



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

**SPECIAL MEETING OF THE CITY COUNCIL  
Council Chambers, City Hall  
Wednesday, September 23, 2026  
6:30 p.m. Executive Session  
7:00 p.m. Public Session**

If you wish to address the Council, kindly sign in with the Clerk by completing the Speaker Form.  
The Mayor and Councilmembers are happy to meet with residents at City Hall. Check the City website for the “office hours” schedule at <https://www.ryeny.gov/government/city-council>.

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**AGENDA**

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1. Call to Order *Mayor*

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**EXECUTIVE SESSION I (6:30 PM)**

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2. Matters covered under NYS Public Officers Law Article 7 §105 *Corporation Counsel*
- a. Personnel
  - b. Potential Acquisition of Property
  - c. Litigation

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**WELCOME (7:00 PM)**

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3. Pledge of Allegiance and Welcome to the Public *Mayor*
4. Roll Call *Clerk*
5. Spotlight *Mayor*
- a. Update on the Rye Youth Council *Lisa Dominici*
  - b. Presentation by Rye Country Day School
6. Report of the City Manager *City Manager*
- a. Operations Update
  - b. Storm recap
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## WORK SESSION

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7. Discussion of City Flood Law Updates

*City Planner*

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## A LOOK AHEAD

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8. Possible Future Agenda Meeting items

*City Manager*

- a. Discussion on Electric Bikes and Scooters – October 7, 2026, Council Meeting.
- b. Comprehensive Plan Public Workshop #1 – October 14, 2026
- c. Update on Cellular Phone Service Analysis and Plan
- d. Update on CBD Design Standards
- e. Update on Natural Resource Inventory
- f. Update on Gagliardo Park Planning

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## EXECUTIVE SESSION II (If Necessary)

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9. Matters covered under NYS Public Officers Law Article 7 §105

*Corporation Counsel*

- a. Personnel
- b. Potential Acquisition of Property
- c. Litigation

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## ADJOURNMENT

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Unless otherwise stated, if the Council adjourns into executive session, it will then adjourn without further public session.

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The next regular meeting of the City Council will be held on Wednesday, October 7, 2026, at 6:30 p.m. for executive session and 7:00 pm for the public session at City Hall.

City Council meetings are available live at [www.ryeny.gov/home](http://www.ryeny.gov/home) under Rye TV Government Videos, on Cablevision Channel 75 and Verizon Channel 39, and on demand, indexed by agenda item, on the City website at <https://www.ryeny.gov/government/city-council>.



# CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Brian Shea, City Manager

**AGENDA ITEM:** Update on the Rye Youth Council.

**FOR THE MEETING OF:**

September 23, 2026

**RECOMMENDATION:** That the Council hear the update.

**IMPACT:** ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

**BACKGROUND:**



# CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Brian Shea, City Manager

**AGENDA ITEM:** Presentation by Rye Country Day School.

**FOR THE MEETING OF:**

September 23, 2026

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

**IMPACT:** ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

**BACKGROUND:**



# CITY COUNCIL AGENDA

DEPT.: Planning Department

CONTACT: Christian Miller, City Planner

**AGENDA ITEM:** Discussion of City flood law updates.

**FOR THE MEETING OF:**

September 23, 2026

**RECOMMENDATION:** That the Council discuss and consider the flood law updates.

**IMPACT:** ☒ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

**BACKGROUND:** See the attached memorandum from DCMC Partners outlining the recommended code modifications. City Planner Christian Miller will discuss the updates proposed by DCMC with the City Council during the meeting.

DCMC Partners was selected by the City Council due to their experience working with FEMA on similar projects. DCMC helped the City develop the grant application seeking federal funding through the Federal Emergency Management Agency (FEMA's) Building Resilient Infrastructure and Communities (BRIC) grant program to have the City flood law and building code reviewed and updated to improve flood resilience. The City was awarded FEMA BRIC funding for a code & ordinance review in 2023 with work beginning in early 2024.

