

MINUTES OF CITY COUNCIL

Type: Committee of the Whole Session  
Date: Tuesday, December 1, 2020 at 3:45 P.M.  
Place: 1St Floor Council Conference Room

Martha Lopez	District 1 Council Member - Present
Albert A. Tarantino Jr	District 2 Council Member - Present
Yadira Ramos Herbert	District 3 Council Member - Present
Ivar Hyden	District 4 Council Member - Present
Sara R. Kaye	District 5 Council Member - Present
Elizabeth M. Fried	District 6 Council Member - Present
Noam Bramson	Mayor - Present

The meeting was called to order at 3:47 PM by Mayor Noam Bramson

PRESENTATION

AGENDA REVIEW

COMMENDATION(S):

PUBLIC HEARING(S) THIS EVENING

1. PETITION RE: PROPOSED AMENDMENT OF ORDINANCE 81, SECTION 3, (2002) - Ordinance approving the Petition of Iona College and amending Ordinance No. 81 of 2002 relative to Dormitory Occupancy Limits. (Intro. 11/10/20; Public Hearing 12/1/20)

Public Hearing held this evening.

<b>RESULT:</b>	<b>HELD [UNANIMOUS]</b>
	<b>Next: 12/8/2020 6:15 PM</b>
<b>AYES:</b>	Lopez, Tarantino Jr, Herbert, Hyden, Kaye, Fried, Bramson

2. PROPOSED 2021 BUDGET - Ordinance adopting the Budget, as amended, for the Year 2021, and appropriating amounts therein. (Public Hearing 12/01/2020)

Public Hearing held this evening.

Charles B. Strome, III, City Manager, stated that final health insurance costs are \$350,000 less than budgeted. He, therefore, recommended that \$100,000 be used as follows: 75 per cent to fund the new position recommended in the Police Department and 25 per cent for the acquisition of software, leaving a total of \$250,000 to add to the Fund Balance. Therefore, funding of the position is possible without a Budget amendment.

There are no further proposed changes to the 2021 Budget Estimate at this time.

<b>RESULT:</b>	<b>HELD [UNANIMOUS]</b>
	<b>Next: 12/8/2020 6:15 PM</b>
<b>AYES:</b>	Lopez, Tarantino Jr, Herbert, Hyden, Kaye, Fried, Bramson

DEPARTMENT OF DEVELOPMENT:

3. **2020-153 - PROPOSED LEAD AGENCY STATUS RE: AMENDING SECTION 331-45 ADDITIONAL REGULATIONS FOR RESIDENCE DISTRICTS** - Resolution declaring Lead Agency status relative to the proposed ordinance amending Section 331-45, Additional Regulations for Residence Districts, of Chapter 331, Zoning, of the Code of the City of New Rochelle.

Public Hearing relative to proposed amendment is scheduled for  
Tuesday, January 12, 2021, at 7:00 P.M.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>AYES:</b>	Lopez, Tarantino Jr, Herbert, Hyden, Kaye, Fried, Bramson

4. **PROPOSED AMENDMENT TO ZONING CODE, CHAPTER 331-45, ADDITIONAL REGULATIONS FOR RESIDENCE DISTRICTS** - Ordinance amending Section 331-45, Additional Regulations for Residence Districts, of Chapter 331, Zoning, of the Code of the City of New Rochelle. (Intro. 12/1/20)

Public Hearing relative to proposed amendment is scheduled for  
Tuesday, January 12, 2021, at 7:00 P.M.

<b>RESULT:</b>	<b>HELD [UNANIMOUS]</b>
	<b>Next: 1/12/2021 3:45 PM</b>
<b>AYES:</b>	Lopez, Tarantino Jr, Herbert, Hyden, Kaye, Fried, Bramson

5. **2020-154 - PROPOSED PUBLIC HEARING RE: AMENDMENT TO ZONING CODE CHAPTER 331-45, ADDITIONAL REGULATIONS FOR RESIDENCE DISTRICTS** - Resolution scheduling a Public Hearing relative to the proposed ordinance amending Section 331-45, Additional Regulations for Residence Districts, of Chapter 331, Zoning, of the Code of the City of New Rochelle.

Public Hearing relative to proposed amendment is scheduled for  
Tuesday, January 12, 2021, at 7:00 P.M.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>AYES:</b>	Lopez, Tarantino Jr, Herbert, Hyden, Kaye, Fried, Bramson

6. **2020-155 - PROPOSED LEAD AGENCY STATUS RE: PROPOSED AMENDMENT TO ZONING CODE, SECTION 331-126** - Resolution declaring Lead Agency status relative to the proposed ordinance amending Section 331-126, Schedule of Off-Street Parking and Loading Space Requirements, of Chapter 331-Zoning, of the Code of the City of New Rochelle.

Luiz C. Aragon, Commissioner of Development, explained the intent of the proposed legislation. A discussion ensued, at which time Council Member Tarantino spoke in opposition to the proposed amendment and addressed the current lack of parking spaces in the Downtown and the need to preserve certain buildings.

Council Member Hyden noted the need to address the preservation of historic buildings in the Downtown.

Moved by Mayor Bramson, seconded by Council Member Ramos-Herbert, and adopted by a vote of 6 to 1.

Public Hearing relative to proposed amendment is scheduled for  
Tuesday, January 12, 2021, at 7:00 P.M.

<b>RESULT:</b>	<b>ADOPTED [6 TO 1]</b>
<b>AYES:</b>	Lopez, Herbert, Hyden, Kaye, Fried, Bramson
<b>NAYS:</b>	Albert A. Tarantino Jr

7. **PROPOSED AMENDMENT TO SECTION 331-126 OF THE ZONING CODE RE: PARKING & LOADING REQUIREMENTS** - Ordinance amending Section 331-126, Schedule of off-street parking and loading space requirements, of Chapter 331, Zoning, of the Code of the City of New Rochelle. (Intro. 12/1/20)

Public Hearing relative to proposed amendment is scheduled for  
Tuesday, January 12, 2021, at 7:00 P.M.

<b>RESULT:</b>	<b>HELD [6 TO 1]</b>
	<b>Next: 1/12/2021 3:45 PM</b>
<b>AYES:</b>	Lopez, Herbert, Hyden, Kaye, Fried, Bramson
<b>NAYS:</b>	Albert A. Tarantino Jr

8. **2020-156 - PROPOSED PUBLIC HEARING RE: PROPOSED AMENDMENT TO ZONING CODE, CHAPTER 331-126, PARKING & LOADING REQUIREMENTS** - Resolution scheduling a Public Hearing relative to the proposed ordinance amending Section 331-126, Schedule of off-street parking and loading space requirements, of Chapter 331, Zoning, of the Code of the City of New Rochelle.

Moved by Mayor Bramson, seconded by Council Member Ramos-Herbert, and adopted by a vote of 6 to 1.  
Public Hearing relative to proposed amendment is scheduled for  
Tuesday, January 12, 2021, at 7:00 P.M.

<b>RESULT:</b>	<b>ADOPTED [6 TO 1]</b>
<b>AYES:</b>	Lopez, Herbert, Hyden, Kaye, Fried, Bramson
<b>NAYS:</b>	Albert A. Tarantino Jr

9. **PROPOSED AMENDMENT TO CODE OF THE CITY OF NEW ROCHELLE, CHAPTER 312-62 AND CHAPTER 133 RE: MARINA PARKING DECK** - Ordinance amending Section 312-62, Parking Lots, of Chapter 312, Vehicles and Traffic, and Section 133-1, Enumeration of Fees, of Chapter 133, Fees, of the Code of the City of New Rochelle (Marina Parking Deck). (Revised)

<b>RESULT:</b>	<b>MOVED TO CONSENT AGENDA [UNANIMOUS]</b>
	<b>Next: 12/8/2020 6:15 PM</b>
<b>AYES:</b>	Lopez, Tarantino Jr, Herbert, Hyden, Kaye, Fried, Bramson

10. **PROPOSED AMENDMENTS TO CODE OF THE CITY OF NEW ROCHELLE RE: CHAPTER 312-62 AND CHAPTER 133 - PROSPECT STREET LOT** - Ordinance amending Section 312-62, Parking Lots, of Chapter 312, Vehicles and Traffic, and Section 133-1, Enumeration of Fees, of Chapter 133, Fees, of the Code of the City of New Rochelle (Prospect Street Lot). (Revised)

<b>RESULT:</b>	<b>MOVED TO CONSENT AGENDA [UNANIMOUS]</b>
	<b>Next: 12/8/2020 6:15 PM</b>
<b>AYES:</b>	Lopez, Tarantino Jr, Herbert, Hyden, Kaye, Fried, Bramson

11. **2020-157 - PROPOSED AUTHORIZATION OF PARKING LEASE AGREEMENT- 11 GARDEN STREET** - Resolution authorizing the City Manager to negotiate and execute a Parking Lease Agreement between the City of New Rochelle and Highgarden Tower LLC, relative to a municipal parking garage at 11 Garden Street.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>AYES:</b>	Lopez, Tarantino Jr, Herbert, Hyden, Kaye, Fried, Bramson

12. **2020-158 - PROPOSED AUTHORIZATION OF MASTER LEASE AGREEMENT RE: 11 GARDEN STREET** - Resolution authorizing the City Manager to negotiate and execute a Master Lease Agreement between the City of New Rochelle and Highgarden Tower LLC, relative to a learning center/incubator space at 11 Garden Street.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>AYES:</b>	Lopez, Tarantino Jr, Herbert, Hyden, Kaye, Fried, Bramson

LAW DEPARTMENT:

DEPARTMENT OF FINANCE:

13. **PROPOSED AUTHORIZATION RE: CITY MANAGER TO TRANSFER CITY COUNCIL MEMBERS FRIED, HYDEN, KAYE, AND TARANTINO STIPEND ACCOUNT FUNDS TO THE NEW ROCHELLE FUND FOR EDUCATIONAL EXCELLENCE** - Resolution authorizing the City Manager to transfer \$5,000 from each of City Council Member Fried, Hyden, Kay and Tarantino's stipend accounts to the New Rochelle Fund for Educational Excellence.

Council Member Ramos-Herbert requested that legislation be prepared authorizing the transfer of her stipend funds to the New Rochelle Boys' and Girls' Club.

<b>RESULT:</b>	<b>HELD [UNANIMOUS]</b>
	<b>Next: 12/8/2020 6:15 PM</b>
<b>AYES:</b>	Lopez, Tarantino Jr, Herbert, Hyden, Kaye, Fried, Bramson

14. **OMNIBUS AUTHORITY** - Resolution giving the City Manager omnibus authority to certain contracts and to apply for certain Federal, State and County grants.

