

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

**REGULAR MEETING OF THE CITY COUNCIL VIA
ZOOM CONFERENCE
Wednesday, April 21, 2021
6:30 p.m.**

PURSUANT TO GOVERNOR CUOMO'S EXECUTIVE ORDER No. 202.1, REQUIREMENTS UNDER THE OPEN MEETINGS LAW HAVE BEEN SUSPENDED AND PUBLIC BODIES MAY MEET WITHOUT ALLOWING THE PUBLIC TO BE PHYSICALLY PRESENT. FOR THE HEALTH AND SAFETY OF ALL, CITY HALL WILL REMAIN CLOSED. THE MEETING WILL BE HELD VIA ZOOM VIDEO-CONFERENCING WITH NO IN-PERSON LOCATION AND WILL BE BROADCAST ON THE CITY WEBSITE. A FULL TRANSCRIPT OF THE MEETING WILL BE MADE AVAILABLE AT A FUTURE DATE.

City of Rye residents may participate in the public meeting via the zoom link below. A resident wishing to speak on a topic should raise his or her hand and, when admitted to speak, should provide name and home address, and limit comment to no more than three minutes.

Please click the link below to join the webinar:

<https://zoom.us/j/95462660538?pwd=ajk3TFVZRTRDaIRUaG9WWFBOaExxQT09>

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

Webinar ID: 954 6266 0538

Password: 456247

[The Council will convene via ZOOM CONFERENCE at 5:15 p.m. and it is expected they will adjourn into a teleconference Executive Session at 5:16 p.m. to discuss attorney-client privileged matters, personnel matters, and/or labor negotiations.]

1. Roll Call.
2. Draft unapproved minutes of the Regular Meeting of the City Council held April 7, 2021.
3. Open the public hearing to adopt a new local law to implement a six-month 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 [or, alternatively, prohibiting the issuance of any building permit for any development on subdivision plats filed after June 1, 2020], 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. All public hearing comments should be emailed to publichearingcomments@ryeny.gov with "moratorium" as the subject no later than 3:00 pm on the day of the hearing.
4. Residents may be heard on matters for Council consideration that do not appear on the agenda.

5. Presentation of 2021 street resurfacing plan.
6. Consideration of a resolution authorizing the funding for the rehabilitation and roof repairs of Building 7 at Disbrow Park for the Department of Public Works.
7. Resolution to authorize the acceptance of electronic filing of assessment complaints with the Office of Assessment.
8. Adoption of the 2021 County property tax rates.
9. Consideration to set a public hearing for May 5, 2021 to amend a local law, Chapter 161 “Sewers” of the Rye City Code.
10. Consideration of a request by Rye City Rotary and Rye Arts Center to install a public butterfly sculpture project.
11. Resolution for a native tree dedication on Purchase Street on April 30, 2021 to Emanuela (Mannie) Riccio, concurrent with Arbor Day.
12. Adjourn the public hearing until May 5, 2021 for consideration of a petition from The Miriam Osborn Memorial Home to amend the text of the City of Rye Zoning Code Association to create new use and development standards for “Senior Living Facilities” in the R-2 Zoning District. All public hearing comments should be emailed to publichearingcomments@ryeny.gov with “Osborn Zoning Change” as the subject no later than 3:00 pm on the day of the hearing.
13. Consideration of a request from the Rye Free Reading Room to use the Village Green to offer a variety of library programs from May 1, 2020 through September 6, 2021. The programs will include the summer reading kick-off, an outdoor museum walkthrough of Greek and Roman artifacts, baby wear dance classes, and other common library programs.
14. Appointments to Boards and Commissions, by the Mayor with Council approval.
15. Old Business/New Business.
16. Adjournment

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The next regular meeting of the City Council will be held on Wednesday, May 5, 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”.

UNAPPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held via Zoom Conference on April 7, 2021, at 6:30 P.M.

PRESENT:

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

ABSENT:

PAMELA TARLOW

The Council convened at 6:00 P.M. by videoconference pursuant to Governor Cuomo's Executive Order 202.1 waiving requirements of the Open Meetings Law. Councilwoman Souza made a motion, seconded by Councilwoman Johnson, to adjourn briefly into executive session to discuss litigation and personnel matters. The Council reconvened in a public videoconference at 6:30 P.M. The meeting was streamed live at www.ryeny.gov for public viewing and participation.

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 March 24, 2021.

Councilman Mecca made a motion, seconded by Councilwoman Souza and unanimously carried, to adopt the minutes of March 24, 2021.

3. There will be no public hearing this evening. A new notice for a revised moratorium will be published by close of business Friday, April 9, 2021. Consideration of setting a new public hearing for April 21, 2021 to adopt a new local law to implement a six-month 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 [or, alternatively, prohibiting the issuance of any building permit for any development on subdivision plats filed after June 1, 2020], 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. All public hearing comments should be emailed to publichearingcomments@ryeny.gov with "moratorium" as the subject no later than 3:00 pm on the day of the hearing.

Mayor Cohn stated revisions were still being made to the local law and a firm version should be available in a few days. Additionally, they would like to be at full Council member attendance.

Councilman Mecca made a motion, seconded by Councilwoman Johnson and unanimously carried, to set a new public hearing for April 21, 2021 to adopt a new local law to implement a six-month 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 [or, alternatively, prohibiting the issuance of any building permit for any development on subdivision plats filed after June 1, 2020], 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.

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

Jerry Seitz, 141 Kirby Lane, inquired on whether the City has found new sources of revenue. Mayor Cohn stated he will speak with the Finance Committee and follow up with him.

5. Status update on leaf blower regulations.

Mayor Cohn invited Deputy Corporation Counsel Kristin Pelatti, to speak on the status of leaf blowers. Deputy Pelatti provided a brief overview on the evolution of the City of Rye leaf blower law. She explained that in 1991, leaf blowers were initially regulated under Chapter 133 “Noise” of the City Code as it related to allowable decibels. In 1994, they added regulations for days and time, and in 1999 they regulated how many devices may be used at one time. In 2008, the City Code was amended to incorporate a seasonal ban on leaf blowers from May 1-September 30.

Deputy Pelatti then spoke about the main points of the current regulations which includes: permitting intensity of 85 decibels from 8am-8pm on weekdays and 10am-6pm on weekends and holidays, permitting gasoline and electric leaf blowers from Oct 1- April 30, permitting certain commercial enterprises year round use, and no leaf blowers operating simultaneously on the same lot from October 1-April 30. She added that penalties include a fine no more than \$250 and/or imprisonment for a term not more than 15 days, enforced by the Police Department that must witness the violation taking place.

A comprehensive overview of leaf blower regulations within Westchester County was also conducted. Ms. Pelatti reported that 12 other municipalities also had a leaf blower ban. Larchmont and Irvington are enacting additional provision in their code to completely ban gasoline powered leaf blowers via a phase out by 2022 or 2023.

