

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

**REGULAR MEETING OF THE CITY COUNCIL
VIA ZOOM
Wednesday, December 1, 2021
6:30 p.m.**

The meeting will be held via zoom video-conferencing with no in-person location and will be broadcast on the city website. A full transcript of the meeting will be made available at a future date.

Residents may email comments regarding the public hearing to:
publichearingcomments@ryeny.gov. All comments must be received by 4:15 pm on the day of the meeting. The subject of the email should reference the hearing topic. Please include your name and address.

TO PARTICIPATE IN THE PUBLIC HEARING, PLEASE ATTEND THE MEETING VIA ZOOM VIA THIS LINK:

<https://zoom.us/j/95982538513?pwd=SUZELI13RU1rczRQR2FrMDFOMTMydz09>

Or Telephone:

US: (646) 558-8656 or (312) 626-6799 or (301) 715-8592 or (253) 215-8782
Press *9 to raise your hand to speak during the public hearing

Webinar ID: 959 8253 8513
Password: 354362

[The Council will convene via ZOOM CONFERENCE at 6:00 p.m. and it is expected they will adjourn into a teleconference Executive Session at 6:01 p.m. to discuss pending litigation, personnel matters and pending contracts.]

1. Roll Call.
2. Draft unapproved minutes of the Regular Meeting of the City Council held November 17, 2021.
3. Post Ida Storm Update
4. Resolution to amend the 2022 Adopted Fees and Charges for the Boat Basin to increase various rates for 2022.
5. Resolution to amend the 2022 Adopted Fees and Charges for the Rye Golf Club to increase various rates for 2022.

6. Mayor and Council amendments to the proposed 2022 City of Rye Budget.
Roll Call
7. Open the public hearing on the 2022 Budget.
8. Residents may be heard on matters for Council consideration that do not appear on the agenda.
9. Consideration to set a public hearing to create a new local law, Chapter 166 “Steep Slope Protection” regulating development on steep slopes.
10. Consideration to set a public hearing to create a new local law amending Chapter 197 “Zoning” of the Code of the City of Rye setting new restrictions on lot width and configurations of properties in new subdivision.
11. Consideration to set a public hearing to create a new local law amending Chapter 53 “Architectural Review” of the Code of the City of Rye to amend authority and scope considered by the Architectural Review Board in reviewing applications.
12. Consideration to extend through March 31, 2022 the moratorium in the City of Rye temporarily prohibiting the review, processing or approval of any new application related to a subdivision or re-subdivision of property plans filed after April 7, 2021, development on steep slopes or the placement of a residential structure with its front not oriented towards a front yard for the duration of this moratorium.
13. Resolution to authorize the City Manager to execute an amended contract with the Firefighter’s Union.
14. Resolution to declare certain City equipment as surplus.
15. Adjourn until January 19, 2022 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.
16. Consideration of a request by the Midland Elementary School PTO to approve a parade to precede the Midland Elementary School Fair on Saturday, April 30, 2022 from 12:00 p.m. to 4:00 p.m.
17. Appointments to Boards and Commissions, by the Mayor with Council approval.
18. Old Business/New Business.
19. Adjournment

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The next regular meeting of the City Council will be held on Wednesday, December 15, 2021 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".

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council via Zoom Conference
on November 17, 2021, at 7:00 P.M.

PRESENT:

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

ABSENT:

CAROLINA JOHNSON, Councilmember

The Council convened at 5:30 P.M. by videoconference pursuant to the NYS Legislature 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 7:00 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 3, 2021.

Councilwoman Souza made a motion, seconded by Councilman Mecca and unanimously carried, to adopt the minutes of November 3, 2021.

3. Post Ida Storm Update.

Mayor Cohn gave an update on the Post Ida storm efforts and future planning. He reported that there had been a meeting recently with the DEC, representatives from the Governor's Office of Storm Recovery, County Legislators, and representatives from Rye and Harrison. The DEC proposed a no-cost review of all of the City's studies of the Blind Brook Watershed. From this review, the DEC can help weigh in on the prioritization of flood mitigation projects, which would lead to the City seeking proper funding for these projects. Mayor Cohn reported that Mamaroneck is on the verge of receiving funding for Army Corps projects, but that it would have reduced the depth of flooding only by four to five feet. That is to say that Mamaroneck would need to secure many areas of funding to make a difference. Mayor Cohn also stated that he and City Manager Usry had met with the Flood Advisory Committee

who felt that pursuing this no-cost option would be beneficial. Mayor Cohn said that Flood Advisory member, Martha Monserrate, had created a report that highlighted the benefits of each of the proposed NY Rising projects.

City Manager Usry reported that the City would be providing a review of the heavily affected areas in Rye by the new year. He stated the staff had also received questions regarding the pace at which repairs were addressed. The pace does rely heavily on FEMA reimbursements, which are subject to stricter processes. For example, a sidewalk that could need to be replaced needs to be done so in a manner that will guarantee reimbursement. However, the City is very focused on getting conditions restored to a pre Ida condition.

4. Stantec Presentation regarding replacement of Salt Shed and referral to the Planning Commission.

City Engineer Coyne addressed the Council and introduced the City’s consultant, Stantec, to discuss the details of the salt shed relocation and rebuild project. Prior plans included just the replacement of the shed, but after studying the best options for the future of this project, the relocation of the shed would be imperative to avoid the current issue of materials constantly needing to be cleaned from the recycling area bays and surrounding areas. The updated cost is estimated to be between \$1.1 million and \$1.8 million, depending on the decision of materials, etc. City Engineer Coyne reported that the City had received a state grant of \$400,000 to help with this project.

Phil Katz, Stantec engineer, presented a slideshow to the Council. He stated that from a topography standpoint, this shed would be lower than the ball fields. He discussed the logistics of the location of the proposed shed and the operations. He discussed in detail the options for a wooden or a fabric structure.

There was Council discussion on the different possible structure material options, durability of each option, and cost. There were questions on resident visibility of the structure that the consultant will get back to the Council on. There was discussion regarding an option for solar panels and flood mitigation efforts regarding construction, as the structure would be in a wetland buffer zone.

(To hear the full detailed discussion, visit <https://ryeny.new.swagit.com/videos/148423>).

Corporation Counsel Wilson explained that the next step would be a referral to the Planning Commission for review, and declaring this as an unlisted action in a SEQRA review.

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

RESOLUTION

Authorizing the referral of the Salt Shed to the Planning Commission for a Wetland Permit

WHEREAS, the City’s Capital Improvement Plan includes the replacement of the salt shed at Disbrow Park for use by the City of Rye Department of Public Works; and

WHEREAS, the improvements include demolishing and removing the existing salt shed and building a new salt shed in a new location and moving the recycling center to a new location; and

WHEREAS, the City Council determines that the proposed action is considered an Unlisted Action under the State Environmental Quality Review Act.

NOW, THEREFORE, BE IT RESOLVED, that the City Council directs City staff to take any necessary additional steps to comply with the State Environmental Quality Review Act; and be it further

RESOLVED, that the City Council refers this matter to the Planning Commission for a wetland permit and directs staff to take the necessary steps to obtain the necessary approvals.

The motion carried.

5. Update on Capital Expenditures Plan and fall road re-surfacing plan.

City Engineer Coyne gave the Council an update on road resurfacing. He stated that they had completed a full round of asphalt resurfacing, with concrete roads in need forthcoming. He stated that the “Dublin” area of Maple and High Street will be done within the next few weeks.

Councilman Stacks asked about the cobblestone that had been removed by Con Ed on Purchase Street. City Engineer Coyne responded that Con Ed has applied for a permit to replace the gas main on Purchase Street, and so the City will wait until after that is replaced to enforce the regulation on Con Ed to replace everything to restore it to a pre-existing condition.

Councilwoman Souza asked if the City could have a policy in place that requires someone who is responsible for restoring the conditions due to work performed to do the work by a certain time period.

Mayor Cohn inquired about the status of work on Theodore Fremd. City Engineer Coyne responded that the County’s plan is reported to start milling and paving on Monday, November 29, 2021. The work is planned for no longer than a week, weather permitting.

City Manager Usry stated that following the adoption of the 2022 budget, City staff will be providing a more concrete update to Capital Expenditure projects to be performed and funded.

6. Continue the public hearing to create a new local law, Chapter 122, “Landscapers and Leaf Blower Regulations” requiring all landscapers to obtain an annual permit in order to operate as a landscaper and restrict the use of leaf blowers.

City Engineer Coyne was asked to provide an update on the technological capability aspect of the leaf blower discussion. He reported that he attended Sustainable Westchester’s information session on equipment capability. He stated that there was an entity called the American Green Zone Alliance (AGZA, based out of California) that provides education and

certifications on sustainability with regard to landscaping for “green zones.” Green zones are properties that certify to be maintained with low impact equipment. He reported that the City had started using electric equipment back in 2017, including push mowers, weed cutting tools, and leaf blowers. He discussed the City’s general commitment to move toward this technology wherever possible and discussed the specific brands, batteries and charger specifics. At this point, the industry technology for electric leaf blowers is not as efficient as the gas-powered technology for heavy leaf cleanup needs, but it is expected that this will change in the coming years according to AGZA. To continue to avoid the use of gas equipment as much as possible, the City is being proactive to reduce public maintenance zones. For example, staff will be redesigning the vegetation in certain areas to avoid the level of maintenance that requires gas blower technology. There was discussion regarding the shortcomings of power and battery life challenges that electric blowers currently face.

Councilwoman Goddard commended staff on the amount in which it uses electric tools and more green options to maintain public areas. She acknowledged more challenging areas, such as tennis courts and parking lots, and said it might be good to inquire what other towns, such as Larchmont, are doing to address these issues. (Larchmont is currently in the process of passing a law to ban gas-powered equipment).

City Engineer Coyne said that he could reach out to Larchmont to inquire. Unlike Rye, Larchmont is one square mile and the DPW staff is much smaller, but they may be able to provide some insight.

Mayor Cohn asked about electric mulch mowers to help. City Engineer Coyne responded that the City uses this technology constantly as a means to help the issue. At times, the leaves may not break down, creating the possibility for fungus that needs to be removed. There was discussion about how DPW currently also uses rakes as much as possible for cleanup, but that level of manpower can be challenging.

Commissioner Kopy addressed the Council and reported that over the last few weeks, 40 complaints had been made about leaf blowers, 27 of which resulted in violations. He said he was working with staff to ensure that the City has the appropriate resources available to address the issue and that the violations could be adjudicated quickly. He stated that he had met with several representatives from the landscaping community to understand the issues on their end.

Linda McKay, 10 Heritage Lane, read part of a letter from a doctor from Scarsdale who supported a gas blower ban and cited health issues that can arise from that use.

Brook Packard, 26 Oakwood Avenue, addressed the Council and spoke in support of a gas leaf blower ban. She discussed giving landscaping businesses an opportunity to pivot their business strategies in a better way.

James Ward, 50 Reymont Avenue, spoke against gas-powered blowers, citing pollutants, damage to the environment and people, and adverse health conditions.

Bob Zahm, 7 Ridgewood Drive, asked about when the local law would be ready for review and asked about clarification about what regulations apply to the community.

Corporation Counsel Wilson and Mayor Cohn responded that the legislation was available to the public on the City website and that the permitting regulations apply to landscapers, while the regulations on the time and manner of leaf blowers applies to all parties.

Leslie Winters, 7 Grace Church Street, thanked the Police Department for their recent hard work. She suggested that resident videos and photographs be allowed as proof for violations.

Pamela Haas, Peck Avenue, read a letter on behalf of resident Kelly Smith-Powers and her architect, in which the architect supported the move to electric blowers.

Lori Fontanes, 11 Hayward Place, spoke in favor of a local law amendment, and said that change that is decided upon may be a compromise of all views, and said that there were many citizens that opposed leaf blowers, not just a handful. While aware of the burdens on small businesses, she spoke about the dangerous of health risks and the overall societal standard for lawn care, and how that needed to shift.