<b>RESULT:</b>	<b>MOVED TO CONSENT AGENDA [UNANIMOUS]</b>
	<b>Next: 12/8/2020 6:15 PM</b>
<b>AYES:</b>	Lopez, Tarantino Jr, Herbert, Hyden, Kaye, Fried, Bramson

15. **PROPOSED AMENDMENT TO CODE OF THE CITY OF NEW ROCHELLE RE: SECTION 133-1, ENUMERATION OF FEES, OF CHAPTER 133, FEES** - Ordinance amending Section 133-1, Enumeration of Fees, of the Code of the City of New Rochelle.

<b>RESULT:</b>	<b>HELD [UNANIMOUS]</b>
	<b>Next: 12/8/2020 6:15 PM</b>
<b>AYES:</b>	Lopez, Tarantino Jr, Herbert, Hyden, Kaye, Fried, Bramson

16. 2021 BUDGET RE: LEVY, CONFIRMATION, AND WARRANT - Ordinance levying taxes unpaid solid waste collection fees, and unpaid sanitary sewer and stormwater fees for the Year 2021, ordering the apportionment thereof, confirming the Tax Roll, and directing issuance and signature of the warrant (Intro. 12/16/19)

<b>RESULT:</b>	<b>HELD [UNANIMOUS]</b>
	<b>Next: 12/8/2020 6:15 PM</b>
<b>AYES:</b>	Lopez, Tarantino Jr, Herbert, Hyden, Kaye, Fried, Bramson

DEPARTMENT OF PUBLIC WORKS:

17. PROPOSED AMENDMENT TO CODE OF THE CITY OF NEW ROCHELLE RE: PARKING REGULATION CHANGE - ROCHELLE PLACE - Ordinance amending Section 312-83, Schedule XII: Parking Prohibited at all Times, and Section 312-84, Schedule XIII: Parking Prohibited Certain Hours, of Chapter 312, Vehicles and Traffic, of the Code of the City of New Rochelle (Rochelle Place).

<b>RESULT:</b>	<b>MOVED TO CONSENT AGENDA [UNANIMOUS]</b>
	<b>Next: 12/8/2020 6:15 PM</b>
<b>AYES:</b>	Lopez, Tarantino Jr, Herbert, Hyden, Kaye, Fried, Bramson

DEPARTMENT OF PARKS AND RECREATION:

POLICE DEPARTMENT:

DEPARTMENT OF HUMAN RESOURCES:

CITY MANAGER:

18. **2020-159** - PROPOSED ADOPTION OF PAPER BAG FEE - Resolution adopting a \$0.05 paper bag fee effective January 1, 2021.

Moved by Mayor Bramson, seconded by Council Member Ramos-Herbert, and adopted by a vote of 5 to 2.

<b>RESULT:</b>	<b>ADOPTED [5 TO 2]</b>
<b>AYES:</b>	Lopez, Herbert, Kaye, Fried, Bramson
<b>NAYS:</b>	Albert A. Tarantino Jr, Ivar Hyden

CITY COUNCIL:

19. PROPOSED APPOINTMENT OF DEPUTY MAYOR FOR THE YEAR 2021 Resolution designating City Council Member Martha Lopez as Deputy Mayor for the Year 2021.

Council Member Lopez was nominated to serve as Deputy Mayor for the Year 2021.

<b>RESULT:</b>	<b>MOVED TO CONSENT AGENDA [UNANIMOUS]</b>
	<b>Next: 12/8/2020 6:15 PM</b>
<b>AYES:</b>	Lopez, Tarantino Jr, Herbert, Hyden, Kaye, Fried, Bramson

SUPPLEMENTAL ITEM(S):

UNFINISHED BUSINESS

NEW BUSINESS: December Regular Legislative Meeting, Tuesday, December 8, 2020, at 6:15 P. M.; January Committee of the Whole Session, Tuesday, January 12, 2021, at 3:45 P. M.; January Regular Legislative Meeting, Tuesday, January 19, 2021, at 6:15 P. M.

DISCUSSION ITEM(S):

20. **BUDGET/POLICE REVIEW COMMITTEE** Requested by Charles B. Strome, III, City Manager

Budget/Police Review Committee

Mayor Bramson reviewed the recommendations presented by the Policing Review Committee and memo prepared (see attached memo).

Comments followed.

Council Member Kaye requested that staff identify and pursue grants and funding opportunities; City Manager Strome will contact Angela Farrish of the New Rochelle Municipal Housing Authority for input regarding programs implemented with the use of outside funding sources; input from the Police Department is needed regarding recommendations by the Policing Review Committee as they relate to certain types of equipment; regarding requirements and qualifications for service as a Police Officer, it would be appropriate to submit recommendations to the Civil Service Commission; final recommendations by City Council regarding the Policing Review Committee's proposals will be considered on December 8.

City Manager Strome stated that recommendations by City Council will be incorporated into a draft report and, following final review, Public Hearing(s) will be scheduled. The final Plan must be in the Governor's office by April 1, 2021.

(Comments above supersede/replace comments on Page 97).

EXECUTIVE SESSION

Moved and seconded by Council Members Lopez, Tarantino, Ramos-Herbert, Hyden, Kaye, Fried, and Mayor Bramson, and approved. Subject(s): Two matters involving personnel and one matter involving litigation.

PUBLIC HEARING(S): (Virtual)

SPEAKERS RE: PETITION - PROPOSED AMENDMENT OF ORDINANCE 81, SECTION 3 (2002: Gregory Varian, 145 Huguenot Street.

SPEAKERS RE: PROPOSED 2021 BUDGET: None.

CITIZENS TO BE HEARD (Virtual)

SPEAKERS: Eugene Tozzi, 8 Sycamore Avenue; Bruce Soloway, 76 Vaughn Avenue; Gregory Varian, 145 Huguenot Street; Lourdes Font, 76 Vaughn Avenue; Steven Sonet, 780 Davenport Avenue.

ADJOURNMENT

The meeting was adjourned at 7:25 P.M.

December 1, 2020

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Michelle Oliveros, City Clerk

City of New Rochelle  
Development

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**MEMORANDUM**

TO: Honorable Mayor and City Council

THRU: Charles B. Strome, III, City Manager

FROM: Luiz Aragon, Development Commissioner

DATE: December 1, 2020

SUBJECT: PETITION RE: PROPOSED AMENDMENT OF ORDINANCE 81, SECTION 3, (2002) - Ordinance approving the Petition of Iona College and amending Ordinance No. 81 of 2002 relative to Dormitory Occupancy Limits. (Intro. 11/10/20; Public Hearing 12/1/20)

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**Introduction:**

Iona College has submitted a revised petition dated October 29, 2020 through its counsel Arnold & Porter by letter dated October 30, 2020 to the City seeking to amend Ordinance 81, Section 3, regarding occupancy levels for dormitory buildings located on their campus, specifically Block 1556, Lot 158 for a period of two (2) years - up until September 30, 2022. See enclosed application with exhibits including the proposed revision to Ordinance 81 at ¶ 13. As discussed below, this issue has been periodically reviewed over the years since the ordinance was originally adopted in 2002.

**Review:**

The subject site includes Loftus Hall, Hales Hall and Conese Hall. It is bound by North Avenue to the east, Mayflower Avenue to the south, residential properties primarily fronting on Mount Joy Place to the west, and Summit Avenue to the north.

Ordinance 81 was adopted in 2002 and limited occupancy to a maximum of 696 students residing in the dormitories, without resident advisors. This was amended in 2011 to allow the “maximum number of students as permitted by applicable local and state regulations”, with an expiration date of five years after the amendment. The ordinance was set to expire in September of 2018, but Council allowed a two-year extension by Ordinance No. 2018-61 (3-20-2018).

Prior to granting the two-year extension, an analysis of these buildings by Iona’s consultant found that they could accommodate 2,057 occupants, based on the IBC Building and Fire Code, and 1,043 based on the Dormitory Authority of the State of New York’s College and University Residence Hall Guidelines. The City’s consultant verified Iona’s findings, but noted the College was not in compliance with local Ordinance 81 at the time.

It is important to note that the 696 maximum occupancy limit figure was established nearly two decades ago. Fortunately, Iona has been able to grow, and along with that growth, there is



obviously a need for additional housing. Further, subsequent amendments to Ordinance 81 have permitted over 696 students residing in these buildings since 2011.

In their petition, Iona cites the need to remain competitive with other colleges, which includes the need to expand housing options. Iona's request is to continue to temporarily limit local restrictions on occupancy, leaving it to the regulations set forth by the IBC Building and Fire Code, and by the Dormitory Authority of the State of New York.

**Recommendation:**

It is recommended that Council give consideration to the amendment as proposed by Iona College with an amendment to section 3 as proposed to state: "Upon compliance with all provisions of state and local law, the Bureau of Buildings shall issue ..." It is further recommended that Council set a public hearing and declare itself Lead Agency for compliance with the State Environmental Quality Review Act (an updated Environmental Assessment Form (Parts 1, 2 and 3 is attached.)

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## LEGISLATION

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ORDINANCE APPROVING THE PETITION OF IONA  
COLLEGE AND AMENDING ORDINANCE NO. 81 OF 2002  
RELATIVE TO DORMITORY OCCUPANCY LIMITS. (Public  
Hearing 12/1/20)

WHEREAS, Iona College has submitted a revised petition dated October 29, 2020 to the City through its counsel, Arnold & Porter, seeking to amend Ordinance 81, Section 3, regarding occupancy levels for dormitory buildings located on their campus, specifically Block 1556, Lot 158 for a period of two (2) years up until September 30, 2022; and

WHEREAS, this issue has been periodically reviewed over the years since the ordinance was originally adopted in 2002; and

WHEREAS, the subject site includes Loftus Hall, Hales Hall and Conese Hall and is bound by North Avenue to the east, Mayflower Avenue to the south, residential properties primarily fronting on Mount Joy Place to the west, and Summit Avenue to the north; and

WHEREAS, Ordinance 81 was adopted in 2002 and limited occupancy to a maximum of 696 students residing in the dormitories, without resident advisors, and was amended in 2011 to allow the “maximum number of students as permitted by applicable local and state regulations”, with an expiration date of five years after the amendment; and

WHEREAS, the ordinance was set to expire in September of 2018, but Council allowed a two-year extension by adopting Ordinance No. 61 of 2018; and

WHEREAS, prior to granting the two-year extension, an analysis of these buildings by Iona’s consultant found that they could accommodate 2,057 occupants, based on the IBC Building and Fire Code, and 1,043 based on the Dormitory Authority of the State of New York’s College and University Residence Hall Guidelines; and

WHEREAS, the City’s consultant verified Iona’s findings, but noted the College was not in compliance with local Ordinance 81 at the time; and

WHEREAS, Iona has been able to grow, and along with that growth, there is a need for additional housing; and

WHEREAS, subsequent amendments to Ordinance No. 81 of 2002 have permitted over 696 students residing in these buildings since 2011; and

WHEREAS, Iona's petition cites the need to remain competitive with other colleges, which includes the need to expand housing options; and

WHEREAS, Iona's request is to continue to temporarily limit local restrictions on occupancy, leaving it to the regulations set forth by the IBC Building and Fire Code, and by the Dormitory Authority of the State of New York; now, therefore

BE IT ORDAINED by the City of New Rochelle, that the petition of Iona College dated October 29, 2020, is hereby approved and Ordinance No. 81 of 2002, is hereby amended.