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Municipality	Seasonal Ban Timeframe	Types of Leaf Blowers Regulated by Seasonal Ban: Gasoline or Electric Powered	Hours Prohibited	Permit Required	Other Requirements	Fines
Ardsey	May 15 – Sept.30	Both	8:00 pm-8:00 am weekdays and Saturdays; before 10:00 am or after 8:00 pm Sundays and holidays	Yes- Any person using a leaf blower	Must meet EPA Phase 2 2007 exhaust emission standards	\$50 first offense;\$100 any subsequent offense
Bronxville	June 1 – Sept 30	Gasoline Only	N/A	No	N/A	\$250 for the first offense; \$500 for second offense; \$1,000 for any subsequent offense
Greenburgh	May 1 – Oct 1	Gasoline Only; Non-gasoline powered blowers may operate so long as they are operating at 65 dBA or less	8:00 pm- 8:00 am weekdays; before 9:00 am or after 6:00 pm Saturday or any holiday; before 11:00 am or after 6:00 pm Sunday.	No	In a residential zone noise may not exceed 75 dBA at any time.	\$50-\$500 first offense \$250 - \$1,500 second offense
Irvington	May 16- Sept. 30; and Dec. 16 – March 14	Gasoline Only	5:00 pm- 8:00 am weekdays; before 10: 00 am or after 4:00 pm Saturday; and All Day Sunday	Yes- Landscapers only	Must meet EPA Phase 2 2007 exhaust emission standards After Dec 16, 2023 all gasoline powered leaf blowers are banned	\$50-\$250 for each violator AND \$250 to any property owner whose property such violation occurs for the first offense, and \$500 for any subsequent offense.
Larchmont	December 16- March 31; May 1-October 14	Both	5:30 pm—8:00 am weekdays; before than 10:00 am or later than 5:30 pm Saturday; 10:00 am or after 5:00 pm Sundays and holidays	No	Beginning January 1, 2022, Gasoline-powered leaf blowers are banned completely	\$250 first offense; \$500 second offense, and \$1,000 any subsequent offenses. Enforced against the party operating the leaf blower; the party who employed the person to operate the leaf blower; and the party who owns the property where the violation occurs.
Village of Mamaroneck	May 15 – Sept 30	Both	6:00 pm-8:00 am weekdays; before 10 am or after 4 pm on Saturday; and All Day Sunday or any Holiday	No	No more than 70 db (A) at any time.	\$250 first offense; \$500 second offense and \$1,000 any subsequent offense within one year
New Rochelle	June 1 – Sept 30	Both	5:00 pm-8:00 am weekdays; before 10:00 am or after 5:00 pm Saturday and Sunday	No	N/A	\$250 or imprisonment for not more than 15 days, or both
Pelham	May 1 – Oct 14 & Dec 16 – Mar 14	Both	5:30 pm- 8 am weekdays; before 10:00 am or after 5:00 pm Saturday; and before 12:00 pm and after 4:00pm Sunday	No	Muffler/ noise reduction equipment required	\$250 or imprisonment for not exceeding 15 days, or by both; Enforced against the owner of the premises upon which such violation occurs.
Scarsdale	2021: May 1– Sept 30 2022: January 1– Sept 30	Gasoline Only	2021: after 9:00 pm and before 8:00 am Mon.-Fri ONLY; and not on Federal legal holidays 2022: after 9:00 pm and before 8:00 am Tues- Fri. ONLY; and not on Federal legal holidays	No	N/A	Fine not exceeding \$250 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. Penalties are against any person committing an offense
Tarrytown	June 15 – Sept 15 Sept 16-June 14 (Sat, Sun and holidays only)	Both	5:00 pm- 8:00 am weekdays and Saturday, and before 12:00 pm and after 5pm on Sunday	No ; Permit for special circumstance during seasonal ban may be granted by Village Engineer	N/A	\$250 or imprisonment for not more than 15 days, or both.* Person(s) who own or rent a one- to three- family home, who are using the gasoline-powered leaf and garden blowers at the home where they reside, are exempt
White Plains	May 15—Sept 30; Dec. 16 – March 14	Gasoline Only	6:00 pm - 8:00 am weekdays; 6:00 pm - 10:00 am on Saturday, Sundays and holiday Note: Electric Leaf Blowers may operate all year round except for: 9:00 pm and 8:00 am on weekdays, and between the hours of 9:00 pm and 9:00 am on Saturdays, Sundays and legal holidays.	No	Must have muffler/ noise reduction equipment in good working condition. The simultaneous operation of more than one gasoline powered leaf blower on property 5,000 sq. ft. or less in residential area	Up to \$2,500.00 for each offense, or imprisonment for a period not to exceed 15 days, or to both
Yonkers	June 1 – Sept 30	Gasoline Only	Noise exceeding 65 dBA at any time within a residential district or exceeding 70 dBA within any other district between the hours of 8:00 pm and 8:00 am Sunday through Saturday or exceeding 65 dBA between the hours of 5:00 pm Saturday and 10:00 am Sunday or exceeding 65 dBA between the hours of 12:01 am and 11:59 pm on any holiday.	No	The Commissioner of Public Works may grant a temporary special permits for the temporary operation of one or more gasoline-powered leaf and garden blowers for a fee of \$35.00 per permit	\$250 to \$5,000

She closed by providing future Rye City Code modifications such as:

- Amending the Current Regulations or Creating a New Code Chapter for Lawn Maintenance Equipment
 - Similar to other communities, taking the leaf blower ban out of the Noise or Nuisance Ordinance to allow for environmental considerations
- Modify Permitted Dates and/or Times
- Require Permits for Landscapers and Apply Fines to the Company and/or Property Owner
- Gas versus Electric Leaf Blowers
- Enforcement Considerations
 - Updating fines to be higher and/or escalating
 - Suspend/Revoke Business Permit upon multiple violations

Mayor Cohn asked if other communities required permits. Deputy Pelatti explained that most do not have a permit structure but Irvington does have a landscaper’s only permit, while Ardsley requires a permit to operate any leaf blower (resident or landscaper).

Councilwoman Goddard stated she was surprised how few municipalities had a permitting process and wondered why that was. Commissioner Falk stated he will follow up with other municipalities but Irvington stated the permit allowed for easier enforcement.

Mayor Cohn stated when moving forward they will need neighbor and landscaper input as well as the input from the Sustainability Committee.

6. Consideration of an application from the Rye Town Park Commission to install a wireless telecommunication facility by Verizon.

Mayor Cohn explained that this document arrived on Monday so the Council and staff did not have time to react and respond, but welcome the presentation.

Gary Zuckerman, Town of Rye Supervisor, explained the application is for cellular service for the Rye Town Park by the Rye Town Park Commission in conjunction with Verizon. A subsequent application by AT&T will soon follow. The application is for the installation for cellular transformers in the tower building which will be minimally visible by the public. SHIPO (State Office of Historic Preservation) has approved this location as the application has been in progress for two years. The lack of cellular service in and around the park has led to operational problems for the park and for emergency services as 911 cannot function. Additionally, cellular service is needed for the automated parking system enforcement, point of sale systems for beach entry, mobile parking app, and hand held ticket writing system. He stated that the application will benefit the park by increasing revenue which then decreases deficits that would have to be paid for by the City and the Town. The Commission investigated alternative solutions such as a monopole system or trash cans with antennas and neither was as viable as the towers. As a result, the applicant would be presenting in conformance with the City's wireless law requesting the City Council waive certain requirements.

Mayor Cohn clarified that in the introduction letter of the application, it states there is unanimous support by the Rye Town Park Commission; but clarified that he, as a Rye Town Park Commission member, had abstained from that vote in order to act in the capacity as Mayor with the City Council. Mr. Zuckerman agreed and confirmed the error. Mayor Cohn summarized that the letter required a waiver in full or waiver of certain provisions and staff input would be necessary prior to discussion further. He stated that notice to nearby neighbors and a public hearing would be necessary so they can add this item back on to the agenda. There was general discussion on who should be notified.

Councilwoman Souza made a motion, seconded by Councilman Mecca and unanimously carried, to set a public hearing on May 5, 2021 for consideration of an application from the Rye Town Park Commission to install a wireless telecommunication facility by Verizon.

7. Consideration of a 3-month extension of the moratorium in the City of Rye temporarily prohibiting the review, processing or approval of any application related to the storage and dissemination of compressed natural gas or other type of energy or fuel transfer or energy or fuel generating facility.

City Manager Usry explained that the moratorium that was set last year was to provide time to review activities at the Con-Edison facility for their temporary installation of compressed natural gas storage for emergency usage. The City is still collecting information with the assistance of an external engineer and requests more time for the data collection.

Councilman Mecca made a motion, seconded by Councilman Stacks and unanimously carried, to authorize the City Manager to adopt the following resolution:

WHEREAS, the Rye City Code currently has a twelve month moratorium in place prohibiting the review, processing or approval of any application related to the storage and dissemination of compressed natural gas, manufacture gas or other similar energy source; and

WHEREAS, the moratorium expires on April 30, 2021 and the City Council finds that it needs an additional 90 (ninety) days to complete its study and research.