Tom Kanos, Rye resident, spoke against increasing the burden on landscapers. He stated that he has a leaf blower as a resident that is only used for a few minutes at a time. He spoke against amending the local law and said that he was surprised by the hysteria that this issue has caused. He said he felt that the electric blower was louder.

Kathy Grainger-Hobbins, 75 Oakland Beach Avenue, spoke in favor of increasing leaf blower restrictions, but said that it was also important to consider evaluating stronger noises, such as blasting and rock chipping during construction.

Howard Husock, 9 Garden Drive, spoke about the quality of life issues with the level of noise from blowers while working from home.

Ciara Smyth, 39 Palisade Road, spoke in favor of amending the local law to reduce the use and effects of blowers. She said she felt the proposed allowable 8:00am start time was too early. She was hopeful that the enforcement of these violations could be improved moving forward. She felt that homeowners should be held accountable for landscapers on their properties using the gas blowers.

Daniel Greto, Sonn Drive, stated that he owned Central Tree Service. He conveyed that a new petition against furthering leaf blower restrictions had been circulated and signed by 236 people. He stated that the technology was not there to keep up with a proposed regulation against gas blowers. He felt that any legislation should be equally applied, and certain entities should not be exempt. He asked the Council to not pass the legislation.

Bill Henderson, 77 Grace Church Street, stated that only the business owners should be required to be licensed, and not all of the employees.

Tracy Stora, 3 Fairlawn Court, spoke about raking leaves and encouraged the community to use that as an option for cleanup. She supported the local law amendment.

Kate Briggs, 1 Walnut Street, stressed the importance of education and outreach to the landscaping community on any possible amendments. She felt it was important to think about the challenges with charging equipment for a landscaping company.

Wayne Stuetz, landscaper, stated that the electric blowers just are not up to the same level as the gas powered blowers.

Kate Briggs said that under certain conditions, raking and other means does not have the capability to clear the leaves.

Curtis Spacavento, property owner and landscaper, stated that with the shortcomings of electric technology, landscapers cannot be as efficient. He also said that there is a risk of sidewalks being too slippery with leaves.

John Mayo-Smith, 3 Fairlawn Court, said that Rye is in the deciduous northeast, with leaves constantly falling. He gave a brief history of leaf blowers and said that the populations survived before they were used for leaf removal.

The Council continued the public hearing to the next meeting.

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

Joseph Donley, 26 Allendale Drive, stated that he had been a resident of Rye and a member of Rye Golf Club for many years. He expressed concern over potential plans for the course to reconfigure, which he said could remove 120 trees. He felt it was important to be environmentally conscious with any decisions to be made.

Kathy Grainger-Hobbins addressed the Council again and expressed concern over blasting and rock chipping in the community. She asked that the Council consider a blasting and rock chipping amendment to only be allowed from 9:00am to 5:00pm during the week.

Councilwoman Souza said that she wanted to make sure that the rules and regulations of these activities did not favor developers.

Jeffrey Jacobs asked the Council to favor the residents of Rye over non-residents in terms of the Golf Club waitlist. He spoke against improvements at the golf course.

Councilman Stacks reminded the community that no official plan had been put forth regarding the golf club and that there would be plenty of opportunity for public discussion at that time.

Councilwoman Souza asked the community to be mindful when speaking about others.

8. Resolution to waive parking restrictions and parking fees in all downtown parking lots and Purchase Street for the period between November 26 – 27, 2021 and December 20 - 24, 2021.

Mayor Cohn reminded everyone that this is something that has been done for several years to encourage shopping in the downtown as a way to support our local businesses before the holidays. This resolution would waive the fees for the holidays.

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

RESOLVED, that the City Council waive parking fees in all downtown parking lots and Purchase Street for the period between November 26-17, 2021 and December 20-24, 2021.

ROLL CALL

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

NAYS: None

ABSENT: Councilwoman Johnson

9. Authorization for the City Manager to enter into an exclusive agreement with Lessing's Inc. for catering services at Whitby Castle at the Rye Golf Club.

With the expiration and now renewal of the agreement with Lessing's Inc., who manages Whitby Castle, City Manager Usry discussed the renewal and terms of this pending agreement, which can be found at ryeny.gov.

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

WHEREAS, together with the Rye Golf Commission, the City Council wishes to enter into a revised Exclusive Catering Agreement with Lessing's Inc. to continue its services at Whitby Castle; and

WHEREAS, the City and Lessing's have revised some of the terms in the original agreement relating to revenue sharing, hours of operation and other miscellaneous terms; and

WHEREAS, the City Council determines that the proposed action is considered a Type II Action under the the State Environmental Quality Review Act.

NOW, THEREFORE, BE IT RESOLVED, that the City Council authorizes the City Manager and the Corporation Counsel to finalize the terms of the Agreement with Lessing's consistent with the terms in the draft set forth before the Council this evening.

ROLL CALL

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

NAYS: None

ABSENT: Councilwoman Johnson

10. Consideration of two appointments to the Golf Club Commission, by the membership, for three-year terms.

Mayor Cohn announced that the Golf Commission had conducted an election. The results of the election showed that Alfred Vitiello and Angela Sposato had prevailed.

Councilman Stacks made a motion, seconded by Councilwoman Johnson, to adopt the election results and the Mayor's appointment of Alfred Vitiello and Angela Sposato, to serve on the Commission for a term ending December 31, 2024. (Alfred Vitiello would replace Mack Cunningham's seat).

11. Resolution designating the days and time of regular meetings of the City Council for 2022 setting January 5, 2022 as the first regular meeting.

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

RESOLVED, that the City Council designate the days and time of regular meetings of the City Council for 2022 setting January 5, 2022 as the first regular meeting as follows:

- January 5, 19
- February 2, 16
- March 2, 16
- April 6, 20
- May 11, 25
- June 15
- July 13
- August 10
- September 14
- October 12, 26
- November 9, 30
- December 7, 21

Other Meetings:

- April 23 (Joint meeting with School Board)
- November 14, 16 (Budget Workshops)

12. Adjourn until December 1, 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.

The Council adjourned this item at the applicant's request. Councilwoman Souza asked that staff connect with the applicant to find out its intent with the adjournments and intended time to reappear before the Council.

13. Consideration of a request by the Rye Little League to approve a parade to kickoff Opening Day of the Little League Season on Saturday, April 23, 2022 beginning at 11:00 a.m.

Councilwoman Souza made a motion, seconded by Councilman Mecca and unanimously carried, to approve the request of the Rye Little League to approve a parade to kickoff Opening Day of the Little League Season on Saturday, April 23, 2022 beginning at 11:00 a.m.

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

Mayor Cohn, with Council approval, appointed Edward Collins to the Police Advisory Committee.

15. Old Business/New Business.

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

RESOLVED, that Corporation Counsel and the City Manager are hereby authorized to enter into a retainer agreement to authorize outside counsel, Piscionere & Nemarow, P.C., to represent the City's interest in the case of John Doe v. City of Rye.

ROLL CALL

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

16. 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 9:34 P.M.

Respectfully submitted,

Carolyn D'Andrea
City Clerk



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: December 1, 2021

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Resolution to amend the 2022 Adopted Fees and Charges for the Boat Basin to increase various rates for summer 2022.

FOR THE MEETING OF:

December 1, 2021

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council approve these changes.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

See attached memo.

CITY OF RYE, NY
Boat Basin
Memorandum

DATE: November 17th, 2021
TO: Greg Usry
FROM: Rodrigo Paulino
RE: Boat Basin Summer 2022 Fee Increases

Boat Basin Commission is requesting that the City Council amend the following 2022 Adopted Fees and Charges for the Boat Basin Enterprise Fund:

Resident Slip Holder Fee – The Boat Basin is requesting a 5% increase for Resident slip holders. Non Resident fees are already higher than other nearby marinas and should be left alone.

Current Rates:

New Rates:

Up to 20ft Boat - \$63 per ft

Up to 20ft Boat - \$66 per ft

Boat 21ft – 26ft - \$82 per ft

Boat 21ft – 26ft - \$86 per ft

Boat 27ft – 32ft - \$90 per ft

Boat 27ft – 32ft - \$94 per ft

Boat 33ft – 37ft - \$99 per ft

Boat 33ft-37ft - \$104 per ft

Summer Kayak Storage Rack- Current fee is \$300 per Kayak. The Boat Basin Commission is requesting this fee to be increased to \$325 per kayak.

Summer Kayak Storage Wet (In Water) - Current fee is \$300 per Kayak. The Boat Basin Commission is requesting this fee to be increased to \$325 per kayak.

Boat Launch Ramp Fee- The current fee is \$30 to use the boat launch ramp. The Boat Basin Commission is requesting this fee to be increased to \$35.

Summer Land Boat Storage- The current fee is \$40 per ft. The Boat Basin Commission is requesting this fee to be increased to \$50 per ft.

The increased fees will generate an estimate of \$25,000 in additional revenue to the Boat Basin. The new fees will assist with the dredging fund while remaining competitive with other nearby municipal marinas.

CITY OF RYE, NY
Boat Basin
Memorandum



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: December 1, 2021

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Resolution to amend the 2022 Adopted Fees and Charges for the Rye Golf Club to increase various rates for 2022.

FOR THE MEETING OF:

December 1, 2021

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council approve these changes.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

See attached memo.



CITY OF RYE
Golf Club

Interoffice Memorandum

To: The Rye City Council

From: Rye Golf Club Commission

Date: November 10, 2021

Subject: **Fee Schedule Changes**

The Rye Golf Club Commission voted to recommend the following changes to the RGC fee schedule at the November 9th, 2021 commission meeting.

CITY OF RYE, NEW YORK
 RYE GOLF CLUB ENTERPRISE FUND
 ANNUAL BUDGET
 FOR FISCAL YEAR ENDING DECEMBER 31, 2021
 FEE SCHEDULE

FEE DESCRIPTION	Adopted 2021	Budget 2022
<u>MISC:</u>		
Returned Check Fee - Rye City Fee	\$ 20.00	\$ 25.00
Returned Check Fee - Rye Golf Club Fee	30.00	35.00
Non-Resident City Surcharge	75.00	75.00
<u>GOLF:</u>		
1/2 cart	\$ 24.00	\$ 25.00
1/2 Cart Senior Member	18.00	19.00
Junior Guest Fee - Weekday	25.00	25.00
Junior Guest Fee - Weekend	30.00	35.00
Guest Fee - Weekday	75.00	75.00
Guest Fee - Weekend & Holidays (Includes Friday)	95.00	95.00
Guest Fee - Twilight 5 PM (does not include cart)	-	35.00
Locker	150.00	150.00
<u>POOL:</u>		
Guest Fee - Weekday	\$ 8.00	\$ 15.00
Guest Fee - Weekend & Holidays (Includes Friday)	12.00	20.00
Locker	35.00	45.00
<u>MEMBERSHIP:</u>		
Renewal fee applies to renewal memberships from prior year only and must be paid prior to the deadline date		
Membership fees to be paid by check. Credit card payments of membership fees will incur a 3% convenience fee		
Non-resident Renewal - Comprehensive (by deadline date)	\$ 8,495.00	\$ 8,835.00
Non-resident - Comprehensive	11,160.00	13,830.00
Non-resident Renewal - Individual Daily Golf (by deadline date)	5,945.00	6,185.00
Non-resident - Individual Daily Golf	7,815.00	9,540.00
Non-resident Renewal - Individual Weekday Golf (by deadline date)	3,610.00	3,755.00
Non-resident - Individual Weekday Golf	4,105.00	n/a
Non-Resident Renewal - Family Pool (by deadline date)	2,660.00	2,765.00
Non-Resident - Family Pool	3,495.00	4,465.00
Non-Resident Renewal - Individual Pool (by deadline date)	1,275.00	1,325.00
Non-Resident - Individual Pool	\$ 1,680.00	\$ 2,310.00
Non-Resident Renewal - Pool For Two (by deadline date)	REMOVE	2,430.00

MEMBERSHIP: (continued)