**ATTACHMENTS:**

1. IONA Revised Petition 10-29-2020
2. EAF Pt 1
3. EAF Pt 2
4. EAF Pt 3

# Arnold & Porter

Edward F. McTiernan  
+1 212.836.8199 Direct  
Edward.McTiernan@arnoldporter.com

October 30, 2020

**Via Hand Delivery**

Michelle Oliveros, City Clerk  
Office of the City Clerk  
City of New Rochelle  
515 North Avenue, 1<sup>st</sup> Floor  
New Rochelle, New York 10801

Re: *Petition to Amend Ordinance 81 (2002), Section 3 of the City of New Rochelle regarding occupancy level for dormitory buildings located on Lot 158, Block 1556*

Dear Ms. Oliveros:

On behalf of Iona College ("Iona"), enclosed are the original and fourteen (14) copies of a Petition directed to the City Council seeking to amend Ordinance 81 (2002), Section 3 governing the occupancy level for dormitory buildings located on Lot 158, Block 1556. We respectfully request that the Petition be placed on the agenda for consideration at the November, 2020 meeting of the City Council.

Pursuant to a letter agreement dated December 6, 2019, Iona established an escrow account with the City. To the extent that there are any fees associated with this Petition, the City may apply funds from the Escrow. Please notify me of any amounts charged in connection with this Petition. In addition, kindly provide a current balance for the Escrow and invoices for any charges previously posted against the Escrow.

We thank you for consideration of this request.

Respectfully submitted,



Edward F. McTiernan

Arnold & Porter Kaye Scholer LLP  
250 West 55th Street | New York, NY 10019-9710 | [www.arnoldporter.com](http://www.arnoldporter.com)

US 167725838v4

Attachment: IONA Revised Petition 10-29-2020 (2143 : PETITION RE: PROPOSED AMENDMENT OF ORDINANCE 81, SECTION 3, (2002))

CITY COUNCIL: CITY OF NEW ROCHELLE  
 COUNTY OF WESTCHESTER: STATE OF NEW YORK

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In the Matter of Application of

IONA COLLEGE,

**PETITION TO AMEND  
 SECTION 3 OF CITY  
 ORDINANCE 81 OF 2002**

For Amendments to Ordinance 81, Section 3 of the City of New Rochelle to amend the occupancy level for dormitory buildings located on Lot 158, Block 1556 to that which is permitted by all applicable local and state regulations.

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Pursuant to Article III, Section 15 of the City Charter, which empowers the City Council to vote on an ordinance at a public meeting once introduced to the Council "in written or printed form," and/or Sections 331-141-142 of the City's Code, which empowers the City Council to "amend, supplement, repeal or change the regulations and districts established under this chapter [331]" petitioner IONA COLLEGE ("Iona"), by its attorneys Arnold & Porter Kaye Scholer LLP, hereby petitions the City of New Rochelle (the "City") to amend Ordinance 81 of 2002 ("Ordinance 81") as follows:

**The Petitioner**

1) Founded in 1940 by the Congregation of Christian Brothers, Iona is a private, comprehensive, four-year Catholic College located in the City of New Rochelle. Iona is chartered by the Board of Regents of the State of New York and operated in accordance with the requirements of the New York State Education Department. Iona and its programs are accredited by, *inter alia*, the Commission

on Higher Education of the Middle States Colleges and Schools, the Association to Advance Collegiate Schools of Business, and the Council of Academic Accreditation in Audiology and Speech Language Pathology.

2) The City's 2016 comprehensive master plan, EnvisioNR, confirms that Iona is a major private sector employer in the City. As of 2018, Iona employs approximately 772 faculty and staff, and has a Spring 2019 undergraduate program enrollment of approximately 2,744 students. As noted by EnvisioNR, Iona has a direct economic impact of over \$117 million that supports over 1,300 employees, inclusive of full-time, part-time and student workers.

3) Iona has successfully transitioned from a commuter student population to residential institution offering approximately 40-45% of its undergraduate students housing in dormitories owned and operated by Iona. However, the overall number of high school graduates in New York is decreasing. As a result, institutions of higher education are operating in an increasingly competitive environment. Iona has invested considerable resources in its faculty, academic buildings, dormitories and athletic facilities to support its long-term plan to transition from a commuter-oriented college to a regional residential institution. To continue to attract and retain students in this environment, Iona needs to expand the housing options it offers to students and prospective students.

4) Student decisions concerning on-campus housing begin as early as November for the following academic year. Returning students often make their choices with respect to housing for the following academic year in the previous spring semester. To attract and retain students, Iona must know how many residents are permitted to reside in its dormitories.

#### **The Dormitories**

5) Iona owns and operates six dormitories including Loftus Hall, Hales Hall and Conese Hall which are located on Lot 158, Block 1556 (collectively these three building are referred to as the "Dormitories"). Conese and Hales Hall are both six-floor buildings comprised of co-ed floors with

single-sex suites that house either six (6) or nine (9) students. Loftus Hall is a ten-floor building comprised of co-ed floors with single-sex suites housing either five (5) or six (6) students.

6) In 2018, H2M architects + engineers ("H2M") conducted a comprehensive code analysis of the Dormitories on behalf of Iona. This analysis involved verifying the use and occupancy of each room, calculating the egress distances and calculating the maximum occupancy based upon the current configurations of the existing buildings. H2M concluded in its report dated February 1, 2018 that based upon the IBC Building and Fire Code the number of allowable building occupants is 2,057. See Exhibit 1. Furthermore, H2M concluded that, according to the Dormitory Authority of the State of New York's College and University Residence Hall Guidelines ("DASNY Guidelines"), at the total (aggregate) number of residents that could occupy the Dormitories in compliance with the applicable state regulations and standards is 1,043.

7) The Chazen Companies ("Chazen") conducted an analysis and review of the occupancy limits of the Dormitories on behalf of the City. In its report dated February 23, 2018, Chazen found that the H2M report accurately analyzed the requirements for residents under applicable regulations and standards but noted that H2M failed to apply Ordinance 81. See Exhibit 2.

#### The Existing Provision

8) As originally adopted in 2002, Ordinance 81 permitted Lot 158 in Block 1556 "to be used for dormitory buildings, housing a maximum of 696 students without resident advisors . . ." See Ordinance 81 Section 2(a).

9) Ordinance 81 was amended in 2011 to permit "a maximum number of students as permitted by applicable local and state regulations" to reside in the Dormitories.

10) However, the occupancy level in the 2011 amendment (based upon applicable local and state regulations) expired "on the five-year anniversary of the expiration of Ordinance 163 of 2011." See Ordinance 81 Section 3.

11) Ordinance 163 of 2011 was originally set to expire in September 2018. However, in March 2018, the City adopted Ordinance 61 of 2018 which set the occupancy limits for the Dormitories at "the maximum number of students as permitted by applicable local and state regulations for an additional two years to September 30, 2020."

12) Neither Ordinance 61 of 2018 nor Section 3 of Ordinance 81 as amended in 2011 establish a precise occupancy limit or specify how the occupancy level would be established. Therefore, despite the fact that at all times since 2011 the occupancy in the Dormitories has exceeded 696, and the fact that Iona is relying upon using the Dormitories to their reasonable capacity to attract and retain students, without further action by the City, at the expiration of the Ordinance, the occupancy permitted in the Dormitories will presumably return to a maximum of 696 students (not including Resident Advisors).

13) The allowed occupancy level set by the original Ordinance 81 of 696 students is significantly below the allowable occupancy calculated by H2M using the DASNY Guidelines of 1,043 students or the New York State IBC Fire Code limit calculated by H2M to be 2,057 occupants. Reducing the permitted occupancy of the Dormitories to 696 residents would be extremely disruptive to Iona.

#### **The Proposed Amendment**

14) Iona hereby petitions the City to amend Ordinance 81 to extend the current occupancy level for the Dormitories to the "maximum number of students as permitted by applicable local and state regulations" for a two-year period to September 30, 2022.

15) The Proposed Amendment would not result in increased student enrollment at Iona. Rather, the Proposed Amendment would allow Iona to offer guaranteed, on-campus housing to the maximum number of prospective students permitted by applicable local and state regulations without regard to the limit in the 2002 limit found in Ordinance 81.



16) Maintaining maximum occupancy of these college-owned, college-controlled dormitories would allow more students to remain in on-campus housing, which, in turn, would cause less disruption to the surrounding neighborhoods and allow Iona to maintain control over student behavior through enforcement of its Code of Conduct and supervision by full-time Resident Directors and Resident Advisors.

17) Iona respectfully submits that it is unaware of any reason related to the morals, health, welfare or safety to the community that would require occupancy of the Dormitory Buildings to be any less than is allowed by the generally applicable local and state regulations. See Cornell Univ. v. Bagnardi, 68 N.Y.2d 583, 593-94, 510 N.Y.S.2d 861, 866 (1986).

18) As both a religious and educational user of the land, Iona should be granted leniency in its application to this Council.<sup>1</sup>

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<sup>1</sup> In New York State that requests made by educational providers should be examined and processed more leniently, and that such educational uses should be afforded special treatment. *Cornell*, 68 N.Y.2d. While the Court of Appeals noted that the inherent benefits of educational uses must be carefully balanced against their potential for impacts to the community, here it is clear that the benefits of the educational use is having its students reside on its campus outweigh any negative effects to the community. *Id.* at 597 (expansion must be taken into consideration with "the possible ill effects the proposed uses may have on the surrounding area" and further the expansion may be conditioned by special permit on conditions "that would mitigate any deleterious effects on the surrounding community"). Furthermore, "greater flexibility is [also] required in evaluating an application for a religious use than an application for another use and every effort to accommodate the religious use must be made." *Rosenfeld v. Z.B.A. of Ramapo*, 6 A.D.3d 450, 774 N.Y.S.2d 359 (2d Dept. 2004), quoting *Genesis Assembly of God v. Davies*, 208 A.D.2d 627, 628, 617 N.Y.S.2d 202 (2d Dept. 2004). "It is incumbent upon the local [government] to suggest measures to accommodate the proposed religious use while mitigating the adverse effects on the surrounding community to the greatest extent possible." *Genesis Assembly*, 617 N.Y.S.2d at 203.

CONCLUSION

WHEREFORE, Petitioner respectfully requests that the City Council amend Ordinance 81 of 2002 to allow occupancy in the dormitory buildings located on Lot 158 in Block 1556, at the maximum number of students as permitted by applicable local and state regulations.

