election to fill three, 3-year term vacancies on the golf club commission (Chait, Johnston, Mulcahy).

The commission has unanimously recommended that our other 3 vacancies be filled by the following reappointments of current commissioners (this recommendation was made before we conducted our elections):

Mack Cunningham 1 year (2021)
Terry McCartney 2 year (2021 & 2022)
Akhil Kumar 2 year (2021 & 2022)

That leaves us with one other commissioner (Angela Sposato) who has a term set to expire at the end of 2021. This means that in 2021 we will conduct an election for 2 vacancies.

The commission recommended this process to get the commission back into a cadence where there never have more than 3 terms ending in a single year.

Should you have any questions, please let me know.

Nov 27, 2020

Rye Golf Club
330 Boston Post Road
Rye, NY
10580 United States

To Whom It May Concern:

The following election results are certified by Simply Voting to have been securely processed and accurately tabulated by our independently managed service.

Respectfully yours,



Brian Lack
President
Simply Voting Inc.

Results - 2021 RGC Commission Elections

Start: 2020-11-09 06:00:00 America/New_York
End: 2020-11-27 17:00:00 America/New_York
Turnout: 364 (22.7%) of 1607 electors voted in this ballot.

Three new golf club commissioners for three-year terms beginning January 1st, 2021

Option	Votes
Elliot Chait	201 (22.7%)
James Mulcahy	201 (22.7%)
Darren Johnston	192 (21.7%)
Besim Murati	158 (17.8%)
Serena Jones	134 (15.1%)

VOTER SUMMARY

Total	364
Abstain	18 (4.9%)