CITY OF RYE, NEW YORK
 RYE GOLF CLUB ENTERPRISE FUND
 ANNUAL BUDGET
 FOR FISCAL YEAR ENDING DECEMBER 31, 2021
 FEE SCHEDULE

FEE DESCRIPTION	Adopted 2021	Budget 2022
Non-Resident -Senior Pool Renewal (by deadline date)	500.00	550.00
Resident Renewal - Comprehensive - Discount (by deadline date)	4,780.00	4,970.00
Resident - Comprehensive	6,285.00	6,915.00
Resident Renewal - Individual Daily Golf - Discount (by deadline date)	3,295.00	3,430.00
Resident - Individual Daily Golf	4,335.00	4,770.00
Resident Renewal - Individual Weekday Golf - Discount (by deadline date)	2,020.00	2,100.00
Resident Renewal - Family Pool - Discount (by deadline date)	1,540.00	1,600.00
Resident - Family Pool	2,030.00	2,235.00
Resident Renewal - Individual Pool - Discount (by deadline date)	805.00	840.00
Resident - Individual Pool	1,050.00	1,155.00
Resident Renewal - Pool For Two - Discount (by deadline date)	REMOVE	1,305.00
Resident - Senior Pool	500.00	520.00
Legacy - Comprehensive (Limited Availability)	750.00	750.00
Legacy - Pool	325.00	325.00
Resident Renewal - Young Executive Discount (by deadline date)	2,805.00	3,085.00
Resident - Young Executive	3,685.00	4,290.00
Non-Resident Renewal - Young Executive Discount (by deadline date)	5,055.00	5,565.00
Non-Resident - Executive Membership	6,645.00	8,585.00
Resident- Early Morning Swim Only	400.00	400.00
Non-Resident Early Morning Swim Only	550.00	550.00
 <u>ADD ON MEMBERSHIP</u>		
Child Care Provider	\$ 425.00	\$ 425.00
Early Morning Lap Swim (16 Weeks)	200.00	250.00
 <u>PRO-RATED MEMBERSHIPS AVAILABLE AUG. 1st *</u>		
<u>Pro-rated memberships may not be available each year.</u>		
Family Pool	\$ 475.00	\$ 475.00
Child Care Provider Add On	200.00	200.00
Individual Daily Golf	1,250.00	1,250.00
Young Executive	800.00	800.00
Comprehensive	1,750.00	1,750.00
Legacy Comprehensive	200.00	200.00
Legacy Pool	100.00	100.00



CITY COUNCIL AGENDA

DEPT.: City Manager's Office

DATE: December 1, 2021

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Mayor and Council amendments to the proposed 2022 City of Rye Budget.

FOR THE MEETING OF:

December 1, 2021

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the Mayor and the Council propose 2022 Rye City Budget amendments before opening the public hearing.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Rye City Charter stipulates that a public hearing must be held on the proposed Budget.

The City Manager presented the 2022 budget on November 3, 2021. The Council held Budget Workshops on November 16th and 29th.

Before opening the public hearing, the Mayor and Council may have amendments to the proposed budget.



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CITY OF RYE
Department of Finance

TO: Greg Usry, City Manager

FROM: Joe Fazzino, Deputy Comptroller

DATE: November 24, 2021

RE: Council proposed changes to 2022 Tentative Budget

Please see below the City Council's proposed changes to the 2022 Tentative Budget.

- Updated Golf Club Fee Schedule.
- Increase mooring fees by \$20,000 in the Boat Basin Enterprise Fund.

The proposed changes for items above will have no effect on the 2022 Property Tax Levy or the Tentative Property Tax Rate.



CITY COUNCIL AGENDA

DEPT.: City Manager's Office

DATE: December 1, 2021

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Open the Public Hearing on the proposed 2022 Budget.

FOR THE MEETING OF:

December 1, 2021

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the Mayor and the Council open a public hearing on the proposed 2022 Rye City Budget.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Rye City Charter stipulates that a public hearing must be held on the proposed Budget. The public hearing shall be held not later than the first Wednesday in December of the current year and upon at least 10 days' notice.

The City Manager presented the 2022 budget on November 3, 2021. The Council held Budget Workshops on November 16th and 29th.

The public hearing on the Budget is opened on December 1, 2021 and the Budget adoption is scheduled for December 15, 2021.

The proposed 2022 Budget is available on the City website www.ryeny.gov.



CITY COUNCIL AGENDA

DEPT.: City Manager's Office

DATE: December 1, 2021

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Consideration to set a public hearing to create a new local law, Chapter 166 "Steep Slope Protection" regulating development on steep slopes.

FOR THE MEETING OF:

December 1, 2021

RECOMMENDATION: That the Council set the public hearing.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: See attached proposed law.

LOCAL LAW
CITY OF RYE NO. ____ -2021
A local law to add a new Chapter 166 “Steep Slope Protection”
to the Code of the City of Rye, New York

Section 1. The following new Chapter 166, titled “Steep Slope Protection” is hereby added to the Rye City Code:

Chapter 166
STEEP SLOPE PROTECTION

ARTICLE I
General Provisions

§ 166-1. Title; findings and policy.

- A. Title. This chapter shall be known as the "Steep Slope Protection Law of the City of Rye." It is a chapter regulating the disturbance of steep slopes in the City of Rye.
- B. Findings and policy. The City Council of the City of Rye finds and declares it to be the public policy of the City to regulate, preserve, protect and conserve its steep slopes so as to maintain and protect the natural terrain and its vegetative features, preserve wetlands, water bodies and watercourses, prevent flooding, protect important scenic views and vistas, preserve areas of wildlife habitat, provide safe building sites and protect the subject property and the adjoining property by preventing erosion, creep and sudden slope failure. In this connection the City Council finds as follows:
- (1) Protection of steep slopes is a matter of concern to the entire City. Once a steep slope is disturbed, that disturbance is, for all practical purposes, irreversible. The establishment of regulatory and conservation practices to prevent disturbance of steep slopes is needed to protect the public health, safety and general welfare.
 - (2) The disturbance of steep slopes can aggravate erosion and sedimentation beyond rates experienced in natural geomorphologic processes. Erosion and sedimentation often include the loss of topsoil, the disturbance of habitats, degradation of the quality of surface water and wetlands, alteration of drainage patterns, the gulying of land, the obstruction of drainage structures, the intensification of flooding both on and off the subject site, the failure of slopes and the mass movement of earth and danger to the natural environment, man-made structures and the safety of persons.
 - (3) Steep slopes, including vegetation and rock outcroppings located thereon, are important environmental features that contribute significantly to the visual impression one forms while traveling through the City. Overdevelopment of or improperly managed disturbance to these steep slopes is detrimental to the visual character of the City.

- (4) Regulation can allow the reasonable use of private property by encouraging flexible development design to avoid disturbance of steep slopes. Regulation can also permit environmentally sound disturbance of steep slopes conducted in accordance with acceptable site design practices.
- (5) To minimize the potential adverse impacts of development on steep slopes, the City should seek the preservation of such areas by the use of flexible site design, (including the application of § 37 “Subdivision review; approval of cluster development” of the General City Law), the establishment of conservation easements and other land preservation techniques.
- (6) These regulations are enacted with the intent of providing a reasonable balance between the rights of the individual property owners and the public interest in preserving the valuable functions of steep slopes.

§ 166-2. Definitions.

- A. For the purpose of this chapter, certain words and terms used herein are defined as follows.
- B. All words used in the present tense include the future tense; all words in the plural number include the singular number; and all words in the singular number include the plural number, unless the natural construction of the wording indicated otherwise. The word "lot" includes the word "plat"; the word "building" includes the word "structure"; and the word "shall" is mandatory and not directory. The word "use" is deemed also to include "designed, intended, or arranged to be used." Unless otherwise specified, all distances shall be measured horizontally.

ANGLE OF REPOSE — The maximum angle at which the exposed face of various soil and rock materials can deviate from the horizontal without incurring the likelihood of a slope failure.

APPLICANT — Any individual, firm, partnership, association, corporation, company, organization or other legal entity of any kind, excluding the City of Rye and its governmental agencies, who requests the approval authority to approve disturbance to a steep slope, or to whom a steep slope approval or a steep slope work permit has been granted under the provisions of this chapter.

APPROVAL AUTHORITY — The Planning Commission of the City of Rye.

BUILDING INSPECTOR — The Building Inspector of the City of Rye.

CITY — The City of Rye.

CITY COUNCIL — The City of Rye City Council.

CITY ENGINEER — The Engineer for the City of Rye.

DISTURBANCE — The removal of vegetation, or the filling, excavation, regrading or removal of soil, rock or retaining structures in areas of steep slope, whether by manual labor, machine or explosive. The condition of disturbance will be deemed to continue until the area of disturbance is revegetated and/or permanently stabilized.

DISTURBED AREA — Any steep slope area for which a disturbance is proposed or is ongoing.

EXCAVATION — Any activity which removes or significantly disturbs rock, gravel, sand, soil, or other natural deposits.

FILL — Any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported, or moved by man to a new location and shall include the conditions resulting therefrom.

GRADING — Adjusting the degree of inclination of the natural contours of the land, including leveling, smoothing and other modification of the natural land surface.

MATERIAL — All liquid, solid or gaseous substances.

PERSON — Any person, firm, partnership, association, corporation, company, organization or other legal entity of any kind, including public agencies and municipal corporations.

PLANNING COMMISSION — The Planning Commission of the City of Rye.

PROJECT — Any proposed or ongoing action that may result in direct or indirect physical impact on a steep slope, including, but not limited to, any regulated activity.

STATE ENVIRONMENTAL QUALITY REVIEW ACT — The law, pursuant to Article 8 of the New York Environmental Conservation Law, providing for the environmental review of actions.

STEEP SLOPE — Any contiguous land area greater than 1,000 square feet having a topographical gradient of 25% or greater (ratio of vertical distance to horizontal distance) and a minimum horizontal distance of 25 feet measured along a horizontal plane.

STEEP SLOPE, EXTREME — Any contiguous land area greater than 1,000 square feet having a topographical gradient of 35% or greater (ratio of vertical distance to horizontal distance) and a minimum horizontal distance of 25 feet measured along a horizontal plane.

STEEP SLOPE WORK APPROVAL — The written form of authorization issued by the Planning Commission and required by this chapter prior to the issuance of a steep slope work

permit by the Building Inspector and commencement of work within a regulated steep slope area.

STEEP SLOPE WORK PERMIT — The written form of permission to commence work within a regulated steep slope area issued by the Building Inspector, which permit shall be issued only where such regulated activity has been approved and authorized by the Planning Commission.

STRUCTURE — Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

§ 166-3. Rules for establishing steep slope areas.

The applicant shall be responsible for having the boundaries of the steep slope area determined by field investigation, flagging and subsequent survey by a licensed land surveyor. The Planning Commission may also consult, at the expense of the applicant, and/or may also require the applicant to consult with a landscape architect, architect, professional engineer, soil scientist or other experts and professionals as deemed necessary to make this determination.

§ 166-4. Applicability.

The provisions of this chapter shall apply to all lands defined and/or designated as an area containing steep slopes as determined in accordance with §166-3.

ARTICLE II
Regulated Activities and Review Standards

§ 166-5. Allowable and regulated activities.

- A. Allowable activities. The following activities within a steep slope area shall be allowed without a steep slope work permit:
- (1) Any activity where the total combined area of steep slope and extreme steep slope is less than ten percent (10%) of the total land area of the lot or property.
 - (2) Normal ground maintenance which does not require disturbance of existing terrain, including mowing, trimming of vegetation and removal of dead or diseased vegetation, provided that such activity does not involve regrading, and further provided that such activity conforms with all other applicable laws and regulations.
 - (3) Routine and minimally invasive landscaping activities including adding new plants or removing existing plants.