Dated: October 29, 2020  
New York, New York

Respectfully submitted,  
ARNOLD & PORTER KAY SCHOLER, LLP

By:   
Edward F. McTiernan

# Exhibit 1



architects + engineers

538 Broad Hollow Road, 4<sup>th</sup> Floor East tel 631.756.8000  
Melville, NY 11747 fax 631.694.4122

02.01.18 rev

Mr. Richard Murray  
Facilities Director  
Iona College  
RMurray@iona.edu

**Re: Dormitory Building Occupancy Study  
IONA 1801**

Dear Mr. Murray:

H2M architects + engineers (H2M) has completed the requested code analysis related to the allowable number of occupants at each of three dormitory buildings: Loftus Hall, Hales Hall, and Conese Hall.

A NYS IBC Building and Fire Code (2016) analysis was performed to determine the maximum number of total building occupants allowed based on the existing room layout, egress corridors, stairs and exterior doors. This task involved verifying the use and occupancy for each room, calculating the egress distances and calculations for maximum occupancy based on the current configuration of the existing buildings.

Additionally, H2M analyzed the net area of each bedroom to calculate the number of occupants per bedroom which is separate from the calculations for building occupancy. The NYS IBC requires a minimum bedroom size of 70sf and allocates an allowable occupancy based on 50sf per person for dormitory bedroom use.

H2M has also referenced the Dormitory Authority of the State of NY (DASNY) College and University Residence Hall Guidelines (2014 latest publication), which agrees with the minimum requirements of the State and sites recommended area of 50sf per person for bedroom occupancy.

The following paragraphs summarize the occupancy calculations performed for each building:

**The Loftus Hall Building** is an existing occupied structure, 11 stories in height and approximately 72,350 habitable square feet in floor area. The building is a type IIB construction type and fully sprinklered. **Based on the occupancy of R-2 Residential and accessory areas of Business and Storage the total allowable number of building occupants is 958 for this building per the NYS IBC. The recommended number of bedroom occupants based on 50sf per person, as recommended by the DASNY calculated on the net bedroom area is 547.**

**The Hales Hall Building** is an existing occupied structure, 6 stories in height and approximately 39,000 habitable square feet in floor area. The building is a type IIB construction type and fully sprinklered. **Based on the occupancy of R-2 Residential and accessory areas of Business and Storage the total allowable number of building occupants is 550 for this building per the NYS IBC. The recommended number of bedroom occupants based on 50sf per person calculated on the net bedroom area is 248.**

**The Conese Hall Building** is an existing occupied structure, 6 stories in height and approximately 41,750 habitable square feet in floor area. The building is a type IIB construction type and fully sprinklered. **Based on the occupancy of R-2 Residential and accessory areas of Business and Storage the total allowable number of building occupants is 549 for this building per the NYS IBC. The recommended number of bedroom occupants based on 50sf per person calculated on the net bedroom area is 248.**

The stairways, egress doors and maximum path of egress in each of these buildings all comply with the NYS IBC requirements as shown on the enclosed drawings.

[www.h2m.com](http://www.h2m.com)

Iona College  
Dormitory Building Occupancy Study  
Page 2



Pursuant to NYS IBC, the total number of allowable building occupants for Loftus, Hales, and Conese Halls combined is 2,057. Pursuant to DASNY guidelines, the total number of recommended occupants for Loftus, Hales, and Conese Halls combined is 1,043. Based upon my experience, expertise, and the information provided by the College, the 5-year historical occupancy levels in these dormitories have been lawful and code compliant.

If you have any questions, please feel free to contact me at 631.392.5638 or RMarcus@h2m.com.

Very truly yours,

H2M architects + engineers

Renee Marcus, RA, LEED AP  
Senior Architect/Studio Director



X:\IONA (Iona College)\IONA 1801 Dorm Occupancy Study\01-Reports\18-01-30 Iona College Dorm Study.docx

# Exhibit 2



CAPITAL DISTRICT OFFICE  
547 River Street  
Troy, NY 12180  
P: 518.273.0055 or 888.539.9073  
www.chazencompanies.com

February 23, 2018

Mr. Luiz Aragon  
Development Commissioner  
City of New Rochelle  
515 North Avenue  
New Rochelle, New York 10801

Re: *Iona College Dormitory Occupancy Assessment*  
*Chazen Project Number: 31802.07*

Commissioner:

As requested by the City of New Rochelle (City) the Chazen Companies (Chazen) has performed an analysis and review of the current occupancy limits of three dormitory buildings at Iona College. The three buildings, Loftus Hall, Hales Hall, and Conese Hall, are located on North Ave in the City, immediately adjacent to the Iona Campus. As part of our analysis we reviewed the *Dormitory Building Occupancy Study*, dated February 1, 2018 prepared by H2M architects + engineers, a "bed analysis" provided by the College, and applicable state codes.

Chazen found the document prepared by H2M to be accurate and in alignment with the requirements as defined in the 2015 International Building Code and Property Maintenance Code. However, this report fails to reference local Ordinance 81. This ordinance, dated 2002 limited the total occupancy of the three dormitories on the parcel block 1556, lot 58 to 696 students. The ordinance was later amended, but remains the most stringent regulations in terms of occupancy in the three dormitories.

#### Inspection

On February 20, 2018, Chazen performed a site visit of the three (3) dormitories buildings. The purpose of the site visit was to establish the current occupancy for each dorm. Chazen was escorted through each building by Iona College facilities personnel who provided access to each room that was inspected.

Chazen used the "bed analysis" that was provided by Iona College as a resource in performing our site inspection. This analysis listed the maximum number of beds allowed per room, the number of beds provided for the spring semester 2018, and the number of beds occupied for the spring semester 2018. Chazen completed an inspection of each bedroom throughout the three dormitories referenced above and obtained a current bed count and current occupancy count.

#### Findings

Upon completion of our inspection of the dorms, we summarized our findings along with the "bed analysis" data and it is shown in Table 1 below.

HUDSON VALLEY • CAPITAL DISTRICT • NORTH COUNTRY • WESTCHESTER • NASHVILLE, TN  
Chazen Engineering, Land Surveying & Landscape Architecture Co., D.P.C. (New York)  
Chazen Engineering Consultants, LLC (Tennessee)

Mr. Luiz Aragon  
February 23, 2018  
Page 2

**Table 1: Actual Occupancy**

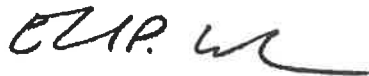
Number of beds occupied				
	Loftus Hall	Hales Hall	Conese Hall	Total
<b>Chazen Count</b>	357	162	174	<b>693</b>
<b>Bed Analysis</b>	358	158	169	<b>685</b>
			Difference	<b>+8</b>
Number of beds provided				
	Loftus Hall	Hales Hall	Conese Hall	Total
<b>Chazen Count</b>	416	193	196	<b>805</b>
<b>Bed Analysis</b>	419	193	196	<b>808</b>
			Difference	<b>-3</b>

As shown in the table above the number of beds occupied at the time of the inspection was 8 more than listed by the college. However, since student occupancy can vary throughout a semester, our analysis focused on the total number of beds which is the potential for occupants in the dormitories. The total number of beds provided was found to be 805, three less than the college data shows. This number is in excess of the maximum number of 696 student allowed per Ordinance 163 and 115 which amended the original Ordinance 81.

In addition, it was observed during our site inspection that the required fire and life safety components in these dorms appeared to be in compliance with applicable codes and egress paths were maintained throughout the areas inspected.

Should you have any questions regarding the information identified within this report please do not hesitate to contact our office at 518.273.0055.

Sincerely,



Edward P. Larkin, P.E.  
Principal  
Director of Code Services

cc: Joe Popp, Chazen  
Mike Ruffinen, Chazen



## Short Environmental Assessment Form

### Part 1 - Project Information

#### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: Petition to Amend Ordinance 81 (2002)			
Project Location (describe, and attach a location map): The City of New Rochelle (Block 1556, Lot 158)			
Brief Description of Proposed Action: The City is reviewing a petition by Iona College seeking to amend Ordinance 81, Section 3 from 2002, regarding occupancy levels for certain dormitory buildings located on their campus, specifically Block 1556, Lot 158. The request would extend the currently permitted occupancy levels to the "maximum number of students as permitted by applicable local and state regulations" for a two-year period to September 30, 2022.			
Name of Applicant or Sponsor: City of New Rochelle		Telephone:	
		E-Mail:	
Address: 515 North Avenue			
City/PO: New Rochelle		State: NY	Zip Code: 10801
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

Attachment: EAF Pt 1 (2143 : PETITION RE: PROPOSED AMENDMENT OF ORDINANCE 81, SECTION 3, (2002))

<p>5. Is the proposed action,</p> <p>a. A permitted use under the zoning regulations?</p> <p>b. Consistent with the adopted comprehensive plan?</p>	<p>NO</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>N/A</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>
<p>6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>	
<p>7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?</p> <p>If Yes, identify: _____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>	
<p>8. a. Will the proposed action result in a substantial increase in traffic above present levels?</p> <p>b. Are public transportation services available at or near the site of the proposed action?</p> <p>c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?</p>	<p>NO</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	
<p>9. Does the proposed action meet or exceed the state energy code requirements?</p> <p>If the proposed action will exceed requirements, describe design features and technologies:</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>	
<p>10. Will the proposed action connect to an existing public/private water supply?</p> <p>If No, describe method for providing potable water: _____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>	
<p>11. Will the proposed action connect to existing wastewater utilities?</p> <p>If No, describe method for providing wastewater treatment: _____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>	
<p>12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?</p> <p>b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?</p>	<p>NO</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	
<p>13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?</p> <p>b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?</p> <p>If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	

Attachment: EAF Pt 1 (2143 : PETITION RE: PROPOSED AMENDMENT OF ORDINANCE 81, SECTION 3, (2002))

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:  
 Shoreline    Forest    Agricultural/grasslands    Early mid-successional  
 Wetland    Urban    Suburban

15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?      NO      YES  
     

16. Is the project site located in the 100-year flood plan?      NO      YES  
     

17. Will the proposed action create storm water discharge, either from point or non-point sources?  
 If Yes,  
     a. Will storm water discharges flow to adjacent properties?              
     b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?              
 If Yes, briefly describe:  
 \_\_\_\_\_  
 \_\_\_\_\_

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?      NO      YES  
 If Yes, explain the purpose and size of the impoundment: \_\_\_\_\_  
 \_\_\_\_\_

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?      NO      YES  
 If Yes, describe: \_\_\_\_\_  
 \_\_\_\_\_

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?      NO      YES  
 If Yes, describe: \_\_\_\_\_  
 \_\_\_\_\_

**I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE**

Applicant/sponsor/name: City of New Rochelle      Date: 11/3/20  
 Signature: *Kia Ki*      Title: Director of Planning & Sustainability

Attachment: EAF Pt 1 (2143 : PETITION RE: PROPOSED AMENDMENT OF ORDINANCE 81, SECTION 3, (2002))

Agency Use Only [If applicab

Project: \_\_\_\_\_  
 Date: \_\_\_\_\_

**Short Environmental Assessment Form  
 Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Attachment: EAF Pt 2 (2143 : PETITION RE: PROPOSED AMENDMENT OF ORDINANCE 81, SECTION 3, (2002))