NOW, THEREFORE, Be It Resolved by the City Council of the City of Rye that the moratorium prohibiting the review, processing or approval of any application related to the storage and dissemination of compressed natural gas, manufacture gas or other similar energy source is hereby extended for an additional ninety days from April 30, 2021 to July 29, 2021.

ROLL CALL

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

8. **Consideration of a resolution identifying the source of funds for the Central Avenue Pump station project.**

City Manager Usry stated that there is one remaining item with the County Department of Health but this project is well underway. The project costs about 900k with an EFC grant of \$600,000. As part of the grant process, the EFC requires the City identify where the additional monies are coming from.

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

WHEREAS, the City Council previously authorized the City Manager to seek funding through the WIIA Clean Water Grant Program from the New York State Environmental Facilities Corporation (“EFC”) to enable repairs to the City’s sewer system, including the Central Avenue Pump Station; and

WHEREAS, the EFC needs the City to identify the specific funding sources for the necessary sewer work and repairs; now, therefore, be it

RESOLVED, that the City’s financial obligations with respect to the Central Avenue Pump Station will be paid from the 2021 Adopted Budget Capital Projects Fund General Capital Projects Account 513004 and associated with cost center 581235

ROLL CALL

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

9. Approve the application of Josh Levinson for the position of Volunteer Firefighter for the City of Rye Fire Department.

Councilman Mecca stated that Mr. Levinson is a Rye Resident, graduate of Manhattan College and a Client Development Manager for Oracle. He grew up in South Salem and was a participant of the Boy Scouts.

Councilwoman Souza made a motion, seconded by Councilwoman Johnson and unanimously carried, to approve the application of Josh Levinson for the position of Volunteer Firefighter for the City of Rye Fire Department.

10. Consideration of a request from the Rye Sustainability Committee to install and maintain a monarch butterfly pollinator garden at the corner of Central Avenue and Boston Post Road, an area of land called “Central Park”. RSC will provide notice to the neighborhood community before beginning the work.

Mayor Cohn invited Patti Capparelli and Sue Drouin, on behalf of the Sustainability Committee, to speak about the installation of the proposed monarch butterfly pollinator garden. Ms. Drouin started by explaining that Monarch butterflies in North America are now part of the endangered species list. They have a specialized food supply- needing milkweed to eat and lay their eggs. As a result, the Rye Sustainability Committee proposes to create a Monarch Waystation, partnering with the friends of the Rye Nature Center, to maintain the City-owned area across the street from Jerry’s Post Road Market that abuts the Nature Center property.

Ms. Drouin displayed photos of the proposed plantings which include varieties of Asclepias milkweed plants and nectaring plants. She added that neighbors will be notified and plantings will begin mid-May. The plants will be ordered from the Westchester Native Plant Center in Valhalla and other plants will be germinated from seeds collected at the Nature Center. It will be designed so the area can be easily mowed and will be maintained by the Nature Center and volunteers. They request that the City visit the area with their water truck every 10 days if it does not rain.

Councilman Mecca commented that the City should be careful as to not designate the area as a park or park land. Councilwoman Goddard clarified that “Central Park” is a nickname and not an official designation.

Councilwoman Goddard made a motion, seconded by Councilwoman Souza and unanimously carried, to approve a request from the Rye Sustainability Committee to install and maintain a monarch butterfly pollinator garden at the corner of Central Avenue and Boston Post Road.

11. Consideration of a resolution expressing City support of the Community Solar and Demand Response campaigns administered by Rye Sustainability Committee seeking to earn credit for the Community Campaigns High-Impact Action under NYSEERDA's Clean Energy Communities Program.

Mayor Cohn invited Patti Capparelli and James Ward to address the Council on behalf of the Sustainability Committee. Mr. Ward explained that the Committee was looking for support of two high-impact action items as a clean energy community.

The first action item is to sign up to Community Solar, a campaign to encourage residential customers to participate in Sustainable Westchester's Community Solar program which broadens accessibility of renewable energy beyond the scope of the homeowners and property owners. Subscribers sign up for a community project of their choosing offered through the program and they can earn up to 10% savings on their electricity bill.

The second item is Demand Response, which aims to widen the reach of energy efficiency programs to provide cost savings on energy bills during peak times in the Summer Season to those that join GridRewards. GridRewards is tied to Con Edison's demand response program. Residents can earn cash rewards for reducing their electricity usage during peak usage times. These times occur during the warmer months. Participants sign up via an app. The app alerts users to the peak (or high demand) energy usage times in our area. By taking simple energy actions, they reduce their electricity usage and earn cash. In order for residents to get the most benefits from the app, they should enroll by April 1. They can enroll up until May 1st, but they will receive reduced benefits. At the end of the summer, they will receive a check.

Councilwoman Goddard stated these items will allow the City of Rye to reach a higher designation under the clean energy's community programs which allow for greater eligibility of grant money as high as \$120,000.

Councilwoman Johnson asked if there is a certain number of residents needed to join the campaign and Mr. Ward confirmed only 10 people for each campaign.

Ms. Capparelli added that Community Solar is not available for those that already have solar panels and you are required to have an electricity bill.

Mayor Cohn added that the Sustainability Committee, in concert with the City, will perform outreach programs for the residents which includes workshops via zoom. He stated the City has reached out to see how we might be able to use solar on our buildings in the future.

Councilwoman Souza stated it would be great if the school districts could also look into solar. Councilwoman Goddard added that 10 years ago, a solar provider came to review municipal buildings. One suggestion was to create a solar parking canopy at the Rye Golf Club.

One challenge is that current roof tops are not strong enough to support installations but as buildings renovate, perhaps it can be incorporated.

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

WHEREAS, a Community Solar and Demand Response campaign is a short term, local effort administered by the City of Rye Sustainability Committee that brings together residents through outreach and education, and

WHEREAS, this model helps residents choose a vetted community solar provider and provides the opportunity to benefit from reducing electricity use during times of peak demand, and

WHEREAS, Community Solar typically offers up to 10% savings on residents' electric bills and demand response participants can earn money for reducing electricity use during times of peak demand, and

WHEREAS, residents and businesses who sign up to participate in demand response by a specific deadline will be able to be able to participate in the program, and

WHEREAS, the New York State Energy Research and Development Authority (NYSERDA) and Sustainable Westchester provide technical assistance and other tools and resources to communities in support of community solar and demand response campaigns.

NOW, THEREFORE, BE IT RESOLVED, that the City of Rye supports, endorses, and is committed to participate in a community solar and a demand response campaign.

BE IT FURTHER RESOLVED, that the City of Rye stands ready to assist with community outreach and education in support of a community solar and a demand response campaign.

12. Adjourn the public hearing to April 21, 2021 for consideration of a petition from The Miriam Osborn Memorial Home to amend the text of the City of Rye Zoning Code Association to create new use and development standards for "Senior Living Facilities" in the R-2 Zoning District. All public hearing comments should be emailed to publichearingcomments@ryeny.gov with "Osborn Zoning Change" as the subject no later than 3:00 pm on the day of the hearing.

Corporation Counsel Wilson explained the Osborn requested a further adjournment as they are preparing materials in response to comments they received at the last public hearing.

Councilman Stacks made a motion, seconded by Councilman Mecca and unanimously carried, to adjourn the public hearing to April 21, 2021 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.

CONSENT AGENDA

Councilwoman Souza made a motion, seconded by Councilwoman Johnson and unanimously carried, to approve items 13-15:

13. Retroactive approval of a request from Christ Church to close Rectory Street from 8 am – 12 pm for a socially distanced outdoor Mass on Easter Sunday, April 4, 2021.
14. Consideration of a request by Amanda Yannette of the National Clothesline Project in Rye to host an event on the Village Green on April 10, 2021 from 12 – 4 pm in support of Sexual Assault Awareness Month focused on empowering and supporting survivors, while also raising awareness about sexual assault and interpersonal violence.
15. Consideration of a request from Monty Gerrish at Milton Point Provisions to use the City parking lot on Milton Rd, "The Lane", Saturday, April 24, 2021 from 6:00 pm to 10:00 pm to host an outdoor movie, "BIG". A maximum of 50 people will be allowed to attend and COVID restrictions will be followed. There is no charge for admissions.