- (4) The disturbance to steep slopes under temporary emergency conditions, as determined by the City Engineer, where such disturbance is necessary to protect persons or property from present and imminent danger.
- (5) Repair or replacement in-kind of existing walkways, walls and decks.
- (6) Any new structure or addition to an existing structure involving not more than 100 square feet.
- (7) Public health activities and emergency uses pursuant to orders of the Westchester County Department of Health and/or the New York State Department of Health.
- (8) Alteration of the interior of a building.
- (9) The demolition of a part or all of the exterior of an existing building unless all or a portion of the building is on a steep slope as defined herein.

B. Regulated activities. It shall be unlawful to create a new steep slope area or to create any disturbance, other than an allowable activity as defined above, on any existing or proposed steep slope in the absence of a steep slope work permit.

§ 166-6. Review standards.

- A. Considerations. During its review of the application, the Planning Commission shall evaluate, as necessary and appropriate, the extent to which the application accomplishes the following:
- (1) The alignment of roads and driveways shall follow the natural topography to the maximum extent practicable, shall minimize regrading and shall comply with design standards for maximum grades set forth in the City Code.
 - (2) All regrading shall blend in with the natural contours of the land.
 - (3) Cuts and fills shall be shaped to eliminate sharp angles at the top, bottom and sides of regraded slopes.
 - (4) The angle of cut and fill slopes shall not exceed the natural angle of repose of the soil or rock materials in the cut or fill, except where retaining walls or other structural stabilization is used; generally, for soils, cut and fill slopes shall be not steeper than two horizontal to one vertical.
 - (5) Natural slopes of two horizontal to one vertical, or steeper, shall not be altered by fill slopes. The toe of a fill slope shall not be located within 12 feet horizontally of the top of an existing or proposed cut slope.

- (6) Tops and bottoms of cut and fill slopes shall be set back from existing and proposed property lines a distance at least equal to the lesser of three feet plus $1/5$ of the height of the cut or fill, or 10 feet.
 - (7) Tops and bottoms of cut and fill slopes shall be set back from structures a distance that will ensure the safety of the structure in the event of the collapse of the cut or fill slopes; generally, such distance will be considered to be six feet plus $1/5$ the height of the cut or fill, but need not exceed 10 feet. Nevertheless, a structure may be built on a slope or at the toe of a slope if it is designed to retain the slope and to withstand the forces exerted on it by the retained slope.
- B. Decision. In granting, denying or conditioning any steep slope permit under this chapter, the Planning Commission shall consider all relevant facts and circumstances and determine the following:
- (1) That the proposed activity and the manner in which it is to be accomplished are in accordance with the findings and policy set forth in § 166-1 of this chapter.
 - (2) That the proposed activity and the manner in which it is to be accomplished can be completed without increasing the possibility of creep or sudden slope failure and will minimize the potential for erosion to the maximum extent practicable.
 - (3) That the proposed activity and the manner in which it is to be accomplished will not adversely affect the preservation and protection of existing wetlands, water bodies, watercourses and floodplains.
 - (4) That the proposed regulated activity is compatible with the public health and welfare.
 - (5) That the proposed regulated activity cannot practicably be relocated or modified so as to eliminate or reduce the disturbance of the steep slope area to the maximum extent practical.
 - (6) Disturbance to slopes in excess of 35% shall be avoided and shall only be authorized by the Planning Commission upon a finding that such disturbance is necessary and there are no other feasible alternatives.
- C. Burden of proof. The applicant shall have the burden of proof to demonstrate compliance with this chapter.

ARTICLE III
Application Procedure

§ 166-7. Approval authority.

The approval authority for all applications for steep slope permits shall be the Planning Commission.

§ 166-8. Procedures for application.

A. Application contents. The application and an application review shall be submitted to the City Planner. The application shall contain the following information:

- (1) Name and address of owner and applicant.
- (2) Street address and Tax Map designation of property to which the application pertains.
- (3) Statement of consent from the owner for any agent making application.
- (4) A written narrative explaining the nature of the proposal, including the proposed work and purpose thereof, any future development proposals for the property and whether alternative locations exist for the proposed activity.
- (5) A site plan, which shall be drawn at a scale no less detailed than one inch equals 50 feet and prepared by a landscape architect, architect or professional engineer licensed in the State of New York and showing the following information for all areas on the subject site that contain steep slopes:
 - (a) The location of proposed structures, septic systems, wells and driveways.
 - (b) The location of the proposed area of disturbance and its relation to neighboring properties, together with structures, roads and affected wetlands as defined in Chapter 245, Freshwater Wetlands, of the City Code, if any, within 50 feet of the boundaries of the proposed disturbed area
 - (c) The existing topography in the proposed area of disturbance at a contour interval of not more than two feet. Contours shall be shown for a distance of 50 feet or greater beyond the limits of the proposed area of disturbance. If, however, the 50 foot radius is not on property controlled by the applicant and the applicant is unable to gain access to such property, the contours must be shown at least to the boundary of the property under applicant's control. The contour map shall be prepared, signed and sealed by a professional land surveyor licensed to practice in New York State. The elevations and contours on said map shall be in United States Geological Survey (USGS) datum, latest revision.

- (d) The location and size of areas of steep slope and extremely steep slope, under existing and proposed conditions, in the area of proposed disturbance and within a distance of 50 feet thereof. If, however, the 50 foot radius is not on property controlled by the applicant and the applicant is unable to gain access to such property, the location and size of such slopes must be shown at least to the boundary of the property under applicant's control.
 - (e) The proposed final contours at a maximum of two-foot contour intervals in the proposed disturbed area and to a distance of 50 feet beyond; elevations of the site and adjacent lands within 200 feet of the proposed work site at contour intervals of no greater than 10 feet; and proposed surface materials or treatment. If, however, the 50 or 200 foot radius is not on property controlled by the applicant and the applicant is unable to gain access to such property, the contours must be shown at least to the boundary of the property under applicant's control.
 - (f) An erosion and sediment control plan in accordance with Chapter 174, Stormwater Management, of the Rye City Code.
 - (g) The details of any surface or subsurface drainage system proposed to be installed, including special erosion control measures designed to provide for proper surface or subsurface drainage, both during the performance of the work and after its completion.
 - (h) A description of the existing and proposed vegetative cover of the regulated area.
 - (i) Location of the construction area and the area proposed to be disturbed and their relation to property lines, roads, buildings and watercourses within 250 feet thereof.
 - (j) The exact locations, specifications and amount of all proposed draining, filling, grading, dredging and vegetation removal or displacement and the procedures to be used to do the work.
 - (k) Location of all wells and depths thereof and all sewage disposal systems.
 - (l) A completed environmental assessment form in accordance with the New York State Environmental Quality Review Act.
- (6) A list of all applicable City, county, state and federal permits that are required for such work or improvement.
- (7) A list of names of owners of record of lands adjacent to the steep slope area in which the project is proposed to be undertaken.
- (8) Payment of all applicable fees.

- B. Additional information. The following information and materials shall be supplied if requested by the City Planning Commission:
- (1) A site plan or site plans drawn at a scale of not less than one inch equals 50 feet, prepared by a landscape architect, architect, or professional engineer licensed in the State of New York showing:
 - (a) Cross sections of all disturbed steep slope areas.
 - (b) Existing soils within 50 feet of the proposed disturbed area, taken from field investigations by a soils scientist and classified into hydrologic soil groups. The depth to bedrock and depth to water table, K-factors, and soil and rock strata in all areas of proposed disturbance shall be identified.
 - (c) A cut/fill map delineating proposed areas of disturbance at affected depths in increments of zero to three feet, three to six feet, six to 10 feet, and 10 feet and over, and the estimated material quantities of cut/fill.
 - (d) A slope map showing existing and proposed slopes within the proposed disturbed area for each of the soil types described in Subsection B(1)(b) above.
 - (e) A stabilization and revegetation plan.
 - (f) Other information, including specific reports by qualified professionals regarding soils, geology and hydrology, as may be determined to be necessary by the Planning Commission.
 - (2) A plan with the existing topography of the watershed tributary to the disturbed area presented at a scale of not more than one inch equals 100 feet. This map shall show existing and, if required by the Planning Commission, proposed controls and diversions of upland water.
 - (3) Estimates for the proposed site improvements, which shall be certified by a professional engineer, architect, or landscape architect licensed in the State of New York.
 - (4) Any additional information as needed. Such additional information may include, but is not limited to, the study of flood, erosion or other hazards at the site; the effect of any protective measures that might be taken to reduce such hazards; and any other information deemed necessary to evaluate the proposed use in terms of the goals and standards hereof.

§ 166-9. Fees

- A. An application fee and inspection fee in amounts set forth in a fee schedule established from time to time by the City Council shall be submitted with the application.
- B. In addition to the fees required in Subsection A of this section, the Planning Commission shall require the applicant to place in escrow with the City a fee sufficient to reimburse the City for the cost of professional consultation fees and other expenditures attributable to the proposal. The Planning Commission may establish an escrow account funded by the applicant prior to the Commission authorizing the performance of consulting services regarding the proposal.

§ 166-10. Approval procedures; public hearing.

- A. It is the intent of this chapter to incorporate the consideration of steep slope protection into the City's existing land use and development approval procedures in conjunction with the procedures of the New York State Environmental Quality Review Act. To the maximum extent possible, the review, hearings and decisions upon any application processed under this chapter will run concurrently with similar procedures that the Planning Commission may undertake in connection with other applications that are directly related.
- B. A public hearing shall be required on all steep slopes applications. Notice of such hearing shall be delivered by the applicant to all property owners within 300 feet of the subject property at least seven (7) days prior to the hearing. To facilitate notification of the public, a public notification list shall be prepared by the applicant, using the most current City of Rye Tax Maps and Tax Assessment Roll, showing the Tax Map sheet, block and lot number, the owner's name and owner's mailing address for each property. If a property within the notification area is a multifamily dwelling, apartment building, cooperative or similar-type residential structure, the applicant shall send the notice to the property owner of record. Such notices shall be mailed by first-class mail posted within Westchester County at a post office or official depository of the Postal Service. The applicant must obtain a certificate of mailing for every notice mailed. All notices mailed must be sent via certified mail (no return receipt). All certificates of mailing must be provided to the Planning Department at least five days prior to the public hearing.

§ 166-11. Approval.

- A. In approving any application, the Planning Commission may impose such conditions or limitations as are determined necessary to ensure compliance with the intent, purposes, and standards of pursuant to § 166-6 of this chapter. A determination shall be made to approve, approve with modifications, or disapprove the issuance of such permit simultaneously with the determination by the Planning Commission of the other permit or approval for which the application was made.

ARTICLE IV
Steep Slope Work Permits

§ 166-12. Conditions and expiration.

- A. Steep slope work permits issued pursuant to this chapter shall contain conditions including the following:
- (1) The work permit shall expire on a specified date, no later than one year from the date of issuance.
 - (2) The permit holder shall notify the Building Inspector at least five days in advance of the date on which the work is to begin.
 - (3) The work permit shall be prominently displayed at the project site during the undertaking of the activities authorized by the permit.
- B. Conditions may include, but shall not be limited to, the following:
- (1) Limitation on the total portion of any lot or the portion of the steep slope on the lot that may be disturbed.
 - (2) Setbacks for structures, fill and other activities from the steep slope.
 - (3) The disturbance of existing vegetative ground cover shall not take place more than seven days prior to commencing grading and construction.
 - (4) Permanent vegetative cover shall be planted within three days after completion of final grading. Notwithstanding the sentence above, where final grading and permanent planting cannot be established within a short period of time, temporary seeding or mulching shall be applied. Upon good cause shown and based upon consideration of the time of year, slopes, soils and environmental sensitivity of the area involved, the City Engineer may modify these specified time periods.
 - (5) Measures for the control of erosion and sedimentation shall be undertaken in accordance with the Chapter 174, Stormwater Management, of the Rye City Code.
 - (6) Topsoil that will be stripped from all areas of disturbance shall be stockpiled in a manner so as to prevent erosion and sedimentation and shall be replaced on the site as a component of final grading.
 - (7) Fill material shall be composed only of nonorganic material, including rock with a diameter that will allow for appropriate compaction and cover by topsoil. No voids are to be created or left remaining in the fill material that will allow further settlement of the fill or habitat for rodents, vermin or other unwanted species.