Agency Use Only [If applicable]

Project: \_\_\_\_\_

Date: \_\_\_\_\_

**Short Environmental Assessment Form**  
**Part 3 Determination of Significance**

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Attachment: EAF Pt 3 (2143 : PETITION RE: PROPOSED AMENDMENT OF ORDINANCE 81, SECTION 3, (2002))

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

City Council- City of New Rochelle	11/03/2020
_____ Name of Lead Agency	_____ Date
Luiz C. Aragon	Commissioner of Development
_____ Print or Type Name of Responsible Officer in Lead Agency	_____ Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**

City of New Rochelle  
Finance Department

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**MEMORANDUM**

TO: Honorable Mayor and City Council  
THRU: Charles B. Strome, III, City Manager  
FROM: Mark Zulli, Finance Commissioner  
DATE: December 1, 2020  
SUBJECT: PROPOSED 2021 BUDGET - Ordinance adopting the Budget, as amended, for  
the Year 2021, and appropriating amounts therein. (Public Hearing 12/01/2020)

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ORDINANCE TO FOLLOW UPON RECEIPT OF FINAL BUDGET

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## LEGISLATION

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ORDINANCE ADOPTING THE BUDGET, AS AMENDED,  
FOR THE YEAR 2021 AND APPROPRIATING AMOUNTS  
THEREIN. (Public Hearing 12/1/20)

BE IT ORDAINED by the City of New Rochelle:

Section 1. The following Budget Estimate for the Year 2021, consisting of the General Fund, Special Revenue Funds, Enterprise Funds, Internal Service Funds, the Debt Service Fund and the Capital Projects Fund, as submitted by the City Manager and, as amended, showing a tax levy of \$ \_\_\_\_\_ is hereby adopted as and for the Annual Budget of the City of New Rochelle for the Year 2021 and the amounts set forth in said Budget, as amended, as hereto annexed, are hereby appropriated for the purpose stated therein.

Section 2. Where officers or employees are transferred in accordance with Civil Service Regulations from one account to another, the salary of such officer or employee shall be transferred upon direction of the City Manager to the account number to which such officer or employee is transferred.

Section 3. Errors in computation of salaries may be corrected upon certification of the City Manager and the sums necessary for such correction shall be transferred from the Contingent Fund upon certification of the City Manager.

Section 4. The City Manager is hereby authorized to transfer appropriations from departmental salary and benefit accounts to the Vacancy Factor account for any positions that may become vacant during the year.

Section 5. The City Manager is hereby authorized to appoint additional temporary firefighters or police officers in advance of the start of police/fire academies to replace pending retirements.

Section 6. The City Manager is hereby authorized to transfer from the Contingent Fund the amount of money required in any specific instance to meet the cash payment in lieu of supplemental vacation authorized for a retiring employee insofar as there may be insufficient surplus funds available for such purpose in the subdivision of the account from which the employee is normally paid.

Section 7. Where it is necessary to reclassify a position to a new title and/or the same or lower salary grade, the City Manager is hereby authorized to make such change.

Section 8. When there exists an accumulated surplus generated from the current year's operations, the City Manager is authorized to use all or part of said surplus for the repayment of debt services.

Section 9. This ordinance shall take effect January 1, 2021.



City of New Rochelle  
Development

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**MEMORANDUM**

TO: Honorable Mayor and City Council  
THRU: Charles B. Strome, III, City Manager  
FROM: Luiz Aragon, Development Commissioner  
DATE: December 1, 2020  
SUBJECT: PROPOSED LEAD AGENCY STATUS RE: AMENDING SECTION 331-45  
ADDITIONAL REGULATIONS FOR RESIDENCE DISTRICTS - Resolution  
declaring Lead Agency status relative to the proposed ordinance amending  
Section 331-45, Additional Regulations for Residence Districts, of Chapter 331,  
Zoning, of the Code of the City of New Rochelle.

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Resolution declaring Lead Agency status relative to the proposed ordinance amending Section 331-45, Additional Regulations for Residence Districts, of Chapter 331, Zoning, of the Code of the City of New Rochelle.

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## **LEGISLATION**

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RESOLUTION DECLARING LEAD AGENCY STATUS  
RELATIVE TO THE PROPOSED ORDINANCE AMENDING  
SECTION 331-45, ADDITIONAL REGULATIONS FOR  
RESIDENCE DISTRICTS, OF CHAPTER 331, ZONING, OF THE  
CODE OF THE CITY OF NEW ROCHELLE.

WHEREAS, this City Council hereby wishes to declare itself to be the Lead Agency with respect to the environmental review of the actions to amend Section 331-45, Additional regulations for residence districts, of Chapter 331, Zoning, of the Code of the City of New Rochelle; and

WHEREAS, this City Council finds the Proposed Action to be an Unlisted Action pursuant to SEQRA; and

WHEREAS, the Department of Development has prepared and submitted an Environmental Assessment Form (EAF) for the Proposed Action, on file for inspection with the City Clerk's Office; now, therefore,

BE IT RESOLVED that this City Council hereby declares itself to be the lead agency with respect to the proposed amendment and directs that the proposed amendment be sent to the Planning Board and the Westchester County Planning Department for review and recommendation.

City of New Rochelle  
Development

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**MEMORANDUM**

TO: Honorable Mayor and City Council  
 THRU: Charles B. Strome, III, City Manager  
 FROM: Luiz Aragon, Development Commissioner  
 DATE: December 1, 2020  
 SUBJECT: PROPOSED AMENDMENT TO ZONING CODE, CHAPTER 331-45, ADDITIONAL REGULATIONS FOR RESIDENCE DISTRICTS - Ordinance amending Section 331-45, Additional Regulations for Residence Districts, of Chapter 331, Zoning, of the Code of the City of New Rochelle. (Intro. 12/1/20)

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In order to add clarification to the code and to eliminate confusion we update the code from time. In this instance we are removing one word from Section 331-45C(2) to offer clarity as the intent in residential districts is to offer the option of office of a professional to residents without sacrificing the sanctity of the residentially zoned districts.

Additionally, the National Fire Protection Association ("NFPA") has updated their criteria and offered clarity with respects to placement of outdoor emergency generators in relationship to a wood frame structure, where as the City Code requires a 5'-0" distance separation. In the past, the City code was aligned with NFPA criteria, which has now been updated. In order to remain consistent with NFPA criteria, the attached update to Section 331-45 I (2) is recommended.

**Recommendation**

Staff recommends that the council adopt these amendments to 331-45, "Additional Regulations for Residence Districts."

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## LEGISLATION

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ORDINANCE AMENDING SECTION 331-45, ADDITIONAL REGULATIONS FOR RESIDENCE DISTRICTS, OF CHAPTER 331, ZONING, OF THE CODE OF THE CITY OF NEW ROCHELLE. (Intro. 12/1/20)

WHEREAS, in order to add clarification to the code and to eliminate confusion, the City Code is updated from time to time; and

WHEREAS, the National Fire Protection Association ("NFPA") has updated their criteria and offered clarity with respects to placement of outdoor emergency generators in relationship to a wood frame structure, whereas the City Code requires a 5'-0" distance separation; and

WHEREAS, in the past the City Code was aligned with NFPA criteria, which has now been updated; and

WHEREAS, in order to remain consistent with NFPA criteria, the attached update to Section 331-45 I (2) is recommended; now, therefore

BE IT ORDAINED by the City of New Rochelle:

Section 1. Section 331-45, Additional regulations for residence districts, of Chapter 331, Zoning, of the Code of the City of New Rochelle, is hereby amended to read as follows:

§ 312-45. Additional regulations for residence districts.

- C. Office of professional person in residential districts. In all residential districts and dwelling units, an office of a professional person may be established subject to the following:
  - (2) Such profession is carried on as incidental to the residential use of the premises by a resident thereof and does not occupy more than 25% of the [ground] floor area or 500 square feet, whichever is less, in the principal dwelling or an accessory building on the lot.
  
- I. Permanent outdoor emergency energy-generation systems installation for the exclusive use of a one-family residence located on the property. In view of the small acreage of one-family residential properties in the City of New Rochelle, the following conditions

are imposed on the issuance of building permits for the permanent siting of outdoor emergency energy-generation systems. Such building permits shall not be required for portable emergency energy generators.

- (2) The emergency energy-generation system shall not be located in any required front yard setback, but cannot be constructed within 10 feet of any rear lot line or within six feet of any side lot line. Location in the rear of the residence located on the property shall be preferred so as to minimize visibility of the system from adjoining properties and the street. [No]Emergency energy-generating systems shall be [placed] installed [within five feet] as per manufacturers specifications and NFPA standards but in no case be installed less than 2' from a wood framed structure if installed with a rated enclosure and no less than 5' without a rated enclosure as per NFPA standards [of any wood frame building or structure].

Matter [bracketed] deleted.

Matter underlined added.

ATTACHMENTS:

1. Section 331-45 EAF

## *Short Environmental Assessment Form*

### *Part 1 - Project Information*

#### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: Amendment to Zoning Code Section 331-45, Additional regulations for residence districts			
Project Location (describe, and attach a location map): City of New Rochelle			
Brief Description of Proposed Action: Proposed amendment to the Zoning Code, Section 331-45, regarding the regulation of office of professional person and emergency energy-generation systems.			
Name of Applicant or Sponsor: City Council- City of New Rochelle		Telephone:	
		E-Mail:	
Address: 515 North Avenue			
City/PO: New Rochelle		State: NY	Zip Code: 10801
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

Attachment: Section 331-45 EAF (2153 : PROPOSED AMENDMENT TO ZONING CODE CHAPTER 331-45, ADDITIONAL REGULATIONS FOR

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

Shoreline    Forest    Agricultural/grasslands    Early mid-successional  
 Wetland    Urban    Suburban

15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?      NO      YES  
     

16. Is the project site located in the 100-year flood plan?      NO      YES  
     

17. Will the proposed action create storm water discharge, either from point or non-point sources?  
If Yes,

    a. Will storm water discharges flow to adjacent properties?      NO      YES  
     

    b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?  
If Yes, briefly describe:      NO      YES  
     

\_\_\_\_\_  
\_\_\_\_\_

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?      NO      YES  
If Yes, explain the purpose and size of the impoundment:           

\_\_\_\_\_  
\_\_\_\_\_

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?      NO      YES  
If Yes, describe:           

\_\_\_\_\_  
\_\_\_\_\_

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?      NO      YES  
If Yes, describe:           

\_\_\_\_\_  
\_\_\_\_\_

**I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE**

Applicant/sponsor/name: City Council- City of New Rochelle      Date: 11/23/2020

Signature: *K. A. Thi*      Title: 11/23/20

Attachment: Section 331-45 EAF (2153 : PROPOSED AMENDMENT TO ZONING CODE CHAPTER 331-45, ADDITIONAL REGULATIONS FOR



Agency Use Only [If applicable]

Project: \_\_\_\_\_

Date: \_\_\_\_\_

## *Short Environmental Assessment Form*

### *Part 2 - Impact Assessment*

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**PRINT FORM**

Project: \_\_\_\_\_

Date: \_\_\_\_\_

### Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

As shown in Parts I and II of this environmental assessment form, the proposed zoning amendment will have no adverse impact on the environment. Accordingly, the City can issue a Negative Declaration for this action.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

City Council- City of New Rochelle

11/23/2020

Name of Lead Agency

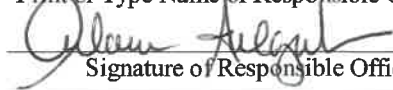
Date

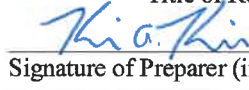
Adam Salgado

Deputy Commissioner for Economic Development

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer





Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**

City of New Rochelle  
Development

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**MEMORANDUM**

TO: Honorable Mayor and City Council  
THRU: Charles B. Strome, III, City Manager  
FROM: Luiz Aragon, Development Commissioner  
DATE: December 1, 2020  
SUBJECT: PROPOSED PUBLIC HEARING RE: AMENDMENT TO ZONING CODE CHAPTER 331-45, ADDITIONAL REGULATIONS FOR RESIDENCE DISTRICTS - Resolution scheduling a Public Hearing relative to the proposed ordinance amending Section 331-45, Additional Regulations for Residence Districts, of Chapter 331, Zoning, of the Code of the City of New Rochelle.