This program funded a comprehensive examination of the City's current flood law and building code, comparing Rye's code to neighboring municipalities and focusing on finding ways to make Rye's code stronger to reduce property damage from future flood events. The most significant recommendations involve raising freeboard requirements and strengthening the City's interpretation of substantial improvement.

In addition to developing updates for the City's flood law, this federal funding also supported; floodplain management training for Building Department staff, the City's participation in regional disaster planning and mitigation efforts, and participation in the ISO community ratings system.

## MEMORANDUM

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**DATE:** July 8, 2026

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Ashley H – Senior Resiliency Advisor – DCMC Partners

**RE:** Purpose and Rationale for Recommended Amendments to Chapter 68 (Building Construction) – Integration with Updated Chapter 100 (Floodplain Management)

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### Background

On November 21, 2023, FEMA approved the City of Rye's Building Resilient Infrastructure and Communities (BRIC) Codes & Ordinances Project. One objective of the awarded grant and approved scope of work included assessing, evaluating, and identifying areas of the current adopted Building Codes and Floodplain Ordinances where higher standards may be incorporated and enhance the enforcement of these standards. As such, the City of Rye has been working in conjunction with our firm to perform these activities and have provided recommendations where higher standards have been identified that, if adopted, would result in a more resilient Rye from future weather-related events. Included in this Memorandum are the recommendations we have prepared and a summary of why they are important.

### Purpose of the Proposed Amendments

The attached suggested amendments to Chapter 68 (Building Construction) are companion measures to the recently adopted updates to Chapter 100 (Floodplain Management). Their primary purpose is to **embed the flood-resistant construction standards, elevation requirements, and permitting procedures of Chapter 100 directly into the City's building permit application, review, issuance, and certificate of occupancy workflows**. This ensures that every project located in whole or in part within an Area of Special Flood Hazard (SFHA) is reviewed for compliance with Chapter 100 *before* a building permit is issued and *verified* before a certificate of occupancy is granted.

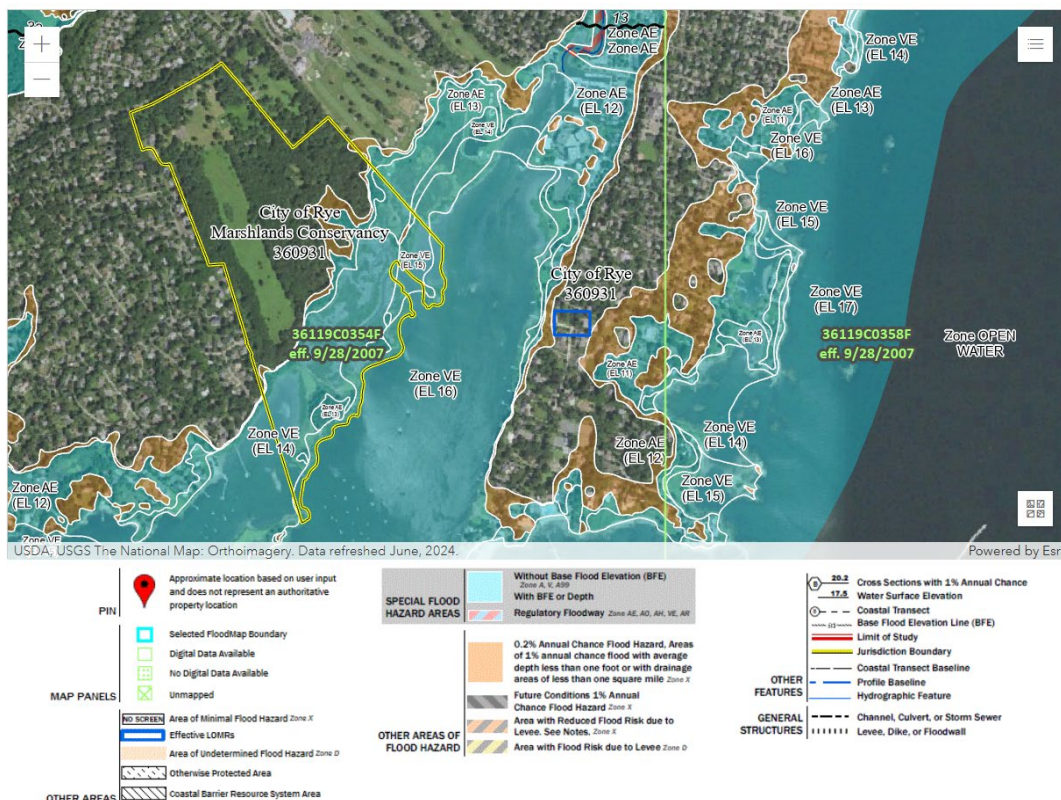
Without these procedural linkages, there remains a risk that flood protection standards—particularly the two-foot freeboard requirement, flood-resistant materials, anchoring, utility protection, and enclosure limitations—could be inadvertently overlooked or inconsistently applied during standard building permit processing. These amendments close that gap and give the Building Inspector (who also serves as Floodplain Administrator) explicit authority and clear procedural mandates. While these recommended revisions are not required, we recommend the amendments be strongly considered to create a more resilient City of Rye.