- (8) Compaction of fill materials in fill areas shall be such that it ensures support of proposed structures and stabilization for intended uses.

C. Expiration of steep slope work permit; extensions.

- (1) All steep slope work permits shall expire on completion of the acts specified therein and, unless otherwise indicated, shall be valid for a period of one year from the date of issue. Upon written request by the original permit holder or his/her successor, the Planning Commission may extend the time in which the acts specified in the permit must be completed for additional periods of up to one year each if the Planning Commission, in its discretion, finds that such extension is warranted by the particular circumstances involved, provided that in the case of a permit where no work on the steep slope(s) has been accomplished, extensions shall not exceed two additional periods of 90 days each, in which case, should a permittee fail to complete the acts specified in the permit prior to the expiration of the second ninety-day extension, at the discretion of the Planning Commission, the original permit may become null and void, and an application would then need to be made for a new permit. The request for a new permit shall follow the same form and procedure as the original application, except that the Planning Commission shall have the option of not holding a public hearing if the original intent of the permit is not altered or extended in any significant way.
- (2) In the case of a permit where the work on the steep slope(s) is partially completed, the number and length of extensions shall be at the sole discretion of the Planning Commission.
- (3) A request for an extension of an original permit shall be made in writing to the Planning Commission at least 30 days prior to the expiration date of the original permit and each extension. The time period for requesting an extension may be waived for good cause shown.

§ 166-13. Period of validity; completion of work; revisions.

- A. A steep slope work permit will be valid for a period of one year. Work Permits, including all of their conditions, shall be binding on successors and assignees of the applicant.
- B. Following completion of the work, the applicant shall submit certification by the designer of record that the completed work meets the requirements of the steep slope work approval. The Building Inspector will verify that the work has been completed in accordance with such approval. Submission of an as-built survey may be required by the Planning Commission.
- C. The Building Inspector shall not issue a certificate of completion until the Building Inspector has verified that all work has been completed in accordance with the steep slope work permit.

- D. Any proposed revision to work covered by a steep slope work permit shall be reviewed by the City Engineer. Where the City Engineer determines that a substantial revision is proposed, the submission of a new application shall be required.

ARTICLE V
Enforcement

§ 166-15. Inspections, violations and fines.

- A. Inspection. Any site for which an application has been submitted shall be subject to inspection at any reasonable time, including weekends and holidays, by the Planning Commission or its designated representatives.
- B. Administrative sanctions.
 - (1) Damages. Any person who undertakes any activity regulated by this chapter without a permit issued hereunder, or who violates, disobeys or disregards any provision of this chapter, shall be liable to the City for civil damages caused by such a violation for every such violation. Each consecutive day of the violation will be considered a separate offense. Such civil damages may be recovered in an action brought by the City on behalf of the Planning Commission in any court of competent jurisdiction.
 - (2) Restitution. The Planning Commission shall have the authority to direct the violator to restore the steep slope area to its condition prior to the violation, insofar as that is possible, within a reasonable time. Further, the Planning Commission shall have the authority to require an adequate performance guaranty in a form and amount deemed necessary by the Planning Commission to insure the restoration of the affected steep slope area.
 - (3) Stop-work order; revocation of permit. In the event that any person holding a permit issued pursuant to this chapter violates the terms of the permit, fails to comply with any of the conditions or limitations set forth in the permit, exceeds the scope of the activity as set forth in the application or operates so as to be materially detrimental to the public welfare or injurious to a steep slope area, the Planning Commission may suspend or revoke the permit, as follows.
 - (a) Suspension of a permit shall be by a written stop-work order. The stop-work order shall remain in effect until the Building Inspector is satisfied that the permittee has complied with all terms of the subject permit or until a final determination is made by the Planning Commission as provided in Subsection B(3)(b) immediately below.
 - (b) No steep slope work permit shall be permanently suspended or revoked until a public hearing is held by the Planning Commission. Written notice of such hearing shall be served on the permittee, either personally or by registered mail, and shall state the grounds for complaint or reasons for suspension or revocation and the time and place of the hearing to be held. Such notice shall be served on the permittee at least one

week before the next regularly scheduled public meeting of the Planning Commission. At such hearing, the permittee shall be given an opportunity to be heard and may call witnesses and present evidence on his behalf. At the conclusion the hearing, the Planning Commission shall determine whether the permit shall be reinstated, suspended or revoked.

- C. Fines. Any person deemed to have violated or disobeyed any provision hereof, any order of the Building Inspector or any condition duly imposed by the Planning Commission in an approval or work permit granted pursuant to this chapter, shall be punishable by a fine of not less than \$500. Each consecutive day of the violation shall be considered a separate offense.

§ 166-16. Injunctive relief.

The City is specifically empowered to seek injunctive relief restraining any violation or threatened violation of any provisions hereof and/or to compel the restoration of the affected steep slope area to its condition prior to the violation of the provisions of this chapter.

Section 2. Severability

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law that can be given effect without such invalid part or parts.

Section 3. Effective Date

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



CITY COUNCIL AGENDA

DEPT.: City Manager's Office

DATE: December 1, 2021

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Consideration to set a public hearing to create a new local law amending Chapter 197 "Zoning" of the Code of the City of Rye setting new restrictions on width and configurations of properties in new subdivision.

FOR THE MEETING OF:

December 1, 2021

RECOMMENDATION: That the Council set the public hearing.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: See attached proposed law.

LOCAL LAW NO. -2021

**A LOCAL LAW TO AMEND CHAPTER 197 (ZONING) OF THE
CODE OF THE CITY OF RYE, NEW YORK
REGARDING THE LOT WIDTH AND CONFIGURATION
OF PROPERTIES IN NEW SUBDIVISIONS**

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

Section 1. **Section 197-36, Zoning, Article V, Lot, Floor Area, Height, Yard and Court Regulations, of the Code of the City of Rye is hereby amended as follows:**

§ 197-36 Lot width required.

- A.** Within any residence district no part of any dwelling, house or other structure housing a main use, and within any business district no part of any residence structure shall be erected on any part of the lot which has a width of less than the distances specified in the table incorporated as Article VIII, except as hereinafter provided. In addition, for any lot created after [INSERT MONTH, DAY, YEAR], no part of the lot that lies between the street line and the minimum required rear yard setback for the district in which the lot is located shall be narrower in width than sixty (60) feet.
- B.** For any lot created after [INSERT MONTH, DAY, YEAR], that has frontage on a turn-around or cul-de-sac, the required lot width between the street line and the principal building shall not be narrower in width than thirty-five (35) feet and the lot width shall not be less than the distances specified in the table incorporated as Article VIII between the front of the principal building and the minimum required rear yard setback.

Section 2. **Severability.**

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law that can be given effect without such invalid part or parts.

Section 3. **Effective Date.**

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.

NOTE: Proposed additions are shown in underline and proposed deletions are shown in ~~strike through~~.



CITY COUNCIL AGENDA

DEPT.: City Manager's Office

DATE: December 1, 2021

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Consideration to set a public hearing to create a new local law amending Chapter 53 "Architectural Review" of the Code of the City of Rye to amend authority and scope considered by the Architectural Review Board in reviewing applications.

FOR THE MEETING OF:

December 1, 2021

RECOMMENDATION: That the Council set the public hearing.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: See proposed law attached.

CITY OF RYE
LOCAL LAW NO. __ OF 2022
A Local Law amending Chapter 53 “Architectural Review” to change membership requirements, timing of decisions, elements to consider during decision making process and standard of review.

Section 1.

§ 53-1 Legislative findings; definitions.

- A. The Council hereby finds that excessive uniformity, dissimilarity, inappropriateness or poor quality of design in the exterior appearance of structures erected, reconstructed or altered in any residential, business and other areas in the City of Rye adversely affects the desirability of the immediate area and neighboring areas within the community and by so doing impairs the benefits of occupancy or use of real property in such areas, impairs the stability and value of both improved and unimproved real property in such areas, prevents the most appropriate development of such areas, produces degeneration of the property in such areas, with attendant deterioration of conditions affecting the health, safety, morals and general welfare of the inhabitants of the community, and/or destroys a proper relationship between the taxable value of real property in the community and the cost of municipal services provided therefor. It is the purpose of this chapter to prevent these and other harmful effects and thus to promote and protect the health, safety, morals and general welfare of the community.
- B. As used in this chapter, the following terms shall have the meanings indicated: [**Amended 5-31-1995 by L.L. No. 6-1995**]

ERECTED, RECONSTRUCTED or ALTERED

As defined in Chapter 68, Building Construction, of the Code of the City of Rye and in the approved regulations of the Building Inspector.

ORDINARY MAINTENANCE AND REPAIR

As defined in Chapter 68, Building Construction, of the Code of the City of Rye and in the approved regulations of the Building Inspector.

SMALL PROJECT

Any addition to or alteration or modification of an existing single- or two-family residence structure:

[**Amended 10-24-2013 by L.L. No. 3-2013**]

- (1) For which a valid certificate of occupancy exists for all structures on the property;
- (2) Upon which property there are no open building permits and no building permit or certificate of occupancy was issued within the immediate past 12 months;

- (3) That does not change the appearance visible from the street of any front or side facade or roof.

STRUCTURE

Includes all buildings, accessory buildings, decks, signs and satellite earth station dish antennas as defined by Chapter **108**, Housing Standards, and Chapter **197**, Zoning, of the Code of the City of Rye.

§ 53-2 Membership of Architectural Review Board.

[Amended 2-1-2006 by L.L. No. 2-2006; 3-16-2011 by L.L. No. 1-2011]

In accordance with Article 19 of the Rye City Charter, there is hereby created a Board of Architectural Review which shall consist of seven members who shall serve without compensation. All members of the Board shall be lawful residents of the City and shall be specially qualified by reason of training or experience in architecture, land development, community planning, real estate, landscape architecture, architectural history, engineering, law, building construction or other relevant business or profession, or by reason of civic interest and sound judgment to judge the effect of a proposed erection, reconstruction or alteration of a structure upon the desirability, property values and development or preservation of surrounding areas and to understand and carry out the legislative findings and policy statements of the Council set forth in § **53-1**. There shall be no requirement that a member of the Board be a citizen of the United States. At least one member shall be a licensed ~~registered~~ architect in the State of New York. The Chair and other members of the Board shall be appointed by the Mayor, with the approval of the Council, for terms of three years, with staggered terms, such terms to be subject to renewals at the discretion of the Mayor, subject to the approval of the Council, except that one new appointment made in 2006 shall be for a two-year term, and one new appointment made in 2006 shall be for a one-year term so that term, and thereafter their successors, shall be appointed for terms of three years from and after the expiration of the term of their predecessors in office. In the same manner, vacancies shall be filled for the unexpired term of any member whose place has become vacant.

§ 53-3 Meetings and procedures of Board.

[Amended 2-1-2006 by L.L. No. 2-2006]

- A. Meetings of the Board of Architectural Review shall be held at the call of the Chair and at such other times as the Board may determine but shall be held within 31 ~~24~~ days of the date of referral to the Board of any application for building permit as required in § **53-4** of this chapter. The Chair or, in his/her absence, the Acting Chair may administer oaths and compel the attendance of witnesses. A majority of the appointed members of said Board shall constitute a quorum for the transaction of business. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions. The Building Inspector shall act as the Secretary of the Board and shall keep in the City Hall a comprehensive record of all meetings and transactions by the Board. The Board

shall have power from time to time to adopt, amend and repeal rules and regulations, not inconsistent with law or the provisions of this chapter and subject to review of the Council, governing its procedure and the transaction of its business and for the purpose of carrying into effect the standards outlined in § 53-5 of this chapter.