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PROPOSED PUBLIC HEARING RE: AMENDMENT TO ZONING CODE CHAPTER 331-45- Proposed Resolution scheduling a Public Hearing relative to the proposed amendment to the City of New Rochelle Zoning Code Section 331-45, Additional Regulations for Residence Districts

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## **LEGISLATION**

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RESOLUTION SCHEDULING A PUBLIC HEARING RELATIVE TO THE PROPOSED ORDINANCE AMENDING SECTION 331-45, ADDITIONAL REGULATIONS FOR RESIDENCE DISTRICTS, OF CHAPTER 331, ZONING, OF THE CODE OF THE CITY OF NEW ROCHELLE.

BE IT RESOLVED by the City Council of the City of New Rochelle:

This Council shall hold a public hearing on January 12, 2021 at 7:00 P.M. in the Council Chambers, 515 North Avenue, New Rochelle, New York, on the proposed amendment to Chapter 331, Zoning, of the New Rochelle Zoning Code:

ORDINANCE AMENDING SECTION 331-45, ADDITIONAL REGULATIONS FOR RESIDENCE DISTRICTS, OF CHAPTER 331, ZONING, OF THE CODE OF THE CITY OF NEW ROCHELLE.

and, be it further

RESOLVED that the proposed amendments are hereby referred to the New Rochelle Planning Board and Westchester County Planning Department for their review and recommendation; and be it further

RESOLVED that the City Clerk give due notice of said public hearing.

City of New Rochelle  
Development

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**MEMORANDUM**

TO: Honorable Mayor and City Council  
THRU: Charles B. Strome, III, City Manager  
FROM: Luiz Aragon, Development Commissioner  
DATE: December 1, 2020  
SUBJECT: PROPOSED LEAD AGENCY STATUS RE: PROPOSED AMENDMENT TO ZONING CODE, SECTION 331-126 - Resolution declaring Lead Agency status relative to the proposed ordinance amending Section 331-126, Schedule of Off-Street Parking and Loading Space Requirements, of Chapter 331-Zoning, of the Code of the City of New Rochelle.

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Resolution declaring Lead Agency status relative to the proposed ordinance amending Section 331-126, Schedule of Off-Street Parking and Loading Space Requirements, of Chapter 331-Zoning, of the Code of the City of New Rochelle.

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## **LEGISLATION**

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RESOLUTION DECLARING LEAD AGENCY STATUS  
RELATIVE TO THE PROPOSED ORDINANCE AMENDING  
SECTION 331-126, SCHEDULE OF OFF-STREET PARKING AND  
LOADING SPACE REQUIREMENTS, OF CHAPTER 331,  
ZONING, OF THE CODE OF THE CITY OF NEW ROCHELLE.

WHEREAS, this City Council hereby wishes to declare itself to be the Lead Agency with respect to the environmental review of the actions to amend Section 331-126, Schedule of Off-Street Parking and Loading Space Requirements, of Chapter 331, Zoning, of the Code of the City of New Rochelle; and

WHEREAS, this City Council finds the Proposed Action to be an Unlisted Action pursuant to SEQRA; and

WHEREAS, the Department of Development has prepared and submitted an Environmental Assessment Form (EAF) for the Proposed Action, on file for inspection with the City Clerk's Office; now, therefore,

BE IT RESOLVED that this City Council hereby declares itself to be the lead agency with respect to the proposed amendment and directs that the proposed amendment be sent to the Planning Board and the Westchester County Planning Department for review and recommendation.

City of New Rochelle  
Development

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**MEMORANDUM**

TO: Honorable Mayor and City Council  
 THRU: Charles B. Strome, III, City Manager  
 FROM: Luiz Aragon, Development Commissioner  
 DATE: December 1, 2020  
 SUBJECT: PROPOSED AMENDMENT TO SECTION 331-126 OF THE ZONING CODE  
 RE: PARKING & LOADING REQUIREMENTS - Ordinance amending Section  
 331-126, Schedule of off-street parking and loading space requirements, of  
 Chapter 331, Zoning, of the Code of the City of New Rochelle. (Intro. 12/1/20)

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**Introduction:**

All private property land uses are subject to minimum parking and loading space requirements. These requirements vary depending on the type and scale of a use. However, smaller parcels and buildings that were built prior to the proliferation of automobiles, provide an urban form that does not support on-site parking. As discussed below, applying traditional zoning parameters that require on-site parking creates several problems for existing and historic properties, particularly in our downtown as discussed below.

**Review:**

The City's downtown includes a number of parcels that were designed in a manner that did not anticipate automobiles. The resulting urban form is one that is pedestrian and business friendly, and promoted through the City's form-based code. As automobiles began to proliferate, the users of these parcels relied on on-street parking, and municipal parking facilities to satisfy their parking needs.

While many buildings and their tenants are grand-fathered, and protected from the current requirements for off-street parking, problems arise if a use becomes vacant and/or abandoned (with either a vacant commercial space, or a completely vacant parcel). In order to occupy these spaces, the site must not provide a use and/or square footage that exceeds what previously existed. If it does, it would either need to construct on-site parking, or seek a variance. From a design perspective, providing on-site parking is simply problematic. Further, it would destroy the urban fabric the City is trying to protect and promote. Perhaps most concerning is the impact this causes on the commercial real estate market. The code limits a property owner's ability to fill space, which contributes to the existence of vacant storefronts, or uses occupying spaces that do not meet a site's full potential.

Recognizing this, many communities across the country have taken measures to eliminate parking requirements that are detrimental to commercial areas. In some cases, this means completely eliminating parking requirements. In others, communities have eliminated requirements for only commercial uses. Some communities have eliminated parking requirements for smaller businesses. Given the City's need to balance our urban/suburban reality, in June 19, 2018, a code amendment was adopted that took the latter, more conservative approach, with an additional caveat, that eliminated parking and loading space requirements for existing commercial spaces with less than 2,000 square feet of gross floor area, and an occupancy that does not exceed 49 people. Further, no additional parking is required for outdoor dining where it is otherwise compliant with the area and occupancy standards noted above.

After further studying the current state of the older building stock in the downtown area, we have identified approximately 300 ground floor commercial spaces within undersized parcels, ranging from around 400 to 4,000 square feet. Of these, approximately 20% (60 spaces) are currently vacant, and a significant amount are underutilized.

Under the existing regulations, many of the commercial spaces mentioned above cannot be adaptively reused. Given this, and as shown in the accompanying code amendment, it is recommended that the city eliminate parking and loading space requirements for existing commercial spaces with less than 3,000 square feet of gross floor area, and an occupancy that does not exceed 49 people.

**Recommendation:**

Staff recommends that Council set a public hearing on the proposed amendment and refer same to the Planning Board and Westchester County Planning Board. It is also recommended that the City Council declare itself Lead Agency for the purposes of an environmental review pursuant to the State Environmental Quality Review Act (SEQRA). The Short Environmental Assessment Form (SEAF) is attached.

Staff recommends that the Council approve this amendment pending the outcome of the public hearing and responses from the City's Planning Board, and the Westchester County Planning Board.



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## LEGISLATION

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ORDINANCE AMENDING SECTION 331-126, SCHEDULE OF OFF-STREET PARKING AND LOADING SPACE REQUIREMENTS, OF CHAPTER 331, ZONING, OF THE CODE OF THE CITY OF NEW ROCHELLE. (Intro. 12/1/20)

WHEREAS, all private property land uses are subject to minimum parking and loading space requirements depending on the type and scale of a use; and

WHEREAS, smaller parcels and buildings that were built prior to the proliferation of automobiles, provide an urban form that does not support on-site parking; and

WHEREAS, applying traditional zoning parameters that require on-site parking creates several problems for existing and historic properties, particularly in the downtown; and

WHEREAS, while many buildings and their tenants are grand-fathered, and protected from the current requirements for off-street parking, problems arise if a use becomes vacant and/or abandoned (with either a vacant commercial space, or a completely vacant parcel); and

WHEREAS, in order to occupy these spaces, the site must not provide a use and/or square footage that exceeds what previously existed and would either need to construct on-site parking, or seek a variance; and

WHEREAS, from a design perspective, providing on-site parking is simply problematic and would destroy the urban fabric the City is trying to protect and promote with major impact upon the commercial real estate market; and

WHEREAS, the code limits a property owner's ability to fill space, which contributes to the existence of vacant storefronts, or uses occupying spaces that do not meet a site's full potential; and

WHEREAS, after further studying the current state of the older building stock in the downtown area, staff has identified approximately 300 ground floor commercial spaces within undersized parcels, ranging from around 400 to 4,000 square feet, where approximately 20% (60 spaces) are currently vacant, and a significant amount are underutilized; and

WHEREAS, under the existing regulations, many of the commercial spaces mentioned above cannot be adaptively reused; and

WHEREAS, it is recommended that the city eliminate parking and loading space requirements for existing commercial spaces with less than 3,000 square feet of gross floor area, and an occupancy that does not exceed 49 people; now, therefore

BE IT ORDAINED by the City of New Rochelle:

Section 1. The Code of the City of New Rochelle, Section 331-126, Schedule of off-street parking and loading space requirements, is hereby amended as follows:

§ 331-126. Schedule of off-street parking and loading space requirements.

