



CITY OF RYE

CITY HALL • RYE, NEW YORK 10580

TELEPHONE (914) 967-5400

MEMORANDUM REGARDING APPLICATION OF NEW YORK GENERAL CITY LAW § 83(2)(b) and (c)

Generally, a zoning amendment may be adopted by a simple majority vote of the City Council. However, under New York General City Law § 83(2)(b) and (c), if a written protest is filed with the Rye City Council and signed and acknowledged by the owners of: (b) twenty percent or more of the area of land immediately adjacent to that land included in such proposed change, extending 100 feet therefrom; or (c) twenty percent or more of the area of land directly opposite thereof, extending one hundred feet from the street frontage of such opposite land, a three-fourths vote of the Council is required to adopt such amendment.

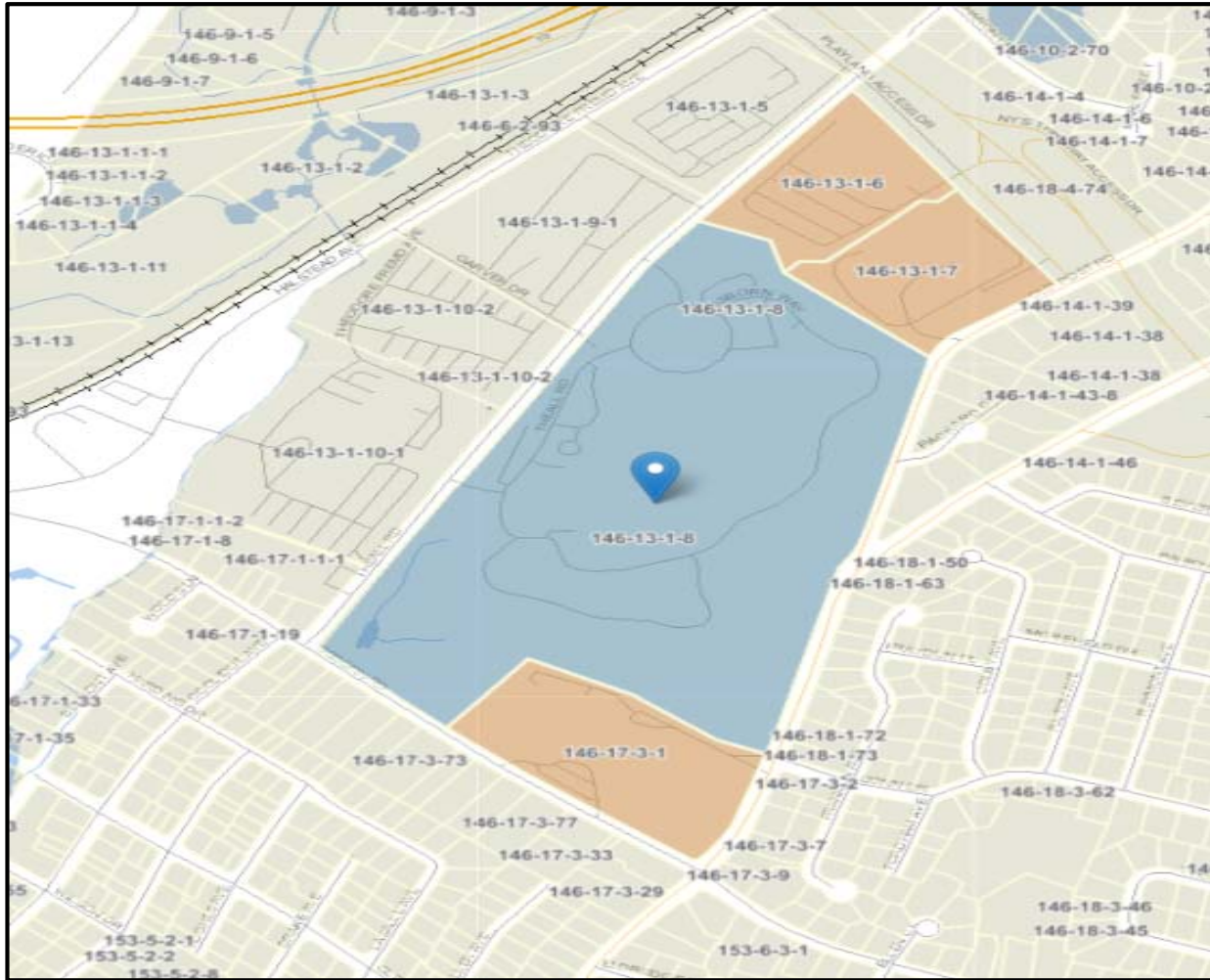
Attached are two maps depicting the eligible properties that could qualify as being part of the requisite 20% of the property triggering a three-fourths voting requirement in order for a motion to be adopted. The first map shows the eligible properties under General City Law § 83(2)(b) and the second map shows the eligible properties under General City Law § 83(2)(c).

If a written protest is filed with the City Council, the City will review the signatories and calculate whether the criteria under General City Law § 83(2)(b) and/or (c) have been met based on these maps.

Applicable Protest Properties to Osborn Zoning Text Amendment Pursuant to General City Law Section 83-2.B

(b) the owners of twenty percent or more of the area of land immediately adjacent to that land included is such proposed change, extending one hundred feet therefrom.