- B. Every rule or regulation, every amendment or repeal thereof and every order, requirement, decision or determination of the Board shall immediately be filed with the Building Department and shall be a public record.
- C. Notice. An applicant for a building permit needing Board of Architectural Review approval for any project, except small projects as defined in Chapter 53, shall notify abutting property owners and property owners across the street of the application upon its filing and at least 14 days before the date of any Board of Architectural Review meeting. To facilitate notification of the public, a public notification list shall be prepared by the applicant, using the most current City of Rye Tax Maps and Tax Assessment Roll, showing the Tax Map sheet, block and lot number, the owner's name and owner's mailing address for each property as described by the rules and Schedule B of the Building Department. If a property within the notification area is a multifamily dwelling, apartment building, cooperative or similar-type residential structure, the applicant shall send the notice to the property owner of record. Such notices shall be mailed by first-class mail and the notice shall substantially conform to the model notice in Schedule A. The applicant must obtain a certificate of mailing for every notice mailed. All notices mailed must be sent via certified mail (no return receipt required). All certificates of mailing must be provided to the Building Department at least five days prior to the public hearing. [Added 3-10-2010 by L.L. No. 3-2010]

§ 53-4 Referrals of applications for building permits.

- A. Every application for a building permit for the construction of any structure within the City of Rye or for the reconstruction or alteration of any structure, including any addition thereto, within the City of Rye that would affect the exterior appearance of such structure shall be referred by the Building Inspector to the Board of Architectural review within ~~31~~ 24 days of the date of the application, provided that it conforms in all respects to all other applicable laws and ordinances. The term "structure" shall be construed in accordance with the legislative findings and definitions set forth in § 53-1 of this chapter. The requirements of this section do not apply to "small projects" as defined in § 53-1 of this chapter and § A201-1 of the Rules of the Building Inspector, except for small projects that require or have been granted a variance by the Zoning Board of Appeals; or that involve a recreational or accessory structure or facility; or when the Building Inspector refers the small project to the Board of Architectural Review upon finding that the small project may meet one or more of the guidelines for such referral as prepared by the Board of Architectural Review, thereby having a substantial aesthetic impact upon immediately neighboring properties. The requirements of this section do not apply to additions or alterations that meet the requirements of § 68-5F or

197-84C(5) of this Code. [Amended 5-31-1995 by L.L. No. 6-1995]

- B. Applications must be accompanied by plans showing all elevations of new structures and all affected elevations in the case of reconstructions or alterations. When required by the Building Inspector or by the Board of Architectural Review, a site plan shall be submitted showing both existing and proposed contours at two-foot intervals, all existing trees with a trunk diameter of four inches or more at a point three feet above the ground level and whether such trees shall remain or be removed and/or other topographical features.

§ 53-5 Standards and considerations for approval.

- A. Approval or disapproval of any building permit shall be by a vote of a majority of the members of the Board of Architectural Review. In considering an application for a permit, the Board shall take into account natural features of the site and surroundings, exterior design and appearances of existing structures in the area and the character of the area and its peculiar suitability for particular purposes, with a view to conserving the values of property, encouraging the most appropriate use of property and preventing the harmful effects referred to in § 53-1 of this chapter.
- B. Findings for approval; conditions.
 - (1) The Board shall, subject to the provisions of Subsection B(2) of § 53-5, approve any application referred to it upon finding that the structure for which the permit was requested if erected, reconstructed or altered in accordance with the submitted plan would be in harmony with the purpose of this chapter, would not be visually offensive or inappropriate by reason of poor quality of exterior design, monotonous similarity or striking visual discord in relation to the site or surroundings, would not mar the appearance of the area, would not impair the user enjoyment and desirability or reduce the values of properties in the area, would not be detrimental to the character of the neighborhood, would not prevent the most appropriate development or preservation and/or utilization of the site or of adjacent lands or would not adversely affect the economic stability, health, safety and general welfare of the community.
 - (2) In approving any application, the Board may impose appropriate conditions and safeguards designed to prevent the harmful effects set forth in § 53-1 of this chapter. The Board may also suggest interior change(s) that would improve the exterior appearance.
- C. The Board may disapprove any application for a permit, provided that the Board has afforded the applicant an opportunity to confer upon suggestions for change of the plan, or provided that the Board finds and states that the structure for which the permit was requested would, if erected, reconstructed or altered as indicated, provoke one or more of the harmful effects set forth in § 53-1 of this chapter by reason of:
 - (1) Excessive similarity to any other structure or structures existing or for which a permit has

been issued or to any other structure included in the same permit application, ~~facing the same street~~ within ~~1,000~~ 500 feet of the proposed site, in respect to one or more of the following features of exterior design and appearance: apparently identical facade; substantially identical size and arrangement of either doors, windows, porticoes or other openings or breaks in the facade facing the street, including reverse arrangements; or other significant identical features, such as but not limited to material, roofline and height or other design elements, provided that a finding of excessive similarity shall state not only that such similarity exists, but further that it is of such a nature as to be expected to provoke **more likely than not** ~~beyond a reasonable doubt~~ one or more of the harmful effects set forth in § **53-1** of this chapter.

- (2) Excessive dissimilarity or inappropriateness in relation to any other structure or structures existing or for which a permit has been issued or to any other structure included in the same permit application, within 1,000 feet of the proposed site, in respect to one or more of the following features: cubical contents; gross floor area; height of building or height of roof; inappropriate relationship to the site, its contours, shape or natural characteristics; **inappropriate relationship to immediately adjacent properties**; dissimilarity related to the orientation of the front of the house in relationship to streets; inappropriate location of features incorporated into the structure, including but not limited to windows, doors, chimneys, stairs, porches, air conditioners or air-conditioning equipment, or of features ancillary to the structure, including but not limited to antennas, toolsheds, greenhouses, patios, decks, balconies, garages or refuse storage areas; or other significant design features, such as material or quality or architectural design, provided that a finding of excessive dissimilarity or inappropriateness exists, but further that it is of such nature as to be expected to provoke **more likely than not** ~~beyond a reasonable doubt~~ one or more of the harmful effects set forth in § **53-1** of this chapter and that the finding is not based on personal preference as to taste or choice of architectural style.
- D. The Board of Architectural Review shall examine, review, approve or disapprove applications for permits for the following exterior facilities: swimming pools (**inground and above ground**), jacuzzis, hot tubs, tennis courts, paddle tennis courts and other **permanent or seasonal** courts **or rinks** (hereinafter collectively referred to as "recreational facility" or "recreational facilities") as to the necessary screening required by § **197-86** of the Code of the City of Rye, Table A, Column 3, Subsections (9)(a) and (9)(b). Approval or disapproval must be by majority vote of the total Board. A ten-foot wide landscape strip planted and maintained with at least a double row of alternately spaced evergreens, with an actual height of at least six feet above the natural grade when installed, is the preferred screening method for recreational facilities and must be approved by the Board. However, the Board may approve alternate screening under the following conditions:
- (1) There is existing landscaping on the lot between the recreational facility and the property line equal in effectiveness, height and density to the required evergreen screening.

- (2) There is an existing six-foot-high opaque fence or wall on the lot between the recreational facility and the property line, which is totally owned and controlled by the lot owner and in conformity with the fence height regulations of this chapter, provided that the Board further finds that the increased height of matured evergreen screening is not necessary to screen the recreational facility from the view of the abutting property and that the fence was installed at least two years prior to the application for the waiver.
- (3) The existing topography of the lot where the recreational facility is to be located, relative to the topography of the abutting property, is such that the recreational facility will not be within the view of the abutting property, provided that the Board further finds that it is reasonable to expect that this topographic relationship will not be adversely altered in order to facilitate future development of either property.
- (4) The soil conditions where the landscaping strip would be required to be installed are such that the evergreens cannot be expected to survive or to properly mature, provided that the Board further finds the recreational facility cannot be reasonably placed in another location with suitable soil conditions, and further provided that a six-foot-high opaque fence or wall which conforms to the fence height regulations of this chapter will be installed between the property line and the recreational facility in place of the landscaping strip.
- (5) Conditions do exist which are not specifically covered in Subsection **C(1)** through (4) above, but which are of a similar nature, provided that the Board further finds that approval of the waiver will not be inconsistent with the spirit and intent of this section or less protective of the view from the abutting properties.
- (6) The approval of any alternate screening as described in Subsection **C(1)** through (5) above and the acceptance of it by the owner shall also be subject to the following limitations and conditions:
 - (a) A variance has not been granted by the Board of Appeals permitting a reduction of the minimum property line setbacks required by this chapter.
 - (b) The recreational facility was not constructed prior to the application for approval, except that this limitation shall not apply to recreational facilities constructed prior to the effective date of the screening requirements for which an owner wishes to seek compliance.
 - (c) After construction of the recreational facility, the owners of the lot shall thereafter be required to maintain, repair and replace such existing landscaping, fencing, walls or topographical features which served as the basis for approval as if they were required by this chapter in the first instance and enforced in the same manner.
 - (d) The approval shall become null and void one year after its approval by the Board of

Architectural Review unless the recreational facility has been substantially completed.

- (e) The approval shall become null and void if the recreational facility is removed. **Temporary or seasonal recreational facilities will require new approvals each occasion or season erected/installed.**

§ 53-6 Applications for sign; awning, marquee-type awning and canopy permits.
[Amended 5-1-1991 by L.L. No. 6-1991; 1-20-1999 by L.L. No. 1-1999]

The Board of Architectural Review shall have the power to examine, review and, by majority vote of the total Board, approve or disapprove applications for permits for signs, awnings, marquee-type awnings and canopies affixed to any structure or erected in connection with any structure, pursuant to § 165-2 of the Code of the City of Rye.

§ 53-7 Applications for dish antennas.
[Amended 9-18-1996 by L.L. No. 7-1996]

The Board of Architectural Review shall have the power to examine, review and, by majority vote of the total Board, approve or disapprove applications for the installation of satellite earth station dish antennas, subject to the provisions of § 197-9D of the Code of the City of Rye. Satellite earth station dish antennas which measure one meter or less in diameter are permitted as of right in residential zones and are not subject to the provisions of this section or § 197-9D. Such antennas, which measure two meters or less in diameter, are permitted as of right in non-residentially zoned areas.

§ 53-8 Advisory powers.

The Board of Architectural Review shall advise with respect to public buildings and such other matters as the Council, the Planning Commission, the Landmarks Advisory Committee (NOTE: or Landmarks Preservation Commission, if so changed by City Council) and/or any other public agency, Board or Commission may refer to it.

§ 53-9 Effect of disapproval or failure to act.

The Building Inspector shall refuse any building permit application disapproved as provided in § 53-5 of this chapter. If the Board of Architectural Review shall fail to approve or disapprove any building permit application referred to it under § 53-4 of this chapter within 31 ~~21~~ days of the date of referral of such application to it, the application shall be considered to have been approved, and the Building Inspector shall forthwith issue the permit unless the applicant shall have agreed to an extension of time.

§ 53-10 Appeals.

Any applicant aggrieved by the action of the Board of Architectural Review in disapproving a building permit application and of the Building Inspector in denying such permit because of such disapproval may request the Board to make formal findings of fact. In the event of such a request, the Board shall make findings of fact within 30 days after the request is filed in the office of the City Clerk, shall thereafter provide the applicant with an opportunity to answer the findings by the

submission of formal proof and shall reconsider the application on the basis of such answer. If the application is disapproved after such reconsideration, the applicant may take an appeal therefrom to the duly constituted Board of Appeals of the City of Rye. The standard of review shall be whether the decision of the Board of Architectural Review was arbitrary, capricious and/or unsupported by substantial evidence of record. The Board of Appeals may reverse or affirm the action of the Board of Architectural Review and reverse or affirm any action taken by the Building Inspector pursuant to that action of the Board of Architectural Review.

§ 53-11 Powers of Board under Chapter 117.

Chapter **117**, Landmarks Preservation, of the Code of the City of Rye ascribes certain responsibilities and powers to the Board of Architectural Review, and these are hereby included in this Chapter **53**.

Section 6. Severability

If any part of this Local Law is deemed by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Local Law.

Section 7. Effective Date

This Local Law shall take effect immediately upon filing with the New York Secretary of State.