D. Effect on existing structures and uses. Structures and uses legally in existence or for which building permits have been issued prior to the effective date of this chapter shall not be subject to the parking or loading space requirements of this chapter, provided that any parking and loading facilities existing or approved to serve such structures or uses shall not in the future be reduced or redesignated to serve other structures or uses, except to the extent that they exceed such requirements. At the time of any enlargement, change or expansion of existing structures or uses in the future, the following requirements shall apply:

(4) The provisions in items § 331-126D(1)-(3), regardless of use, shall not apply to existing commercial spaces with less than [two] three thousand square feet of gross floor area, and an occupancy that does not exceed 49 people.

Matter [bracketed] deleted.

Matter underlined added.

ATTACHMENTS:

1. Commercial Off-Street Parking Exemption - SEAF Forms

## *Short Environmental Assessment Form*

### *Part 1 - Project Information*

#### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: Amendment to the City Zoning Code Regarding Off-Street Parking and Loading			
Project Location (describe, and attach a location map): City of New Rochelle			
Brief Description of Proposed Action: The City of New Rochelle is proposing an amendment to the zoning code that will eliminate off-street parking requirements for existing commercial spaces with less than 3,000 square feet of gross floor area, and an occupancy not to exceed 49 people.			
Name of Applicant or Sponsor: City Council - City of New Rochelle		Telephone:	
		E-Mail:	
Address: 515 North Avenue			
City/PO: New Rochelle		State: NY	Zip Code: 10801
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO <input type="checkbox"/>  <input type="checkbox"/>	YES <input type="checkbox"/>  <input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?  b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO <input type="checkbox"/>  <input type="checkbox"/>	YES <input type="checkbox"/>  <input type="checkbox"/>	

Attachment: Commercial Off-Street Parking Exemption - SEAF Forms (2154 : PROPOSED AMENDMENT TO SECTION 331-126 OF THE CITY



Agency Use Only [If applicable]

Project: \_\_\_\_\_

Date: \_\_\_\_\_

## *Short Environmental Assessment Form Part 2 - Impact Assessment*

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PRINT FORM

Project: \_\_\_\_\_  
Date: \_\_\_\_\_

### Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

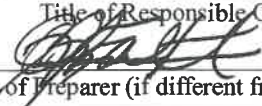
Mayor and City Council - City of New Rochelle  
Name of Lead Agency

11/17/2020  
Date

Luiz Aragon  
Print or Type Name of Responsible Officer in Lead Agency

Commissioner of Development  
Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

  
Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**

Attachment: Commercial Off-Street Parking Exemption - SEAF Forms (2154 : PROPOSED AMENDMENT TO SECTION 331-126 OF THE CITY

City of New Rochelle  
Development

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**MEMORANDUM**

TO: Honorable Mayor and City Council  
THRU: Charles B. Strome, III, City Manager  
FROM: Luiz Aragon, Development Commissioner  
DATE: December 1, 2020  
SUBJECT: PROPOSED PUBLIC HEARING RE: PROPOSED AMENDMENT TO ZONING CODE, CHAPTER 331-126, PARKING & LOADING REQUIREMENTS - Resolution scheduling a Public Hearing relative to the proposed ordinance amending Section 331-126, Schedule of off-street parking and loading space requirements, of Chapter 331, Zoning, of the Code of the City of New Rochelle.

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PROPOSED PUBLIC HEARING RE: AMENDING 331-126 OF THE ZONING CODE RE: PARKING & LOADING REQUIREMENTS- Proposed Resolution scheduling a Public Hearing in relation to the proposed amendment of Section 331-126 of the Zoning Code regarding parking and loading requirements



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## **LEGISLATION**

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RESOLUTION SCHEDULING A PUBLIC HEARING RELATIVE TO THE PROPOSED ORDINANCE AMENDING SECTION 331-126, SCHEDULE OF OFF-STREET PARKING AND LOADING SPACE REQUIREMENTS, OF CHAPTER 331, ZONING, OF THE CODE OF THE CITY OF NEW ROCHELLE.

BE IT RESOLVED by the City Council of the City of New Rochelle:

This Council shall hold a public hearing on January 12, 2021 at 7:00 P.M. in the Council Chambers, 515 North Avenue, New Rochelle, New York, on the proposed amendment to Chapter 331, Zoning, of the New Rochelle Zoning Code:

ORDINANCE AMENDING SECTION 331-126, SCHEDULE OF OFF-STREET PARKING AND LOADING SPACE REQUIREMENTS, OF CHAPTER 331, ZONING, OF THE CODE OF THE CITY OF NEW ROCHELLE.

and, be it further

RESOLVED that the proposed amendments are hereby referred to the New Rochelle Planning Board and Westchester County Planning Department for their review and recommendation; and be it further

RESOLVED that the City Clerk give due notice of said public hearing.

City of New Rochelle  
Development

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**MEMORANDUM**

TO: Honorable Mayor and City Council

THRU: Charles B. Strome, III, City Manager

FROM: Luiz Aragon, Development Commissioner

DATE: December 1, 2020

SUBJECT: PROPOSED AMENDMENT TO CODE OF THE CITY OF NEW ROCHELLE, CHAPTER 312-62 AND CHAPTER 133 RE: MARINA PARKING DECK - Ordinance amending Section 312-62, Parking Lots, of Chapter 312, Vehicles and Traffic, and Section 133-1, Enumeration of Fees, of Chapter 133, Fees, of the Code of the City of New Rochelle (Marina Parking Deck). (Revised)

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**Background:**

The Department of Development was tasked with determining the feasibility and benefits of implementing metered parking and permit parking on the Marina Deck. The Marina Parking Deck is primarily utilized by patrons of nearby businesses and the New Rochelle Municipal Marina. The Marina Deck is also utilized, from time to time, by City employees working at the Marina and the Bureau of Traffic Services.

The availability of residential parking in the area is extremely limited. The nearby City-owned Davenport Avenue Lot offers 24/7 residential permit parking; however, the lot is currently full and has a waiting list of 121 residents. Hence, the demand for residential parking greatly exceeds the current availability.

Based on the aforementioned information, the Department of Development believes it is in the best interest of the City, and the surrounding community, for metered parking and permit parking to be implemented at the Marina Parking Deck. Therefore, the Department recommends the following amendments to the current parking code to increase revenue and to help satisfy the unmet demand for residential parking.

**Issue:**

This memo seeks to outline various code amendments to improve the efficiency of parking availability to better serve the surrounding community.

See attached code change request to Section 312-62 Part D and Chapter 133 Part 1 of the City Code.

**Recommendation:**

It is the request of the Department of Development that §312-62 Part D and Chapter 133 Part 1 be amended to reflect the changes requested.

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# LEGISLATION

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ORDINANCE AMENDING SECTION 312-62, PARKING LOTS, OF CHAPTER 312, VEHICLES AND TRAFFIC, AND SECTION 133-1, ENUMERATION OF FEES, OF CHAPTER 133, FEES, OF THE CODE OF THE CITY OF NEW ROCHELLE (MARINA PARKING DECK). (Revised)

BE IT ORDAINED by the City of New Rochelle:

Section 1. Section 312-62, Parking Lots, of Chapter 312, Vehicles and Traffic, of the Code of the City of New Rochelle, is hereby amended to read as follows:

§ 312-62. Parking lots.

D. Parking is hereby permitted in metered, ticket-timed, fee-controlled or free lots, as follows:

**Name of Lot**

**Restriction**

Marina Parking Deck (Upper)

Metered Parking shall be permitted in the top deck at a rate as set forth in Chapter 133, Fees, for a period not to exceed 12 hours, 24 hours a day, except Sundays and holidays. Restaurant Business Parking shall be permitted to restaurants adjacent to the parking deck Monday through Sunday between the hours of 11:00 a.m. to Midnight (12 a.m.) only. Residential Parking shall be permitted full time in the top deck by permit available by mail from the Department of Development, as set forth in Chapter 133, Fees. City of New Rochelle Employee Parking shall be permitted Monday through Friday between the hours of 7:00 a.m. to 3:30 p.m. in the top deck by permit available by mail from the Department of Development, as set forth in Chapter 133, Fees. Parking of motor vehicles having a gross weight in excess of three tons and parking of any trailers is prohibited unless permit has been issued by the Marina Office.

Marina Parking Deck (Lower)

Parking shall be permitted in this lot at a rate as set forth in Chapter 133, Fees, between the hours of 9:00 a.m. and 6:00 p.m. There shall be no parking between the hours of 3:00 a.m. and 7:00 a.m. daily, including weekends and holidays.

Section 2. Section 133-1, Enumeration of fees, is hereby amended as follows:

§ 133-1 Enumeration of Fees.

The following schedule of fees is hereby established with respect to licenses, permits, registrations, documents and activities required or regulated under the provisions of various chapters of the Code of the City of New Rochelle. Specific requirements and regulations for the following shall be as set forth in the chapter to which reference is made below. The following schedule of fees shall expire at the end of each calendar year, commencing December 31, 2006, unless renewed and/or amended prior thereto.

<b>Code</b>	<b>Section</b>	<b>Type of Fee</b>	<b>Amount</b>
<u>Marina Parking Deck (Upper)</u>			
	<u>Area Resident</u>	<u>Annual</u>	<u>\$530.00</u>
		<u>Semiannual</u>	<u>\$275.00</u>
	<u>Restaurant Business</u>	<u>Annual</u>	<u>\$630.00</u>
	<u>City of New Rochelle</u>	<u>Annual</u>	<u>No fee</u>
	<u>Employee - Marina Deck</u>		
	<u>Metered, top level only</u>	<u>Portion per hour</u>	<u>\$1.00</u>
Marina [p]Parking Deck ( <u>Lower</u> )			
	per vehicle		\$70.00
	Slip owners (mandatory)		\$70.00
	Replacement		\$45.00

Matter [bracketed] deleted.

Matter underlined added.

City of New Rochelle  
Development

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**MEMORANDUM**

TO: Honorable Mayor and City Council

THRU: Charles B. Strome, III, City Manager

FROM: Luiz Aragon, Development Commissioner

DATE: December 1, 2020

SUBJECT: PROPOSED AMENDMENTS TO CODE OF THE CITY OF NEW ROCHELLE  
RE: CHAPTER 312-62 AND CHAPTER 133 - PROSPECT STREET LOT -  
Ordinance amending Section 312-62, Parking Lots, of Chapter 312, Vehicles and  
Traffic, and Section 133-1, Enumeration of Fees, of Chapter 133, Fees, of the  
Code of the City of New Rochelle (Prospect Street Lot). (Revised)

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**Background:**

The Prospect Street Lot is used by a mix of businesses, permit parkers and hourly transient parkers which are managed by either a CALE Pay Machine, pay by cell or permit management system. All three systems are enforced using LPR technology either through a vehicle mounted camera system or through NRPD handheld devices.

Currently there are have been availability issues in the Prospect Street Lot due to on-going construction in the vicinity, and due to the effects of the COVID-19 Pandemic which have forced many people to work from home.

Based on the aforementioned availability issues associated with the Prospect Street Lot, the Department of Development hereby recommends the following amendments to the current parking code in an effort to better manage parking availability in the Prospect Street Lot.