## Why These Changes Are Needed Now

The comprehensive update to Chapter 100 incorporated best practices drawn from leading coastal communities in New York and New Jersey, aligned the City's standards with the latest Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs), and strengthened requirements to reduce long-term flood risk. However, Chapter 68's permitting framework had not been correspondingly modernized. The result was a potential disconnect: applicants could technically satisfy Chapter 68 while falling short of Chapter 100's higher resilience standards. These amendments eliminate that disconnect by making Chapter 100 compliance an integral, non-bypassable part of the building permit and occupancy process.

## Visual Context: Rye DFIRMs and Mapped Flood Hazard Areas

The proposed amendments directly support consistent administration of the flood hazard areas identified on Rye's effective Digital Flood Insurance Rate Maps (DFIRMs). Per Chapter 100, these include FIRM Panel Numbers 36119C0352F, 36119C0354F, 36119C0356F, 36119C0357F, 36119C0358F, and 36119C0362F (effective September 28, 2007). The image below is a representative FEMA FIRMette that illustrates the mapping style and conventions used on Rye's actual DFIRM panels—Special Flood Hazard Areas (primarily Zone AE and VE in coastal/tidal areas along Long Island Sound and Blind Brook), Base Flood Elevations (BFEs), and related flood data—that Chapter 100 and the integrated Chapter 68 process reference and enforce for all development activity.



*Figure 1. Representative FEMA FIRMette (National Flood Hazard Layer) illustrating the mapping style used on Rye's effective DFIRM panels (e.g., 36119C0354F and 36119C0358F AND others listed in Chapter 100). These panels show coastal SFHAs with Zone AE/VE designations and Base Flood Elevations along Rye's shoreline and waterways. The Chapter 68 amendments ensure that no building permit or certificate of occupancy is issued for properties within these mapped areas without first obtaining a Floodplain Development Permit and demonstrating full compliance with Chapter 100 construction standards, including the two-foot freeboard requirement.*

## **Explanatory Notes – Purpose of Each Proposed Change in Chapter 100**

### **1. § 100-1.D – Climate Change and Sea Level Rise Policy**

**Purpose:** Establishes a formal City policy to monitor climate science and sea level rise projections. This creates a foundation for future updates without imposing immediate new regulatory burdens. It signals to FEMA, NYS DEC, and residents that Rye is proactively planning for long-term flood risk.

### **2. § 100-2 – New Definitions (Critical Facilities, Freeboard, Pre-Improvement Market Value, Repetitive Loss)**

**Purpose:** Provides clear, consistent terminology needed to support higher protection standards, accurate valuation methods, and repetitive loss tracking. These definitions are essential for enforcement and for earning Community Rating System (CRS) credits.

### **3. § 100-2 – Revised Substantial Improvement Definition Source:**

**Purpose:** Replaces the vague “market value” test with a transparent, construction-based valuation method using certified estimators. This prevents undervaluation of improvements and ensures that structures crossing the 50% threshold are properly brought into compliance.