The items were all adopted/ approved.

16. Old Business/New Business.

There was nothing on this agenda item.

17. Adjournment

There being no further business to discuss, Councilman Mecca made a motion, seconded by Councilwoman Souza and unanimously carried, to adjourn the regular meeting of the City Council at 7:51 P.M.

Respectfully submitted,

Carolyn D’Andrea
Rye City Clerk



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: April 7, 2021

CONTACT: Greg Usry, Interim City Manager

AGENDA ITEM: Open public hearing to adopt a new local law to implement a six-month 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 [or, alternatively, prohibiting the issuance of any building permit for any development on subdivision plats filed after June 1, 2020], 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. All public hearing comments should be emailed to publichearingcomments@ryeny.gov with "moratorium" as the subject no later than 3:00 pm on the day of the hearing.

FOR THE MEETING OF:

April 21, 2021

RYE CITY CODE,

**CHAPTER
SECTION**

RECOMMENDATION: That the Council open the public hearing.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

See attached Local Law. For more information, please see <https://www.ryeny.gov/government/city-council/active-projects-and-pending-matters>

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

DATE: April 21, 2021

CONTACT: Greg Usry, Interim City Manager

AGENDA ITEM: Presentation of Street Resurfacing Plan for 2021.

FOR THE MEETING OF:
April 21, 2020

RECOMMENDATION: That the Council hear the presentation.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

See Attached.



To: Ryan Coyne, City Engineer

Date: April 16, 2021
Project #: 46292.03

Memorandum

From: Gordon Daring, VHB

Re: Proposed 2021 City of Rye Resurfacing Program

The attached listing and map identify the street sections recommended to be included in the 2021 City of Rye Resurfacing Program. These street sections include all sections that had been planned for the later part of last year, plus additional sections that have the lowest estimated pavement condition index (PCI) values. For a limited number of locations where utility work or other improvements are planned, pavement improvements have been postponed until the other work is completed.

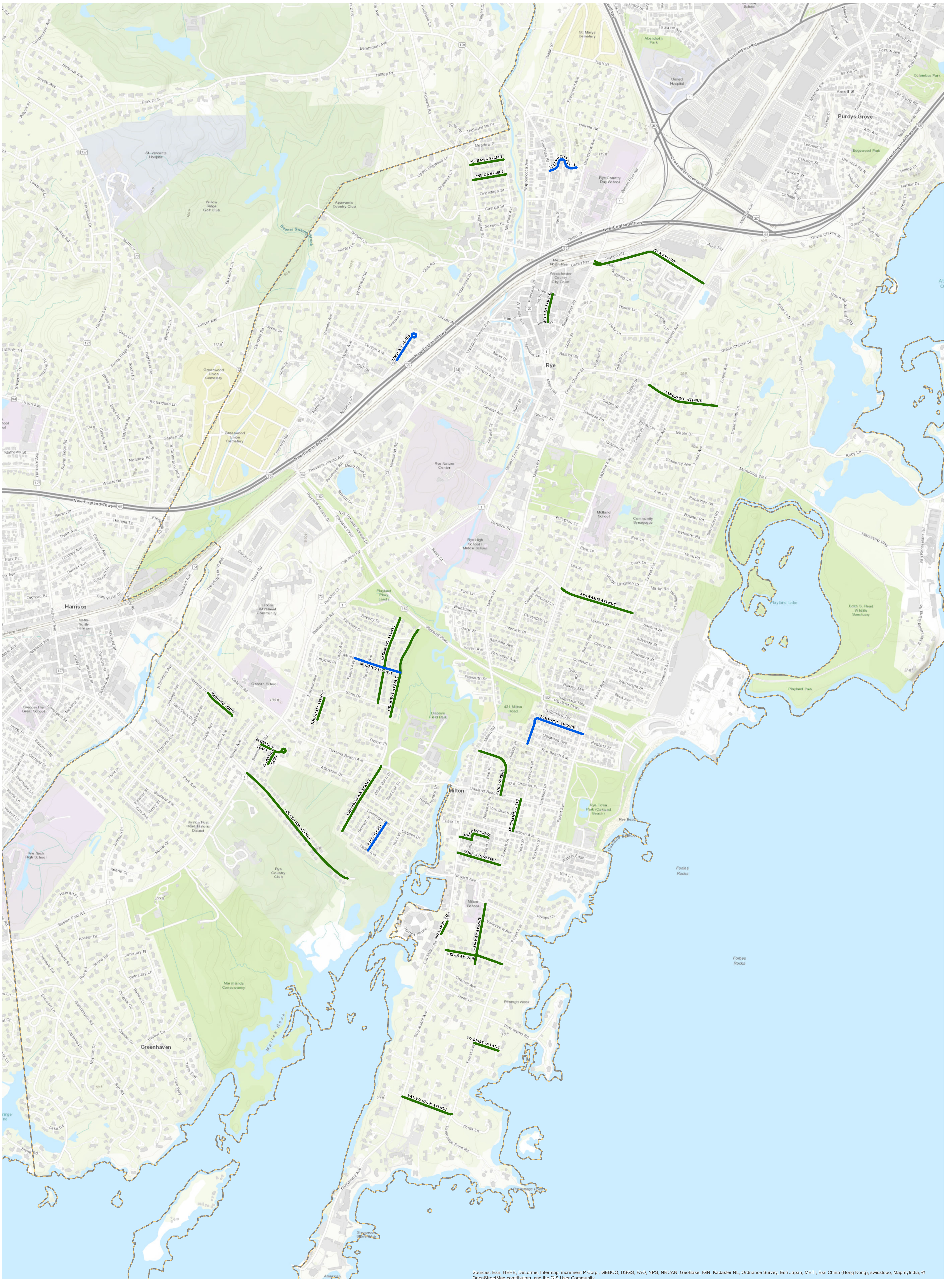
The proposed program includes approximately \$1.75 million worth of Mill and Overlay improvements on 3.9 miles of City streets. In addition, it's recommended to reserve \$100k for crack sealing on various streets in the City that are currently in fair or good condition but exhibit cracking that could be sealed to preserve the pavement condition and protect the investment that the City has previously made on these street sections. Also, it's recommended to reserve \$100k to address intermittent repairs to Portland cement concrete pavement surfaces in the City. There are numerous areas where isolated concrete pavement slabs are in poor condition, and this funding would allow some of the areas in poorest condition to be addressed. Finally, it's recommended to reserve approximately \$50k for inspection services and other soft costs. The attached listing and map also include an additional 5 street sections that have a low PCI values and need resurfacing that could potentially be included in the program if favorable bid prices are received.

Please let me know if there are any questions associated with the attached information.