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: December 1, 2021

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Consideration to extend through March 31, 2022 the moratorium in the City of Rye temporarily prohibiting the review, processing or approval of any new application related to a subdivision or re-subdivision of property plans filed after April 7, 2021, development on steep slopes or the placement of a residential structure with its front not oriented towards a front yard for the duration of this moratorium.

FOR THE MEETING OF:

December 1, 2021

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council consider extending the moratorium.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

Given significant delays caused by Tropical Storm Ida and other complexities, meetings to draft and finalize new local laws related to the moratorium have had to be rescheduled on several occasions. To ensure sufficient time is dedicated to the creation of these laws, the moratorium deadline may need to be extended again.

Prospective Moratorium – Applications received prior to April 7, 2021 are not impacted

CITY OF RYE

LOCAL LAW NO. __ OF 2021

A Local Law adopting a six-month moratorium in the City of Rye temporarily prohibiting the review, processing or approval of any new¹ application related to a subdivision or re-subdivision of property, the development on steep slopes or the placement of a residential building with its front not oriented towards a front yard for the duration of this moratorium.

WHEREAS, in recent years, the City of Rye’s land use boards have become increasingly concerned with the configuration of properties proposed within subdivisions; and

WHEREAS, the City Council would like to address the maneuvering of lot lines and the creation of flag lots that may meet the dimensional requirements but not the intent of the City Zoning Code and land use regulations; and

WHEREAS, the City Council would also like to address the impact that development has on property that is environmentally constrained with steep slopes; and

WHEREAS, the subdivision and re-subdivision of property with minimum street frontage can impact neighborhood character, can result in streetscape and traffic circulation impacts, and can limit flexibility to choose alternative driveway curb-cut locations; and

WHEREAS, the creation of new lots can translate into more density and the removal of open space without careful planning; and

WHEREAS, as a result of this increase in development, the City Council is becoming increasingly concerned about tree loss and destruction occurring prior to any substantive review by the City’s land use boards; and

WHEREAS, properties that have remained undeveloped for many years because they are constrained by topographic features, such as the presence of rock outcroppings, steep slopes, wetlands or high groundwater, and that may ease density and provide physical and vegetative buffers, can now be improved because of new technologies (rock removal techniques and sump and sewer pumps); and

¹ This moratorium would apply to any application filed after April 7, 2021 that has not been approved.

WHEREAS, the City Council finds that residential buildings that are not sited on property in proper relationship to an improved right-of-way or street can negatively impact the character and the harmony of a neighborhood; and

WHEREAS, the City Council has determined that it is appropriate to review the City's existing Zoning Code and other land use regulations relating to the above observations to ensure that the character of the neighborhoods are preserved and that any subdivision or re-subdivision of property, development on steep slopes, maneuvering of lot lines or siting of residential buildings on lots is appropriate and addresses any environmental, visual or other relevant considerations; and

WHEREAS, the City expects that it may require up to six months to consider the aforementioned issues and prepare any necessary legislative amendments.

NOW, THEREFORE, Be It Enacted by the City Council of the City of Rye as follows:

Section 1. Findings and Purpose.

The City Council wishes to review the existing zoning and land use regulations permitting the subdivision or re-subdivision of property, the development on steep slopes and the siting of residential buildings on lots. The goals of the City Council include, but are not limited to, the overall development of the City, protecting sensitive environmental features of property, ensuring that the appropriate land use mechanisms are in place to allow for flexibility in design and placement of residential buildings, and that the health, welfare and safety of its residents can be maintained while allowing for reasonable and appropriate development.

Section 2. Enactment of Moratorium. Prohibited Actions.

For any application received after April 7, 2021 but not yet approved by the appropriate board, commission or City official, the City Council hereby declares a moratorium as follows:

- A. The Planning Commission shall be prohibited from accepting or considering any new applications for subdivision or re-subdivision of residential property in the City of Rye.
- B. The Planning Commission, Board of Architectural Review, Board of Appeals or any other City Department may issue permits and approvals except for the following:

- 1) Any wetland and watercourse permit, area variance, design review permit, building permit, tree removal permit, sediment and erosion control permit, blasting permit or rock removal permit involving any residential building or structure that includes ground or vegetation disturbance within 20 feet of slopes greater than 25%, which slope shall be defined as any contiguous land area greater than one-hundred (100) square feet having a topographical gradient of 25% or more (i.e. ratio of vertical distance to horizontal distance) and a minimum horizontal distance of 10 feet.
 - 2) any new applications involving a new residential building that does not have its front facing a front yard.
- C. Acceptance or consideration of any new administrative lot line adjustments pursuant to City Code § 170.11.C on which at least one of the parcels contains a residential building.

Section 3. Appeals/waiver.

- A. An aggrieved property owner may petition the Planning Commission for a waiver and the Planning Commission shall have the discretion to grant such waiver, or as much relief as said Planning Commission may determine to be necessary and appropriate. In determining the suitability of a waiver under this section, the Planning Commission shall consider the following factors:
1. Unnecessary hardship to the petitioner, which hardship is substantially greater than any harm to the general public welfare that would result from the granting of the waiver. The property owner shall have the burden of demonstrating to the Planning Commission that a waiver is warranted due to substantial hardship and that such substantial hardship was not the result of an act or omission by the applicant or property owner. In considering this factor, the Planning Commission may request information regarding alternatives that the Applicant has considered or whether there are additional long-term plans; and
 2. The project's harmony (or lack thereof) with the existing character of the community as a whole and the area of the community in which the property is located; and
 3. Whether the application for which the relief is requested is consistent with any recommendations, or conclusions which may be drawn at the time of the public hearing from the aforementioned Planning Commission review and study; and

4. Whether the applicant is in compliance with all other City Code requirements with respect to its City's operations; and
5. Whether the application for which the relief is requested is consistent with any proposed regulations, if and as such may exist at the time of the public hearing.

B. Waiver procedure. Such petition shall be the subject of a public hearing before the Planning Commission. Upon submittal of a written petition to the Building Department by the property owner or applicant seeking a waiver of this moratorium, and supported by such documentation as the applicant deems relevant, the Planning Commission shall, within thirty (30) days of receipt of such petition, conduct a public hearing on said petition upon five (5) days public notification in the official newspaper of the City. The Planning Commission shall, within ten (10) days of the close of the hearing, render its decision in writing, either granting or denying the petition.

C. It shall be within the discretion of the Planning Commission to grant, in whole or in part, grant with conditions, or deny, the petition for relief from the terms of this moratorium. In granting a waiver, in whole or in part, the Planning Commission must find that the waiver will not adversely affect the purpose of this Local Law.

D. If the Planning Commission does grant a waiver, in whole or in part, the Applicant must still submit an application for the requested permit to the appropriate board or commission and proceed through the necessary review process set forth in the Rye City Code.

Section 4. Length of Time. Early Termination or Extension of this Local Law

This moratorium shall be in effect for six (6) months from the effective date. In the event any new Local Law which addresses the substantive issues set forth herein, should be enacted and adopted by the City Council prior to the date that the moratorium imposed by this Local Law expires, then in that event, the moratorium imposed by this Local Law shall expire on the date such new Local Law takes effect in accordance with § 27 of the Municipal Home Rule Law.

In like manner, if more than six (6) months have passed since the implementation of this Local Law, and it shall be determined by a finding of the City Council that an extension of this moratorium is required, then the City Council by resolution, may extend this moratorium for such a period of time as it deems necessary in order to further the purposes of this law up to and including an additional 180 days from the date of the original expiration of this Local Law.

Section 5. Conflicts with State Statutes and Authority to Supersede

A. To the extent any provisions of this Local Law are in conflict with or are construed as inconsistent with the provisions of New York State Law, this Local Law shall control. The City Council adopts this local law pursuant to authority in the New York State Constitution, Article IX, Section 2; Section 10 of the New York State Municipal Home Rule Law; Section 10 of the Statute of Local Governments; the relevant provisions of the General City Law of the State of New York; and the general police power vested with the City of Rye to promote the health, safety and welfare of all residents and property owners in the City.

B. During the time that this law is in effect, it shall take precedence over and shall be considered controlling over contrary laws, ordinances and provisions. It is the intent of the City Council, pursuant to its authority under section 10, subdivision 1(ii)(d)(3), and section 22 of the Municipal Home Rule Law, to supersede inconsistent provision of the New York State General City Law and the City of Rye Zoning Code.

- a. In particular, it is the intent of the City Council, pursuant to authority under Sections 10 and 22 of the Municipal Home Rule Law, to supersede inconsistent provisions of the New York State General City Law and the City of Rye City Code relating to the time limits in connection with zoning and planning determinations and with respect to the jurisdiction and authority of the Board of Appeals with respect to hearing variances or waivers related to this local law.

Section 6. Severability

If any part of this Local Law is deemed by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Local Law.

Section 7. Effective Date

This Local Law shall take effect immediately upon filing with the New York Secretary of State.

CITY OF RYE

LOCAL LAW NO. __ OF 2021

A Local Law adopting a six-month moratorium in the City of Rye temporarily prohibiting the review, processing or approval of any new¹ application related to a subdivision or re-subdivision of property, the development on steep slopes or the placement of a residential building with its front not oriented towards a front yard for the duration of this moratorium.

WHEREAS, in recent years, the City of Rye’s land use boards have become increasingly concerned with the configuration of properties proposed within subdivisions; and

WHEREAS, the City Council would like to address the maneuvering of lot lines and the creation of flag lots that may meet the dimensional requirements but not the intent of the City Zoning Code and land use regulations; and

WHEREAS, the City Council would also like to address the impact that development has on property that is environmentally constrained with steep slopes; and

WHEREAS, the subdivision and re-subdivision of property with minimum street frontage can impact neighborhood character, can result in streetscape and traffic circulation impacts, and can limit flexibility to choose alternative driveway curb-cut locations; and

WHEREAS, the creation of new lots can translate into more density and the removal of open space without careful planning; and

WHEREAS, as a result of this increase in development, the City Council is becoming increasingly concerned about tree loss and destruction occurring prior to any substantive review by the City’s land use boards; and

WHEREAS, properties that have remained undeveloped for many years because they are constrained by topographic features, such as the presence of rock outcroppings, steep slopes, wetlands or high groundwater, and that may ease density and provide physical and vegetative buffers, can now be improved because of new technologies (rock removal techniques and sump and sewer pumps); and

WHEREAS, the City Council finds that residential buildings that are not sited on property in proper relationship to an improved right-of-way or street can negatively impact the character and the harmony of a neighborhood; and

¹ This moratorium would apply to any subdivision plat filed after June 1, 2020.

WHEREAS, the City Council has determined that it is appropriate to review the City's existing Zoning Code and other land use regulations relating to the above observations to ensure that the character of the neighborhoods are preserved and that any subdivision or re-subdivision of property, development on steep slopes, maneuvering of lot lines or siting of residential buildings on lots is appropriate and addresses any environmental, visual or other relevant considerations; and

WHEREAS, the City expects that it may require up to six months to consider the aforementioned issues and prepare any necessary legislative amendments.

NOW, THEREFORE, Be It Enacted by the City Council of the City of Rye as follows:

Section 1. Findings and Purpose.

The City Council wishes to review the existing zoning and land use regulations permitting the subdivision or re-subdivision of property, the development on steep slopes and the siting of residential buildings on lots. The goals of the City Council include, but are not limited to, the overall development of the City, protecting sensitive environmental features of property, ensuring that the appropriate land use mechanisms are in place to allow for flexibility in design and placement of residential buildings, and that the health, welfare and safety of its residents can be maintained while allowing for reasonable and appropriate development.

Section 2. Enactment of Moratorium. Prohibited Actions.

For a period of six months from the effective date of this local law, the City Council hereby declares a moratorium prohibiting the following action in the City:

- A. On any plat filed in the Westchester County Clerk's Office with a file date after June 1, 2020, no board, commission or other entity/person having jurisdiction shall issue any building permits.

For any application received after April 7, 2021 but not yet approved by the appropriate board, commission or City official, the City Council hereby declares a moratorium as follows:

- B. The Planning Commission shall be prohibited from accepting or considering any new applications for subdivision or re-subdivision of residential property in the City of Rye.