SBL	Owner Name	Additional Owner	Address	Adjacent Frontage	Area (x100)	% of Total
146-13-1-6	IRON HORSE REALTY LLC		1 THEALL RD	385.15	38,515	17%
146-17-3-1	BOARD OF EDUCATION	C/O RYE CITY SCHOOL DIST.	OSBORN RD	1,237.85	123,785	56%
146-13-1-7	OPRA III LLC		120 OLD POST RD	588.75	58,875	27%
				2,211.75	221,175	



Applicable Protest Properties to Osborn Zoning Text Amendment Pursuant to General City Law Section 83-2.C

(c) the owners of twenty percent or more of the area of land directly opposite thereto, extending one hundred feet from the street frontage of such opposite land.

SBL	Owner Name	Additional Owner	Address	Frontage	Area (x100')	% of Total
146-13-1-10-1	RYE VS LLC		555 THEODORE FREMD AVE	804.21	80,421	16.26%
146-13-1-10-2	CON EDISON CO. OF N.Y. IN	PROPERTY TAX	511 THEODORE FREMD AVE	411.67	41,167	8.32%
146-13-1-9-1	KIAMIE 411 LLC	C/O WINDSOR MGMT CORP.	411 THEODORE FREMD AVE	743.24	74,324	15.02%
146-14-1-42	HABECK ROBERT	HABECK AMY	3 PACKARD CT	115.58	11,558	2.34%
146-14-1-43-1	JORNA JESSICA	JORNA AERNOUT	151 OLD POST RD	118.92	11,892	2.40%
146-14-1-43-2	FRANCISCO JOSE E &	ANA B FRANCISCO	1 PACKARD CT	293.00	29,300	5.92%
146-14-1-43-3	SPINOLA PATRICK J JR	SPINOLA KRISTINA L	2 PACKARD CT	243.64	24,364	4.92%
146-14-1-43-9	CITY OF RYE		BOSTON POST RD	0.00	-	0.00%
146-17-1-1-1	HONY HOUSING DEVELOPMENT	FUND CORP & RYE MANOR	300 THEALL RD	215.39	21,539	4.35%
146-17-1-1-2	RYE VS LLC		200 THEALL RD	10.02	1,002	0.20%
146-17-1-19	HAINES CRAIG		2 COOLIDGE AVE	30.36	3,036	0.61%
146-17-1-2	MIDDLETON NEIL	MIDDLETON BARBARA	330 THEALL RD	104.43	10,443	2.11%
146-17-3-2	O NEILL KEVIN &	JANET O NEILL	19 FRANKLIN AVE	76.08	7,608	1.54%
146-17-3-66	COTE MICHAEL J &	CHRISTINE C COTE	1 COOLIDGE AVE	35.66	3,566	0.72%
146-17-3-67	SIBSON DUNCAN W	SIBSON KATHERINE W	125 OSBORN RD	53.06	5,306	1.07%
146-17-3-68	JANSE VAN RENSBURG FRASER	JANSE VAN RENSBURG CHEVAN	115 OSBORN RD	74.51	7,451	1.51%
146-17-3-69	PLUMMER SEAN S	PLUMMER CATHERINE L	111 OSBORN RD	70.49	7,049	1.42%
146-17-3-70	GAILLARD HENRY E	RAY-YA GAILLARD	101 OSBORN RD	112.55	11,255	2.28%
146-17-3-71	VELASQUEZ JACK	VELASQUEZ KATE	97 OSBORN RD	112.55	11,255	2.28%
146-17-3-72	DONALD R PHILLIPS TRUST		89 OSBORN RD	88.00	8,800	1.78%
146-17-3-73	KELLER ANDREW J	KELLER HELEN S	81 OSBORN RD	155.00	15,500	3.13%
146-18-1-49	39 COLBY AVE LLC		39 COLBY AVE	90.00	9,000	1.82%
146-18-1-50	MASCOLO PABLO &	CAROLA MASCOLO	37 COLBY AVE	91.80	9,180	1.86%
146-18-1-63	OSIER JASON D	OSIER ALISSA A	63 FRANKLIN AVE	133.67	13,367	2.70%
146-18-1-64	SCHIFF ROBERT J &	SUSAN SCHIFF	61 FRANKLIN AVE	121.95	12,195	2.47%
146-18-1-65	LENER REVOCABLE TRUST	ELAINE LEENER	59 FRANKLIN AVE	75.00	7,500	1.52%
146-18-1-66	MURPHY TRUST		57 FRANKLIN AVE	75.00	7,500	1.52%
146-18-1-67	ROEMER IRENE R		55 FRANKLIN AVE	98.50	9,850	1.99%
146-18-1-68	BIOW THOMAS J. AND	LIVIA DEGROSSI BIOW	53 FRANKLIN AVE	80.46	8,046	1.63%
146-18-1-71	CREADORE ALFRED D &	THERESA R CREADORE	540 BOSTON POST RD	150.57	15,057	3.04%
146-18-1-72	GOERNER ORR SARAH E		35 FRANKLIN AVE	101.31	10,131	2.05%
146-18-1-73	RIGANO KATHY		27 FRANKLIN AVE	60.48	6,048	1.22%
			TOTAL		494,710	100.00%