Name	From	To	Length (')	PCI	Treatment	Cost
Proposed 2021 Resurfacing Program Street Sections:						
APAWAMIS AV	FOREST AV	MIDLAND AV	1,244	52	Mill & Overlay	\$54,114
CHAMBERLAIN STREET	OAKLAND BEACH	MILDRED AV	1,242	56	Mill & Overlay	\$116,059
CLAREMONT AVENUE	SONN DR	DEAD END	1,449	49	Mill & Overlay w Base Repair	\$119,140
CRESCENT AVENUE	PARKWAY DR	DEAD END	1,525	49	Mill & Overlay w Base Repair	\$125,388
ELDREDGE COURT	EDLREDGE PL	DEAD END	243	56	Mill & Overlay	\$23,490
ELDREDGE PLACE	BOSTON POST ROAD	CUL DE SAC LOOP	566	56	Mill & Overlay	\$54,713
FAIRLAWN STREET	MILTON RD	EVERETT ST	723	54	Mill & Overlay	\$46,593
FAIRWAY AVENUE	GREEN AV	HEWLETT AV	1,008	51	Mill & Overlay	\$68,208
FORDHAM AVENUE	SONN DR	DEAD END	373	51	Mill & Overlay	\$21,634
GARDEN DRIVE	MILTON RD	ORCHARD DR	564	48	Mill & Overlay w Base Repair	\$51,010
GREEN AVENUE	FOREST AV	STUYVESANT AV	950	53	Mill & Overlay	\$61,222
HARDING DRIVE	LASALLE AV	HUGHES AV	543	55	Mill & Overlay	\$50,740
HILL STREET	OAKLAND BEACH	VALE PLACE	777	44	Mill & Overlay w Base Repair	\$92,636
MANURSING AVENUE	MIDLAND AV	DAVIS AV	581	56	Mill & Overlay	\$56,163
MANURSING AVENUE	DAVIS AV	FOREST AV	602	57	Mill & Overlay	\$44,615
MILTON ROAD	STUYVESANT AVE	235' N OF STUYVESANT AVE	235	47	Mill & Overlay w Base Repair	\$26,085
MOHAWK STREET	HIGHLAND RD	MENDOTA AV	552	54	Mill & Overlay	\$48,024
ONEIDA STREET	HIGHLAND RD	MENDOTA AV	554	54	Mill & Overlay	\$49,983
OVERLOOK PLACE	DEARBORN AV	OAKLAND BEACH AVE	530	50	Mill & Overlay w Base Repair	\$43,577
PECK AVENUE	BOSTON POST ROAD	138' N OF STATION PLAZA	463	57	Mill & Overlay	\$68,626
PECK AVENUE	138' N OF STATION PLAZA	369' S OF STATION PLAZA	507	55	Mill & Overlay	\$47,376
PECK AVENUE	369' S OF STATION PLAZA	MIDLAND AV	1,001	56	Mill & Overlay	\$96,763
PECK AVENUE Y INTERSECTION	PECK AVE	BOSTON POST RD	124	52	Mill & Overlay	\$9,189
SCHOOL STREET	SMITH ST	PURDY AV	469	55	Mill & Overlay	\$36,269
SOUNDVIEW AVENUE	BOSTON POST ROAD	DEAD END	2,413	49	Mill & Overlay w Base Repair	\$228,162
VAN WAGNEN AVENUE	STUYVESANT AV	FOREST AV	861	50	Mill & Overlay w Base Repair	\$74,333
WARRISTON LANE	FOREST AV	CUL DE SAC	413	55	Mill & Overlay	\$21,292
Totals			3.9	miles		\$1,735,404

Potential Additions, if funding allows:

BYRD STREET	HELEN AV	LINDBERGH AV	548	58	Mill & Overlay	38,847
CLINTON AVENUE	CENTRAL AV	CUL DE SAC LOOP	672	58	Mill & Overlay	64,960
ELIZABETH STREET	PURCHASE ST	EVERGREEN AV	619	58	Mill & Overlay	51,858
ELMWOOD AVENUE	FOREST AV	RYE BEACH AV	1,259	57	Mill & Overlay	105,476
MOREHEAD DRIVE	FULTON AV	CRESCENT AVE	790	57	Mill & Overlay	50,942
			0.7	miles		



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

0 250 500 1000 Feet

2021 Resurfacing Program | Rye, New York

- Road Program 2021**
- Proposed Road Program
 - Potential Additions



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: April 21, 2021

CONTACT: Greg Usry, Interim City Manager

AGENDA ITEM: Consideration of a resolution authorizing the funding for the rehabilitation and roof repairs of Building 7 at Disbrow Park for the Department of Public Works.

FOR THE MEETING OF:

April 21, 2020

RECOMMENDATION: That the Council adopt the resolution.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

See Attached.

RESOLUTION

Authorizing the Funding for the rehabilitation and roof repairs of Building 7 at Disbrow Park for the Department of Public Works

WHEREAS, the City's Capital Improvement Plan includes the rehabilitation of Building 7 at Disbrow Park for use by the City of Rye Department of Public Works; and

WHEREAS, the improvements include, but are not limited to, roof repair and other structural upgrades to the building; and

WHEREAS, pursuant to Rye City Code § 32-4(G) "Piggybacking of purchasing", the City of Rye intends to use and "piggyback" on the municipal contract procured through the City of White Plains; and

WHEREAS, the City Council determines that the proposed action is considered a Type II Action; and no further environmental review is necessary; and

BE IT FURTHER RESOLVED, that the City acknowledges that the City will be using the contract prices procured by the City of White Plains contract; and

BE IT FURTHER RESOLVED, that the City Council requests that the Board of Architectural Review at its next regularly scheduled meeting to provide any advisory comments back to City staff on the design of proposed buildings and structures.



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: April 13, 2021

CONTACT: Greg Usry, Interim City Manager

AGENDA ITEM: Resolution to authorize the acceptance of electronic filing of assessment complaints with the Office of Assessment.

FOR THE MEETING OF:
April 21, 2021

RECOMMENDATION: That the Council adopt the resolution.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: In April of 2020, the City Council allowed assessment roll and real property grievances to be heard remotely via telephone conference call or similar video conference service due to the pandemic. The City Council believes that the electronic filing of complaints has several benefits to the City and to its residents, including but not limited to: (i) reducing the exposure of the City staff and the public from the spread COVID-19 virus; (ii) record keeping and verification that the e-filing system provides; (iii) reducing the amount of paper and travel, which encourages environmental sustainability; and (iv) convenience for the residents of the City. Therefore, the City Council would like to make the electronic filing of assessment complaints permanent.

See Attached.

**RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF ELECTRONIC
FILING OF ASSESSMENT COMPLAINTS WITH THE OFFICE OF
ASSESSMENT**

WHEREAS, Real Property Tax Law authorizes the City of Rye (the “City”) to accept electronic filing (e-filing) of complaints for the administrative review of real property assessment;

WHEREAS, the City Council believes that the electronic filing of complaints has several benefits to the City and to its residents, including but not limited to: (i) reducing the exposure of the City staff and the public from the spread COVID-19 virus; (ii) record keeping and verification that the e-filing system provides; (iii) reducing the amount of paper and travel, which encourages environmental sustainability; and (iv) convenience for the residents of the City; and

WHEREAS, for the above reasons, the City Council desires to authorize the City Assessor to accept complaints by e-filing;

NOW THEREFORE BE IT, RESOLVED, that the City Council hereby authorizes and directs the Assessor of the City to accept assessment complaints e-filed to the Assessor’s Office; and be it

FURTHER RESOLVED, that the following rules shall be in place for the acceptance of e-filed complaints:

1. Complaint Forms (RP-524) (the “Form”) shall be available to the public on the City Web site www.ryeny.gov.
2. Staff of the Assessor’s Office shall inform any person requesting a Form that the complaints may be filed by e-filing and provide them with the RP-524 that contains instructions for filing and further instructions for how to accomplish the e-filing.
3. The City Council shall direct the City Clerk to publish in the official City newspaper, at least 30 days before the Board of Assessment Review meets to review complaints, a notice explaining the option to e-file.
4. Property owners may e-file the Form themselves or by an authorized representative or an attorney may file a Form on their behalf. A fully completed power of attorney or designation of representative must accompany the Form or it may be rejected.
5. A separate Form must be e-filed for each individual parcel unless the Assessor, in his/her discretion, agrees in writing that a single Form will be accepted for certain contiguous parcels identified in writing by the Assessor.

6. By choosing to e-file, the Complainant consents to receive correspondence related to their complaint, as well as the determination of the Board of Assessment Review, via e-mail or other electronic method established by the City.
7. Complainants must e-file documents in advance of the filing deadlines set by the State. User problems such as problems with a user's telephone line, internet service provider, hardware, software, acts of nature or problems understanding or following the e-filing instructions, or rejection of documents because they contain a virus will not excuse untimely filing. A Complainant who cannot e-file a document because of any of these problems must file conventionally and timely. The City's inability to receive a document via its e-filing system due to technical failure will not excuse an untimely filing unless the City acknowledges the technical failure in writing and agrees to an extension of time; and be it

FURTHER RESOLVED, that this Resolution shall be posted on the City website; and be it

FURTHER RESOLVED, that the City Clerk is hereby directed to forward a copy of this resolution to the Board of Assessment Review and the Office of the Corporation Council of the City of Rye.