### **4. § 100-4E – Determination of Substantial Improvement**

**Purpose:** Creates a standardized, defensible pre-permit review process. It requires detailed cost estimates and valuation documentation, allows cumulative tracking over five years, and gives the local administrator clear authority to require third-party review when needed. This reduces disputes and improves enforcement consistency.

### **5. § 100-4F – Substantial Damage Determination and Post-Flood Procedures**

**Source:** FEMA NFIP regulations (44 CFR 60.3) and NYS DEC post-disaster guidance.

**Purpose:** Establishes mandatory procedures for inspecting and determining substantial damage after any flood event. It requires use of the FEMA Substantial Damage Estimator tool and ensures that substantially damaged structures are brought into compliance, breaking the repetitive “damage-rebuild-damage” cycle.

### **6. § 100-4G – Elevation Certificate Requirements and Record-Keeping**

**Purpose:** Mandates FEMA Elevation Certificates at three stages (pre-construction, as-built, and final) with digital retention and public access. This improves compliance verification, insurance rating accuracy, and long-term enforcement.

## **7. § 100-4H – Community Rating System (CRS) Participation**

**Purpose:** Commits the City to pursue CRS credits through public outreach, education, and flood risk reduction activities. Successful CRS participation may reduce flood insurance premiums for Rye residents.

## **8. § 100-4I – CLOMR/LOMR Procedures**

**Purpose:** Requires applicants to obtain a Conditional Letter of Map Revision (CLOMR) before construction that may alter flood elevations or boundaries, followed by a final LOMR upon completion. This prevents unpermitted map discrepancies and ensures future FIRMs remain accurate.

## **9. § 100-5 – General Freeboard Requirement (New – 3 feet)**

**Purpose:** Increases flood resilience by requiring 3 feet of freeboard above the highest of five reference elevations. This provides a safety margin against uncertainties, wave action, and future conditions while remaining practical for most properties.

## **10. § 100-5 – Special Area Rule (Theodore Fremd to Central Avenue)**

**Purpose:** Applies a higher standard (500-year flood elevation + 4 feet of freeboard) in one of Rye's most vulnerable floodplain segments. This targets additional protection where risk is greatest.

## **11. § 100-5 – Critical Facilities Protection**

**Purpose:** Requires critical facilities (hospitals, police/fire stations, utilities, emergency shelters, etc.) to meet a higher standard (4 ft freeboard or 500-year elevation) and generally prohibits them from floodways and V-zones. This protects life-safety infrastructure and earns CRS points.

Where this would result in an impossible or infeasible construction scenario, the Administrator may offer a more reasonable solution or exempt the facility from the requirements by an executive memorandum.

## **12. § 100-5H – Berm and Dune Preservation and Creation Incentive Program**

**Purpose:** Encourages voluntary maintenance, restoration, and creation of berms and dunes through incentives such as fee waivers and expedited permitting. This promotes cost-effective, nature-based flood protection in coastal areas.

## **13. § 100-5I – Accessory Structures**

**Purpose:** Provides clear rules for unattached accessory structures (allowing wet-floodproofing under strict conditions) while requiring larger structures attached to facilities to meet full elevation standards. This prevents unregulated development that could increase flood risk.

#### **14. § 100-5B(2)(e) – Non-Conversion Agreements**

**Purpose:** Requires recorded deed restrictions prohibiting conversion of enclosed areas below the lowest floor to habitable space. This ensures long-term compliance with elevation requirements and helps maintain flood insurance discounts.

#### **15. Conforming Elevation Updates in §§ 100-5C, D, and E**

**Purpose:** Updates all specific elevation references throughout the construction standards section to align with the new 3-foot freeboard standard.

### **Summary of Key Amendments and Their Intent**

#### **1. § 68-1 - Definitions**

**Purpose:** Adds cross-references to “Area of Special Flood Hazard” (SFHA) and “Floodplain Development Permit” exactly as defined in Chapter 100. This promotes Code-wide consistency and prevents interpretive disputes.