- C. The Planning Commission, Board of Architectural Review, Board of Appeals or any other City Department may issue permits and approvals except for the following:
 - 1) Any wetland and watercourse permit, area variance, design review permit, building permit, tree removal permit, sediment and erosion control permit, blasting permit or rock removal permit involving any residential building or structure that includes ground or vegetation disturbance within 20 feet of slopes greater than 25%, which slope shall be defined as any contiguous land area greater than one-hundred (100) square feet having a topographical gradient of 25% or more (i.e. ratio of vertical distance to horizontal distance) and a minimum horizontal distance of 10 feet.
 - 2) any new applications involving a new residential building that does not have its front facing a front yard.
- D. Acceptance or consideration of any new administrative lot line adjustments pursuant to City Code § 170.11.C on which at least one of the parcels contains a residential building.

Section 3. Appeals/waiver.

- A. An aggrieved property owner may petition the Planning Commission for a waiver and the Planning Commission shall have the discretion to grant such waiver, or as much relief as said Planning Commission may determine to be necessary and appropriate. In determining the suitability of a waiver under this section, the Planning Commission shall consider the following factors:
 - 1. Unnecessary hardship to the petitioner, which hardship is substantially greater than any harm to the general public welfare that would result from the granting of the waiver. The property owner shall have the burden of demonstrating to the Planning Commission that a waiver is warranted due to substantial hardship and that such substantial hardship was not the result of an act or omission by the applicant or property owner. In considering this factor, the Planning Commission may request information regarding alternatives that the Applicant has considered or whether there are additional long-term plans; and
 - 2. The project's harmony (or lack thereof) with the existing character of the community as a whole and the area of the community in which the property is located; and

3. Whether the application for which the relief is requested is consistent with any recommendations, or conclusions which may be drawn at the time of the public hearing from the aforementioned Planning Commission review and study; and
4. Whether the applicant is in compliance with all other City Code requirements with respect to its City's operations; and
5. Whether the application for which the relief is requested is consistent with any proposed regulations, if and as such may exist at the time of the public hearing.

B. Waiver procedure. Such petition shall be the subject of a public hearing before the Planning Commission. Upon submittal of a written petition to the Building Department by the property owner or applicant seeking a waiver of this moratorium, and supported by such documentation as the applicant deems relevant, the Planning Commission shall, within thirty (30) days of receipt of such petition, conduct a public hearing on said petition upon five (5) days public notification in the official newspaper of the City. The Planning Commission shall, within ten (10) days of the close of the hearing, render its decision in writing, either granting or denying the petition.

C. It shall be within the discretion of the Planning Commission to grant, in whole or in part, grant with conditions, or deny, the petition for relief from the terms of this moratorium. In granting a waiver, in whole or in part, the Planning Commission must find that the waiver will not adversely affect the purpose of this Local Law.

D. If the Planning Commission does grant a waiver, in whole or in part, the Applicant must still submit an application for the requested permit to the appropriate board or commission and proceed through the necessary review process set forth in the Rye City Code.

Section 4. Length of Time. Early Termination or Extension of this Local Law

This moratorium shall be in effect for six (6) months from the effective date. In the event any new Local Law which addresses the substantive issues set forth herein, should be enacted and adopted by the City Council prior to the date that the moratorium imposed by this Local Law expires, then in that event, the moratorium imposed by this Local Law shall expire on the date such new Local Law takes effect in accordance with § 27 of the Municipal Home Rule Law.

In like manner, if more than six (6) months have passed since the implementation of this Local Law, and it shall be determined by a finding of the City Council that an extension of this moratorium is required, then the City Council by resolution, may extend this moratorium for such a period of time as it deems necessary in order to further the purposes

of this law up to and including an additional 180 days from the date of the original expiration of this Local Law.

Section 5. Conflicts with State Statutes and Authority to Supersede

A. To the extent any provisions of this Local Law are in conflict with or are construed as inconsistent with the provisions of New York State Law, this Local Law shall control. The City Council adopts this local law pursuant to authority in the New York State Constitution, Article IX, Section 2; Section 10 of the New York State Municipal Home Rule Law; Section 10 of the Statute of Local Governments; the relevant provisions of the General City Law of the State of New York; and the general police power vested with the City of Rye to promote the health, safety and welfare of all residents and property owners in the City.

B. During the time that this law is in effect, it shall take precedence over and shall be considered controlling over contrary laws, ordinances and provisions. It is the intent of the City Council, pursuant to its authority under section 10, subdivision 1(ii)(d)(3), and section 22 of the Municipal Home Rule Law, to supersede inconsistent provision of the New York State General City Law and the City of Rye Zoning Code.

- a. In particular, it is the intent of the City Council, pursuant to authority under Sections 10 and 22 of the Municipal Home Rule Law, to supersede inconsistent provisions of the New York State General City Law and the City of Rye City Code relating to the time limits in connection with zoning and planning determinations and with respect to the jurisdiction and authority of the Board of Appeals with respect to hearing variances or waivers related to this local law.

Section 6. Severability

If any part of this Local Law is deemed by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Local Law.

Section 7. Effective Date

This Local Law shall take effect immediately upon filing with the New York Secretary of State.



CITY COUNCIL AGENDA

DEPT.: City Manager's Office

DATE: December 1, 2021

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Resolution to authorize the City Manager to execute an amended contract with the Firefighter's Union.

FOR THE MEETING OF:

December 1, 2021

RECOMMENDATION: That the Council authorize the execution of the contract by the City Manager.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: See attached contract.

MEMORANDUM OF AGREEMENT

Memorandum of Agreement by and between the City of Rye (the "City") and the Rye Professional Fire Fighters Association, Local 2029, IAFF (the "RPFPA"), dated this ___ day of November 2021.

WHEREAS, the City and the RPFPA are parties to a collective bargaining agreement ("CBA") covering the period of January 1, 2005 through December 31, 2009, as amended by memoranda of agreement covering the periods January 1, 2010 through December 31, 2015 and January 1, 2016 through December 31, 2023; and

WHEREAS, the City and RPFPA have entered into negotiations regarding the appointment of Lieutenants within the Rye Fire Department; and

WHEREAS, the City and the RPFPA have reached a tentative agreement, subject to ratification by the City Council and membership of the RPFPA, it is stipulated and agreed as follows:

1. All proposals not addressed by this memorandum of agreement shall be deemed withdrawn.
2. All terms and conditions of the CBA shall remain in full force and effect, except as agreed to be modified herein. In the event of any conflict between the CBA and this Agreement, the terms and provisions of this Agreement shall control.
3. Recognition
Amend Article I, "Recognition," of the CBA as follows:
 - a. "The employer recognizes the Association as the exclusive representative of all full time, permanent Firefighters and Lieutenants of the Employer in the Fire Department, except all positions higher in rank and title than Lieutenant, in all matters pertaining to salaries, benefits and other conditions of employment, in accordance with Section 204 of the Civil Service Law for the period commencing December 1, 2021 and ending December 31, 2023."
4. Salary and Wages
Amend Article V, "Salary and Wages," as follows:
 - a. "The base salary for the title of Lieutenant shall be sixteen percent (16%) above the base salary of top-step Firefighter. That differential shall be payable as follows:
 - i. Upon appointment to the position, fourteen and one-half percent (14.5%) above the base salary of top-step Firefighter;

ii. Upon completion of Certified Building Safety Inspector (BSI) or equivalent codes classes, the remaining one and one-half percent (1.5%) above the base salary of top-step firefighter. In the event the lieutenant cannot complete all required codes courses due to course unavailability or scheduling difficulties on the part of the City or person or entity other than the firefighter, the full sixteen percent (16%) differential shall nonetheless be payable one year from appointment.

b. All other financial terms of the CBA, including, but not limited to eligibility for overtime, salary increases, and longevity pay, shall be applicable to the title of Lieutenant

5. Supervisory Work

Create a new Article, "Supervisory Work," to provide as follows:

a. "When a member is assigned, in writing, by the Commissioner of Public Safety or his or her designee to work at a higher rank than their regular rank, the member shall be compensated during that shift or portion thereof at the hourly rate contractually required for the position they are being assigned. Prior to a Lieutenant being assigned, in writing, by the Commissioner of Public Safety to work at a higher rank than their regular rank, the Employer agrees to immediately resolve with the Association the compensation for the assigned member."

6. The parties agree that upon final ratification of this Agreement by the Rye City Council and Local 2029 rank and file membership, the terms contained herein shall be merged into the parties' CBA, incorporated by reference, the same as if set forth therein.

7. This Agreement may be executed in separate counterparts and a facsimile copy shall be deemed an original.

FOR THE CITY

FOR THE RPFFA



CITY COUNCIL AGENDA

DEPT.: City Departments

DATE: December 1, 2021

CONTACT: Greg Usry, City Manager

AGNDA ITEM: Resolution to declare certain City equipment as surplus.

FOR THE MEETING OF:

December 1, 2021

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, the City has been provided with a list of City equipment identified as being obsolete or has become obsolete during 2021, and,

WHEREAS, the Rec Department recommended that said equipment be declared surplus, now, therefore, be it

RESOLVED, that said equipment is declared surplus, and, be it further

RESOLVED, that authorization is given to the City Comptroller to sell or dispose of said equipment in a manner that will serve in the best interests of the City.

IMPACT: Environmental Fiscal Neighborhood Other

BACKGROUND: The Recreation Department has provided the attached memo regarding equipment that has become obsolete to their departments. They are recommending the City Council declare the items as surplus so the items can be disposed of in accordance with City Policy.



CITY OF RYE

INTEROFFICE MEMORANDUM

TO: GREG USRY, CITY MANAGER
FROM: SALLY ROGOL, SURPLUS
DATE: NOVEMBER 18, 2021
CC: NOGA RUTTENBERG, ERIN MANTZ

Recreation would like to surplus 33 dining room style chairs which were donated 5 years ago by a failing restaurant. They are no longer needed or utilized at the facility.

Please let me know if you need any additional information.



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: December 1, 2021

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Adjourn until January 19, 2022 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.

FOR THE MEETING OF
December 1, 2021

RECOMMENDATION: That the City Council adjourn the public hearing.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

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

As currently proposed, the amendment would only apply to property currently owned by The Osborn. This property is the only property currently located in the R-2 District that meets the proposed 50-acre minimum lot area requirement. Currently, The Osborn is regulated outside of the City Zoning Code by way of a Declaration of Covenants and Restrictions, dated October 15, 1993.

The proposed amendment would regulate land use at The Osborn to include new standards that would allow The Osborn to make improvements to its campus that the current Covenants and Restrictions do not allow.

The latest submission (February 19, 2021), which includes findings from a traffic and sewer evaluation is attached. For prior submissions and other related information, please visit: [Osborn Zoning](#) on our website.



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: December 1, 2021

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Consideration of a request by the Midland Elementary School PTO to approve a parade to precede the Midland Elementary School Fair on Saturday, April 30, 2022 from 12:00 p.m. to 4:00 p.m.

FOR THE MEETING OF:

December 1, 2021

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council consider granting the request.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

The Midland Elementary School PTO is requesting the Council approve a parade for the Midland Elementary School Fair Saturday, April 30, 2022 from 12:00 p.m. to 4:00 p.m. They are requesting 11 am street closure from the Rye Train Station through town up Palisades Rd and back to Midland School.

See attached request.

From: Kerri Condon [mailto:kerri1107@yahoo.com]

Sent: Thursday, November 18, 2021 9:43 AM

To: City Clerk <cityclerk@ryeny.gov>

Cc: Julie Souza <juliesouza10580@gmail.com>

Subject: Request for Midland Fair

Hello I would like to submit a request for Midland School's Fair Parade on:
April 30th, 2022

Fair begins at 12 :00-4:00 PM

Would like to request street closures from the Rye Train Station through
town up Palisades Rd and back to Midland School. Requesting 11:00 am
closure. Thank you

Kerri

914-645-7388