This Resolution shall take effect immediately.

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



CITY COUNCIL AGENDA

DEPT.: FINANCE

DATE: April 15, 2021

CONTACT: JOSEPH S. FAZZINO, Deputy City Comptroller

AGENDA ITEM: Adoption of the 2021 County property tax rates.

FOR THE MEETING OF:

April 21, 2021

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Council adopt the 2021 County tax rates.

IMPACT: Environmental Fiscal Neighborhood Other

BACKGROUND:

The City must by law collect the County taxes and remit the collected amount of the tax warrant to the County in two installments: 60% on May 25th and the balance of 40% on October 15th.

The County tax rates must be adopted by the City Council in order to provide sufficient lead time for the preparation and mailing of the County tax bills, and to allow sufficient time for property owners to remit their payment within the penalty-free period (the month of May).

Failure to adopt this resolution does not relieve the City of its legal responsibility to remit to the County the amount of the tax warrant due on the dates noted above, and, by State law, the City cannot waive penalties for late payment of property taxes, even if the property owner(s) did not receive a bill or received a bill after the penalty-free period.

For the 2021 Tax Year, the combined county tax rate for the Blind Brook Sanitary Sewer District decreased by 4.51% and the combined county tax rate for the Mamaroneck Valley Sanitary Sewer District decreased by 2.61%.

RESOLVED, that the tax rates for the amounts of Westchester County, Blind Brook Sewer District, Mamaroneck Valley Sewer District and Refuse Disposal District charges for the fiscal year beginning January 1, 2021, shall be as follows:

<u>Westchester County</u>	
Levy	\$26,920,079
Taxable Assessed Value	140,699,035
Taxable Rate per \$1,000 Assessed Value	191.330943

<u>Blind Brook Sewer District</u>	
Levy	\$4,140,847
Taxable Assessed Value	141,309,808
Taxable Rate per \$1,000 Assessed Value	29.303323

<u>Mamaroneck Valley Sewer District</u>	
Levy	\$714,869
Taxable Assessed Value	19,694,464
Taxable Rate per \$1,000 Assessed Value	36.297967

<u>Refuse Disposal District No. 1</u>	
Levy	\$2,528,736
Taxable Assessed Value	142,017,522
Taxable Rate per \$1,000 Assessed Value	17.805803

And be it further

RESOLVED, that the Council does hereby certify to the City Comptroller the above stated levies and tax rates for Westchester County, Blind Brook Sewer District, Mamaroneck Valley Sewer District and Refuse Disposal District No. 1 charges, and the City Comptroller is hereby directed to apportion and extend against each taxable property listed upon the assessment roll of the City of Rye for 2021 at the rates specified, the amount of taxes required to produce the total sums certified and to render tax notices for, and receive and collect, the several sums computed and determined, and, it is further

RESOLVED, that the tax warrant of Westchester County be signed by the Mayor and directed to the City Comptroller to collect the amount of said taxes with interest as provided by law and any special assessment heretofore authorized and approved.



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: April 14, 2021

CONTACT: Greg Usry, Interim City Manager

AGENDA ITEM:

Consideration to set a public hearing for May 5, 2021 to amend a local law, Chapter 161 "Sewers" of the Rye City Code.

FOR THE MEETING OF:

April 21, 2021
RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the Council set the public hearing.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

See attached law.

CITY OF RYE

LOCAL LAW NO. __ OF 2021

A local law to amend Chapter 161 “ Sewers” of the Code of the City of Rye by remaining and amending Article I “Use of Public Sewers” to provide for illicit discharge detection and enforcement; and adding Article III “Private Sanitary Sewer Laterals” as follows:

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

Section 1: Article I, *Use of Public Sewers*, is hereby amended as follows:

§ 161-1 Use required; exceptions; inspections.

Where a public sewer is available and accessible in a street, alley, easement or thoroughfare to a building or premises abutting thereon, the liquid sewage wastes from any plumbing system in said building shall be discharged into the public sewer unless otherwise prohibited, except that where a place of residence is so located that a gravity connection from the plumbing above the first floor thereof to the street sewer is not possible or such place of residence is located more than 150 feet from the nearest public sewer, a separate sewerage system may be maintained which otherwise complies with city, county or state health laws, codes or regulations. Immediately after the construction of a sewer connection every sewage tank, cesspool or privy vault shall be emptied, cleaned, disinfected and filled with clean mineral soil, rock or gravel. Where a public sanitary sewer is not accessible, a building permit shall not be issued without submission of a copy of the written approval of the Westchester County Commissioner of Health, indicating that the premises may be adequately sewered by a separate sewage disposal system. The further approval of the Common Council of the City of Rye is required for such separate disposal systems. In addition thereto there shall be an annual inspection of all private sewage disposal systems by a contractor duly approved by the Westchester County Commissioner of Health on all properties bordering on all watercourses, including Long Island Sound, Milton Harbor and all tributaries thereto, and wherever else directed by the Sanitation Committee of the Common Council. A written certificate of such inspection shall be submitted to said Committee for such action thereon as it may direct.

§ 161-2 Duty of owner.

[Added 12-17-1980 by Ord. No. 6-1980^[1]]

A. Where an owner of any building is required to discharge sewage or other liquid wastes from any plumbing system into a public sewer as required by § 161-1 of this Code, he shall maintain such plumbing system within the building and from the building to the point of connection with the public sewer main, so as not to expose or discharge the sewage contents or other deleterious liquid or matter therefrom to the atmosphere, except through legally permissible vents, or on the surface of the ground, public or private, or into any storm sewer or drain or into any watercourse or body of water.

B. No property owners shall discharge or cause to be discharged any non-sewage flow into the City's public sewer including, but not limited to, any such flow from: pumped groundwater, foundation or footing drains, crawl space or basement sump pump discharges, rain gutters, and any other potential water source with non-sewage flow. Any such connection for non-sewage flow shall be deemed an unauthorized connection and the property owner shall be obligated to remove such connection at their own expense.

[1] *Editor's Note: This ordinance also renumbered former §§ 161-2 through 161-5 to become §§ 161-5 through 161-8, respectively.*

§ 161-2.1 Sewer use.

[Added 11-2-1983 by L.L. No. 11-1983]

A. The City of Rye and all users of the city's sanitary sewer system shall be subject to all applicable rules and regulations contained in the Westchester County Environmental Facilities Sewer Ordinance No. 1, as amended. A copy of Sewer Ordinance No. 1, as last amended, is available for review in the office of the City Clerk of the City of Rye.

B. The City of Rye and its agents may conduct inspections of public sewer connections to identify any unauthorized connections and issue violations to property owners.

§ 161-3 Performance of work; costs; collection.

[Added 12-17-1980 by Ord. No. 6-1980^[1]]

A. If the provisions of the foregoing sections are not complied with, the City Manager or the Building Inspector shall cause written notice to be served personally upon the owner or by mailing the same to the name of the last known owner of the premises where the building is located as the same appears on the assessment roll of the City of Rye for the last calendar year. If the owner fails, neglects or refuses to correct the conditions and remove the violations so as to comply with the provisions of this article within 10 days after service of such notice, then in that event, the city may cause the plumbing system to be repaired or replaced so as to comply with the provisions of this article, and the cost or expense of doing said work, plus an administrative charge of \$100, shall be ascertained, and a report thereof shall be forthwith filed with the City Comptroller and City Assessor. The total cost of the same shall be paid by the owner to the city within 30 days after demand. The owner shall have the right to a hearing before the City Manager with respect to the total cost of the work as set forth in said report within 10 days after service by mail of a copy of said report.

B. The total cost of said work, as the same shall appear from the report on file with the City Comptroller, may be sued for and recovered from said owner in a civil suit.

C. The total cost of said work shall become and be a lien on the property benefited by the work done on the plumbing system, and, if the owner thereof shall fail to pay the total cost of the work within 30 days after demand, the City Assessor shall, in the preparation of the next assessment roll, assess such amount upon such property, and the same shall be levied, collected and enforced in the same manner as taxes upon said property for city purposes are levied, collected and enforced.