#### **2. Permit Application Content - § 68-8C**

**Purpose:** Requires that any application for property in an SFHA include: (a) a completed Floodplain Development Permit application, (b) flood hazard determination relative to base flood elevation, (c) all required elevation certificates, floodproofing certifications, and engineering analyses, and (d) written acknowledgment that the work must comply with Chapter 100 standards, including the freeboard requirements of chapter 100. This front-loads flood compliance into the earliest stage of review.

#### **3. New § 68-8G - Special Requirements for Flood Hazard Areas —**

**Purpose:** Establishes a clear prohibition: no building permit may be issued for work in an SFHA unless the applicant has first obtained (or simultaneously obtains) a Floodplain Development Permit under Chapter 100 and demonstrates full compliance. The Building Inspector is directed to condition every such permit on strict adherence to flood-resistant construction standards and to treat non-compliance as grounds for revocation. This is the core enforcement mechanism.

#### **4. § 68-12 - Certificate of Occupancy**

**Purpose:** Adds a new subsection requiring that no certificate of occupancy be issued for any building or structure in an SFHA until the Building Inspector has verified—through as-built elevation certificates and all other required documentation—that the completed work fully complies with Chapter 100 and the referenced FIS. This prevents occupancy of non-compliant structures.

## 5. § 68-3 - Powers and Duties of the Building Inspector

**Purpose:** Explicitly authorizes the Building Inspector to enforce Chapter 100, the Flood Insurance Study, and the Flood Insurance Rate Maps in addition to the Uniform Code and Chapter 68. This codifies in the building construction chapter the Inspector's longstanding role as Floodplain Administrator.

### Benefits to the City and Its Residents

- **Enhanced Public Safety and Property Protection:** New and substantially improved structures will be constructed to higher flood-resistance standards, materially reducing the likelihood of flood damage, personal hardship, and costly post-disaster recovery.
- **Regulatory Clarity and Administrative Efficiency:** Applicants receive a single, unified set of submission requirements; staff operates under unambiguous procedures. The changes leverage existing Building Department workflows rather than creating new bureaucracy.
- **NFIP Compliance and Potential CRS Improvement:** These amendments support the City's continued good standing in the National Flood Insurance Program and position Rye for potential advancement in the Community Rating System (CRS). Higher CRS classes translate directly into lower flood insurance premiums for all policyholders citywide—often 10–45% savings.
- **Alignment with FEMA BRIC Grant Priorities:** These code integration amendments strengthen Rye's floodplain management and building code enforcement framework, directly supporting the objectives of the City's FEMA Building Resilient Infrastructure and Communities (BRIC) grant activities. By ensuring higher flood-resistant construction standards are consistently applied at the permitting and occupancy stages, the amendments help reduce long-term disaster risk, enhance overall community resilience, and demonstrate strong local capability that supports successful BRIC project implementation.
- **Alignment with Regional Best Practices:** The amendments are consistent with flood-resilient code updates successfully implemented in peer coastal communities across the NY/NJ metropolitan region that face comparable tidal and storm-surge risks.
- **Legal Soundness:** The changes rest on the City's home-rule authority and are narrowly tailored to implement standards already adopted in Chapter 100 and cross-references from Chapter 68 to Chapter 100. They wouldn't impose greater regulatory requirements for owners of properties in FEMA designated flood zones beyond what Chapter 100 already requires.

### Recommendation

We recommend that the City Council introduce these amendments as a companion local law to the Chapter 68 and 100 updates. Because the substantive flood standards are already in place, these procedural amendments can be processed efficiently. A short public hearing will satisfy any notice requirements, after which adoption will complete the integration of Rye's building and floodplain management regimes.

We are prepared to provide a draft of the local law bill incorporating the exact amendment language, a redline comparison against current Chapter 68 text, or any additional supporting materials (e.g., FAQ for applicants, internal checklist for staff) at your request.

These changes represent a logical and necessary next step to ensure that the significant policy investment the City has made in strengthening Chapter 100 delivers its fully intended benefit: a more resilient Rye for current and future generations.

Respectfully submitted,

**Ashley H**  
**Senior Resiliency Advisor**

**Enclosures:** Chapter 68 Recommended Amendments  
Chapter 100 Recommended Amendments