[1] *Editor's Note: This ordinance also renumbered former §§ 161-2 through 161-5 to become §§ 161-5 through 161-8, respectively.*

§ 161-4 Penalties for offenses.

[Added 12-17-1980 by Ord. No. 6-1980^[1]]

A. Any person violating any of the provisions of this article shall, upon conviction thereof, be punished by a fine not exceeding \$500 or by imprisonment not exceeding 15 days, or by both such fine and imprisonment. Each day such violation shall continue shall constitute a separate offense.

B. Where the City Engineer has, upon inspection, identified an unauthorized connection pursuant to 161-2(B), the City Engineer may issue a Notice of Violation and order property owners to remove any such unauthorized connections at the property owner's expense. If property owners do not comply with an order of the City Engineer to remove an unauthorized connection within a timely manner, i.e. within fifteen (15) days, the City, or any of its agents, may take administrative or judicial enforcement action, including impositions of penalties pursuant to 161-4 (A).

[1] *Editor's Note: This ordinance also renumbered former §§ 161-2 through 161-5 to become §§ 161-5 through 161-8, respectively.*

Section 2. Article III, *Private Sanitary Sewer Laterals*, is hereby added to Chapter 161 “Sewers” of the Code of the City of Rye as follows:

§ 161-15. Legislative intent.

The purpose of this article is to reduce infiltration and inflow into the sanitary sewer system operated by the City of Rye and exfiltration of sewage into groundwater and waterways by

requiring inspection, testing, repair, replacement and ongoing maintenance of private sewer laterals by property owners in the City of Rye.

§ 161-16. Definitions.

As used in this article, the following terms are defined as follows:

DISCHARGE COMPLIANCE CERTIFICATE

A certificate issued by the Building Inspector based upon a plumber's certification stating that:

- A. All of the connections leading from the structures on the property to the public stormwater sewer lines and the public sanitary sewer lines comply with the requirements of the New York State Building Code, the Westchester County Sewer Act, the Westchester County Sanitary Code and the City Code;
- B. There are no culverts, drains, hoses, leaders, lines, pipes or pumps that discharge liquids into the sanitary sewer; and
- C. The sanitary sewer laterals leading from the structures on the property do not directly or indirectly allow inflow or infiltration into the City's public sanitary sewer lines.

EXFILTRATION

Raw sewage that leaks out of laterals into soil, groundwater and waterways.

INFILTRATION

Water other than wastewater that enters a sewer system (including sanitary sewer laterals or sewer service connections) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.

INFLOW

Water other than wastewater that enters a sewer system (including sanitary sewer laterals or sewer service connections) from sources such as, but not limited to, roof leaders, sump pumps, cellar drains, yard drains, area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross-connections between storm sewers and sanitary sewers, catch basins, cooling towers,

stormwaters, surface runoff, street washwaters and drainage. Inflow does not include, and is distinguished from, infiltration.

PLUMBER'S CERTIFICATION

A certification made to the City by a plumber licensed to do business within the County of Westchester that the plumber:

- A. Has inspected all of the connections leading from the structures on the property to the public stormwater sewer lines and the public sanitary sewer lines and that all such connections comply with the requirements of the New York State Building Code, Westchester County Sewer Act, the Westchester County Sanitary Code and the City Code;
- B. Has inspected the real property and found that there are no culverts, drains, hoses, leaders, lines, pipes or pumps that discharge liquids into the sanitary sewer; and
- C. Has inspected the sanitary sewer laterals leading from the structures on the property and determined that such laterals do not directly or indirectly allow inflow or infiltration therefrom into the City's public sanitary sewer lines, which inspection must include either a video record of a closed-circuit television (CCTV) inspection of the entire sanitary sewer lateral that has been provided to the City, or, in the case of a force or pump system, the results of a pressure test of the system; satisfactory, in either case, to the Building Inspector or his designee.

RENEWAL EVENT

Either a transfer of title to the real property, other than a transfer between family members in order to create a joint tenancy or tenancy in common, or an application for a building and/or plumbing permits for construction with a value that exceeds 50% of the assessed value of the property, including improvements. Renewal events shall occur provided no inspection has been conducted at the subject property in the five (5) year period prior.

SANITARY SEWER LATERAL or LATERAL

The sanitary sewer pipe running from the structures on a property conveying wastewater from the structure and connecting to the public sanitary sewer main.

§ 161-17. Standards for maintenance of sanitary sewer laterals.

- A. It is the sole responsibility of the private property owner to perform all required maintenance, repairs and replacements of sanitary sewer laterals in accordance with the requirements of this article and the requirements of the New York State Building Code, the Westchester County Sewer Act, the Westchester County Sanitary Code and the City Code.
- B. Laterals shall be kept free from roots, grease deposits and other solids which may impede the flow or obstruct the transmission of sewage.
- C. Laterals shall not exhibit any signs of infiltration.
- D. Laterals shall not exhibit any sign of exfiltration or leakage.
- E. Lateral pipe joints shall be tight and all lateral pipes shall be free of any structure defects such as breaks, openings, and voids.

§ 161-18. Correction or abatement.

- A. If at any time any sanitary sewer lateral is found by the Building Inspector or City Engineer to not be in compliance with the requirements of § 161-17, the owner of the property must cause all necessary repairs made to bring the lateral into compliance. Unless the Building Inspector and City Engineer allow additional time for good cause shown, the owner of the property must undertake to complete the required repairs to the satisfaction of the Building Inspector and City Engineer or their designees within 60 days of the sooner of becoming aware of the noncompliance, or receiving notice from the City or otherwise, including an inspection by a plumber done in connection with providing a plumber's certification, that the lateral is not in compliance.
- B. If the owner fails to complete the repairs and bring the lateral into compliance within the time required, the City may enter upon the property and complete the required work, and the cost of doing so will be billed to the owner of the property, and in the event of nonpayment, will be a lien on the property which can be collected and enforced as part of, and in the same manner as City taxes.
- C. Upon completion of the repairs, the owner must provide to the Building Inspector and City Engineer a detailed invoice specifying the repairs made and reflecting payment for the

repairs and a plumber's certification, and must obtain from the Building Inspector a discharge compliance certificate.

- D. An owner may choose to correct the noncompliance by replacing the sanitary sewer lateral. Any new sanitary sewer lateral, whether installed to correct a noncompliance or otherwise, must be installed in accordance with all applicable codes and regulations, including this article, and must be inspected by the Building Inspector, who will issue a discharge compliance certificate if the new lateral complies with the requirements of this article.

§ 161-18.1. Inspection upon renewal event.

- A. Each property owner must obtain discharge compliance certificate prior to any renewal event as defined in § 161-16. Upon making an application for a discharge compliance certificate, the Building Inspector, City Engineer, or their designees shall have the right to inspect the property. If the plumber's inspection, the video required to be submitted, or the inspection by the Building Inspector or his designee indicates the lateral is not in compliance with the requirements set forth in § 161-16above, the owner shall be required to correct the conditions not meeting the requirements and provide a plumber's certification and video indicating all conditions have been corrected and that the lateral is now in compliance with this article. Upon the Building Inspector and City Engineer determination that the lateral is in compliance, the discharge compliance certificate will be issued.
- B. If at the time of a renewal event or a required inspection the owner can prove that a discharge compliance certificate has been issued within the preceding five (5) years, and there has been no significant change in the condition of the property, the Building Inspector may waive the requirement for a new discharge compliance certificate for that particular renewal event.

§ 161-18.2. Fees.

The fee for the issuance of a discharge compliance certificate shall be as set forth in the fee schedule adopted by the City Council.

§ 161-18.3. Penalties for offenses.

Any person, firm, association, or corporation which violates any of the provisions of this article or fails to complete remediation as required herein shall be guilty of a violation and, upon conviction, shall be punished by a fine of not more than \$500 or imprisonment for not more than 15 days, or both such fine and imprisonment. Each day the violation exists shall constitute a separate offense.

Section 3. 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 4. Effective Date

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

NOTE: Proposed additions, if any, are shown in underline and proposed deletions, if any, are shown in ~~striketrough~~.



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: April 14, 2021

CONTACT: Greg Usry, Interim City Manager

AGENDA ITEM: Consideration of a request by Rye City Rotary and Rye Arts Center to install a public butterfly sculpture project.

FOR THE MEETING OF:

April 21, 2021

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council approve this request.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

The Rye Arts Center and The Rotary Club of Rye have partnered to bring Public Art to the City of Rye this summer. The project is titled Rye'sAbove because it features thirty-six sculptures of butterflies in varying sizes.

See attached for more details.

RYE CITY COUNCIL PRESENTATION
PUBLIC SCULPTURE FOR RYE COMMUNITY

April 21, 2021

Overview

The Rye Arts Center and The Rotary Club of Rye have partnered to bring Public Art to the City of Rye this summer. The project is titled *Rye'sAbove* because it features thirty-six sculptures of butterflies in varying sizes. The organizations see the butterfly as symbolic of positive change and transformation, which is important for our community in light of events this past year.

Program Features

Rye'sAbove will feature thirty-six butterflies painted by artists, many of whom are from the local area. Three large butterflies (45" height and 62" wingspan) and eight medium butterflies (35" height and 45" wingspan) have been made of fabricated aluminum and will be sealed for outdoor display. The sculptures are then mounted on 7' poles for display. The twenty-five Petites (7" height and 9" wingspan) are made of 14 gauge carbon steel plate.

A "Call to Artists" was sent out in February and many artists responded by submitting a drawing and information about their work and interest in the project. A committee from The Rye Arts Center selected the artists, and the sculptures were distributed to the participating artists in April after delivery from Colorado Springs, where the program has thrived under the direction and sponsorship of the local Rotary club. The artists received a stipend and will complete their work by early May at which time the sculptures will be coated with a sealant for outdoor protection.

The plan has been for the butterflies to be displayed in downtown Rye for the summer with the intent of supporting our merchants, restaurants, and service establishments. The installation target date is early June for display through the summer months. The sculptures will then be available for purchase at a fall auction. The dates of the spring Reveal and the fall auction have yet to be determined. The proceeds from the auction will be used for student scholarships and educational programs through both The Rotary Club of Rye and The Rye Arts Center.

Request for Action

The Rotary Club of Rye and The Rye Arts Center are hereby requesting City Council approval to display the 11 larger sized sculptures on the Village Green in the area closest to Purchase Street. Members of the organizations have met with the City Manager, City Engineer Ryan Coyne and Noga Ruttenberg regarding (1) installation, (2) Village Green maintenance, and (3) any anticipated issues for City Staff related to this display of

sculptures on the Village Green. (The sculptures are mounted on ___' foot poles and, therefore, are not an obstruction to visitors on the Green.) In addition, Chris Shoemaker, Director of the Rye Free Reading Room, participated in the meeting and expressed his support of the project and assurance that the display would not interrupt any library summer events. Mayor Cohn has also been kept apprised of the project's progress.

We also discussed with City Engineer Coyne the possibility of moving some of the sculptures to Purchase Street during the summer and respectfully request your approval if that option should become a popular request and advantageous to downtown Rye.

It is currently contemplated that the twenty-five smaller sculptures would be displayed inside in order to keep them secure. We anticipate contacting retailers to see if they are interested in displaying the sculptures in their retail spaces.

Another alternative is to contact the landlords regarding empty storefronts and request display in the respective storefront windows. Although Council has specified that empty storefronts must be covered in brown paper, we would be interested in considering the above.

The Rye Arts Center is also utilizing its classes to interest young participants in butterflies and have them painting large butterfly wings that could be hung in windows or outside in downtown spaces, so residents and visitors could become the butterfly body by standing between the wings and have their picture taken.

In addition, to promote the interest in butterflies, we have approached Rye Town Park regarding participation in the opening of the Pollinator Garden.

We are requesting input and guidance from Council on all of these issues, so we work in partnership with the City to promote our downtown community on behalf of the retailers, restaurants and other lessees.

Conclusion

We believe the butterflies present a unique opportunity to transform the community and *Rye'sAbove* the trials and tribulations of the past year. We will be able to support our community and, at the same time, support art and education for our young residents.

We need to thank The Rotary Club of Rye and The Rye Arts Center for enriching the community by embracing this project in support of Rye and local artists. In addition, the Rotary has been busy soliciting sponsorships and downtown establishment support for the project. We think that all of Westchester County will want to see and experience this unique flight, and while they are here, shop with our merchants and eat in our wonderful restaurants. This is a win for everyone.

Your approval of the display on the Village Green and other options listed above will bring Public Art to Rye this summer, promote our community and support the businesses that have endured through the pandemic.



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: April 21, 2021

CONTACT: Greg Usry, Interim City Manager

AGENDA ITEM: Resolution for a native tree dedication on Purchase Street on April 30, 2021 to Emanuela (Mannie) Riccio, concurrent with Arbor Day.

FOR THE MEETING OF:
April 21, 2020

RECOMMENDATION: That the Council adopt the resolution.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

See Attached.

RESOLUTION DEDICATING A NATIVE TREE TO BE PLANTED ON ARBOR DAY 2021 IN MEMORY OF EMANUELA (MANNIE) RICCIO IN FRONT OF WOODROW JEWELERS AT 21 PURCHASE STREET

WHEREAS, Emanuela (Mannie) Riccio, a life-long resident of Rye, passed away on April 1, 2016 at the age of 97; and

WHEREAS, Ms. Riccio graduated from Rye High School in 1937 and went on to work for Suzanne Gedney Real Estate on Purchase Street in Rye as both an insurance and real estate agent; and

WHEREAS, after Ms. Gedney's death, Ms. Riccio purchased what is now the Woodrow Jewelers Building from Ms. Gedney's estate; and

WHEREAS, Ms. Riccio was a long time member of the Ceres Garden Club, Business and Professional Women Organization and a former member of the Rye Landmark's Advisory Commission; and

WHEREAS, earlier this year, a well-recognized tree had to be removed from the front of Woodrow Jewelers located at 21 Purchase Street; and

WHEREAS, the City takes great pride in ensuring the Central Business District maintains its pedestrian friendly character and feel, including its tree scape along Purchase Street to provide a buffer between the on-street parking and the storefronts; and

WHEREAS, on April 30, 2021 "Arbor Day", the City would like to replace the tree and dedicate the new, native tree as the "Riccio Tree" in the City; and

NOW, THEREFORE, BE IT RESOLVED THAT:

The City Council hereby dedicates this tree to be in memory of Mannie Riccio.

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



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: April 13, 2021

CONTACT: Greg Usry, Interim City Manager

AGENDA ITEM:

Consideration of a request from the Rye Free Reading Room to use the Village Green to offer a variety of library programs from May 1, 2021 through September 6, 2021. The programs will include the summer reading kick-off, an outdoor museum walkthrough of Greek and Roman artifacts, baby wear dance classes, and other common library programs.

FOR THE MEETING OF:

April 21, 2021
RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the Council approve this request.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

See attached request from the RFRR.



August 25, 2020

Honorable Joshua Cohn, Mayor
Rye City Council

Dear Mayor Cohen:

The Rye Free Reading Room respectfully requests the use of the Village Green to offer a variety of library programs from May 1, 2021 through September 6, 2021. The programs will include our summer reading kick-off, an outdoor museum walkthrough of Greek and Roman artifacts, baby wear dance classes, and other common library programs.

The library will be using designated seating areas to indicate social distancing guidelines, and library staff will be on hand to help enforce appropriate behaviors. The programs will occur between 9:30 and 6:30, with later programs wrapping up by 8 pm.

The library will coordinate set-up and other activities with the City Manager and appropriate city staff to ensure programs do not interfere with landscaping activities or other program requests.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Shoemaker', with a long horizontal flourish extending to the right.

Chris Shoemaker
Library Director