**Issue:**

This memo seeks to outline various code amendments to improve the efficiency of parking availability to better serve the surrounding community.

See attached code change request to Section 312-62 Part D and Chapter 133 Part 1 of the City Code.

**RECOMMENDATION:**

It is the request of the Department of Development that §312-62 Part D and Chapter 133 Part 1 be amended to reflect the changes requested.

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# LEGISLATION

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ORDINANCE AMENDING SECTION 312-62, PARKING LOTS, OF CHAPTER 312, VEHICLES AND TRAFFIC, AND SECTION 133-1, ENUMERATION OF FEES, OF CHAPTER 133, FEES, OF THE CODE OF THE CITY OF NEW ROCHELLE (PROSPECT STREET LOT). (Revised)

BE IT ORDAINED by the City of New Rochelle:

Section 1. Section 312-62, Parking Lots, of Chapter 312, Vehicles and Traffic, of the Code of the City of New Rochelle, is hereby amended to read as follows:

§ 312-62. Parking lots.

D. Parking is hereby permitted in metered, ticket-timed, fee-controlled or free lots, as follows:

<b>Name of Lot</b>	<b>Restriction</b>
Prospect Street Parking Lot	Metered Parking shall be permitted in this lot at a rate as set forth in Chapter 133, Fees, for a period not to exceed [12] <u>3</u> hours, [24 hours a day] <u>between the hours of 10:00 a.m. to 10:00 p.m. only daily, except Sundays and holidays, permit parking only all other times.</u> Permit Parking shall also be permitted full time in this lot by permit available by mail from the Department of Development, as set forth in Chapter 133, Fees. Overnight Permit Parking shall be permitted between the hours of 5:00 p.m. and 9:00 a.m., Monday through Sunday, upon display of a permit available from the Department of Development. The rate for this permit shall be as set forth in Chapter 133, Fees. Parking of motor vehicles having a gross weight in excess of three tons and parking of any trailers is prohibited.

Section 2. Section 133-1, Enumeration of fees, is hereby amended as follows:

§ 133-1 Enumeration of Fees.

The following schedule of fees is hereby established with respect to licenses, permits, registrations, documents and activities required or regulated under the provisions of various chapters of the Code of the City of New Rochelle. Specific requirements and regulations for the following shall be as set forth in the chapter to which reference is made below. The following schedule of fees shall expire at the end of each calendar year, commencing December 31, 2006, unless renewed and/or amended prior thereto.

<b>Code</b>	<b>Section</b>	<b>Type of Fee</b>	<b>Amount</b>
Prospect Street	<u>Metered</u>	<u>Portion per hour</u>	<u>\$1.00</u>

Matter [bracketed] deleted.

Matter underlined added.



City of New Rochelle  
Development

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**MEMORANDUM**

TO: Honorable Mayor and City Council  
THRU: Charles B. Strome, III, City Manager  
FROM: Luiz Aragon, Development Commissioner  
DATE: December 1, 2020  
SUBJECT: PROPOSED AUTHORIZATION OF PARKING LEASE AGREEMENT- 11 GARDEN STREET - Resolution authorizing the City Manager to negotiate and execute a Parking Lease Agreement between the City of New Rochelle and Highgarden Tower LLC, relative to a municipal parking garage at 11 Garden Street.

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Highgarden Tower, LLC, the developer of 11 Garden Street, is constructing a mixed-use rental project consisting of 219 residential units, an 8,000 ft. learning center/incubator space for use by the local community, and a 60,000 sf, 4-level parking garage. The parking garage will consist of 146 parking spaces of which, 36 will be utilized as municipal parking spaces.

Pursuant to the Project Agreement Letter (PAL) with Georgica Green Ventures dated October 7, 2020 and in accordance with the Parking Management Plan, the City shall enter into a Lease Agreement pertaining to the 36 municipal parking spaces, the requirement of the developer to provide 197 spaces for the project, and a payment in lieu for an additional 87 spaces. The Agreement also outlines the responsibilities of the parties with respect to the maintenance and operations of the municipal spaces.

**Recommendation:** The Department of Development staff recommends that the City Council pass a resolution authorizing the City Manager to negotiate and execute a Parking Lease Agreement between the City of New Rochelle and Highgarden Tower, LLC for a municipal parking garage.

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## **LEGISLATION**

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RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PARKING LEASE AGREEMENT BETWEEN THE CITY OF NEW ROCHELLE AND HIGHGARDEN TOWER, LLC, RELATIVE TO A MUNICIPAL PARKING GARAGE AT 11 GARDEN STREET.

WHEREAS, Highgarden Tower, LLC, the developer of 11 Garden Street, is constructing a mixed-use rental project consisting of 219 residential units, an 8,000 ft. learning center/incubator space for use by the local community, and a 60,000 square foot, 4-level parking garage; and

WHEREAS, the parking garage will consist of 146 parking spaces, of which 36 will be utilized as municipal parking spaces; and

WHEREAS, pursuant to the Project Agreement Letter (PAL) with Georgica Green Ventures dated October 7, 2020 and in accordance with the Parking Management Plan, the City shall enter into a Lease Agreement pertaining to the 36 municipal parking spaces, the requirement of the developer to provide 197 spaces for the project, and a payment in lieu for an additional 87 spaces; and

WHEREAS, the Agreement also outlines the responsibilities of the parties with respect to the maintenance and operations of the municipal spaces; now, therefore

BE IT RESOLVED, that the City Manager is hereby authorized to negotiate and execute a Parking Lease Agreement between the City of New Rochelle and Highgarden Tower, LLC, relative to a municipal parking garage at 11 Garden Street.

City of New Rochelle  
Development

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**MEMORANDUM**

TO: Honorable Mayor and City Council  
THRU: Charles B. Strome, III, City Manager  
FROM: Luiz Aragon, Development Commissioner  
DATE: December 1, 2020  
SUBJECT: PROPOSED AUTHORIZATION OF MASTER LEASE AGREEMENT RE: 11 GARDEN STREET - Resolution authorizing the City Manager to negotiate and execute a Master Lease Agreement between the City of New Rochelle and Highgarden Tower LLC, relative to a learning center/incubator space at 11 Garden Street.

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Highgarden Tower, LLC, the developer of 11 Garden Street, is constructing a mixed-use rental project consisting of 219 residential units; a learning center/incubator space, and a 60,000 sf, 4-level parking garage.

Pursuant to the Project Agreement Letter (PAL) with Georgica Green Ventures dated October 7, 2020, the City shall enter into a long-term Master Lease Agreement pertaining to the construction of an 8,000-sf, learning center/incubator space for local individuals, commuters, students, businesses, and tenants of the residential tower; the identified space will be split between two floors of the proposed building. The City of New Rochelle will lease the space from Highgarden Tower, LLC and will subsequently lease the space to one or more subtenants. The Agreement also outlines the responsibilities of the parties with respect to the maintenance and operation of the space.

**Recommendation:** The Department of Development staff recommends that the City Council pass a resolution authorizing the City Manager to negotiate and execute a Master Lease Agreement between the City of New Rochelle and Highgarden Tower, LLC for the above referenced space.

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## **LEGISLATION**

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RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A MASTER LEASE AGREEMENT BETWEEN THE CITY OF NEW ROCHELLE AND HIGHGARDEN TOWER, LLC, RELATIVE TO A LEARNING CENTER/INCUBATOR SPACE AT 11 GARDEN STREET.

WHEREAS, Highgarden Tower, LLC, the developer of 11 Garden Street, is constructing a mixed-use rental project consisting of 219 residential units; a learning center/incubator space, and a 60,000 square foot, 4-level parking garage; and

WHEREAS, the parking garage will consist of 146 parking spaces, of which 36 will be utilized as municipal parking spaces; and

WHEREAS, pursuant to the Project Agreement Letter (PAL) with Georgica Green Ventures dated October 7, 2020, the City shall enter into a long-term Master Lease Agreement pertaining to the construction of an 8,000 square foot learning center/incubator space for local individuals, commuters, students, businesses, and tenants of the residential tower; and

WHEREAS, the identified space will be split between two floors of the proposed building, the City of New Rochelle will lease the space from Highgarden Tower, LLC and will subsequently lease the space to one or more subtenants; and

WHEREAS, the Agreement also outlines the responsibilities of the parties with respect to the maintenance and operation of the space; now, therefore

BE IT RESOLVED, that the City Manager is hereby authorized to negotiate and execute a Master Lease Agreement between the City of New Rochelle and Highgarden Tower, LLC, relative to a learning center/incubator space at 11 Garden Street.

City of New Rochelle  
Finance Department

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**MEMORANDUM**

TO: Honorable Mayor and City Council

THRU: Charles B. Strome, III, City Manager

FROM: Mark Zulli, Finance Commissioner

DATE: December 1, 2020

SUBJECT: PROPOSED AUTHORIZATION RE: CITY MANAGER TO TRANSFER CITY COUNCIL MEMBERS FRIED, HYDEN, KAYE, AND TARANTINO STIPEND ACCOUNT FUNDS TO THE NEW ROCHELLE FUND FOR EDUCATIONAL EXCELLENCE - Resolution authorizing the City Manager to transfer \$5,000 from each of City Council Member Fried, Hyden, Kay and Tarantino's stipend accounts to the New Rochelle Fund for Educational Excellence.

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City Council Member's Fried, Hyden, Kaye, and Tarantino have each expressed their commitment to support the programs of the New Rochelle Fund for Educational Excellence. The New Rochelle Fund for Educational Excellence is a non-profit 501(c) (3) corporation established in 1998 whose mission is to support the New Rochelle school system and its extraordinary, diverse student body through advancing equity, excellence and inspiring all public school students. The New Rochelle Fund for Educational Excellence partners with the City School District of New Rochelle and engages the broader New Rochelle community to develop, fund and implement high-quality educational and enrichment programming that enhances the school experience and helps students thrive and succeed along their educational journey.

It is recommended that the City Council adopt an ordinance authorizing the City Manager to transfer funds in an amount of \$5,000 each from Council Member's Fried, Hyden, Kaye, and Tarantino stipend accounts, for a total transfer of \$20,000, to the New Rochelle Fund for Educational Excellence.

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## LEGISLATION

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RESOLUTION AUTHORIZING THE CITY MANAGER TO TRANSFER \$5,000 FROM EACH OF CITY COUNCIL MEMBER FRIED, HYDEN, KAY AND TARANTINO'S STIPEND ACCOUNTS TO THE NEW ROCHELLE FUND FOR EDUCATIONAL EXCELLENCE.

WHEREAS, City Council member Fried, Hyden, Kaye, and Tarantino have each expressed their commitment to support the programs of the New Rochelle Fund for Educational Excellence; and

WHEREAS, the New Rochelle Fund for Educational Excellence is a non-profit 501(c)(3) corporation established in 1998 whose mission is to support the New Rochelle school system and its extraordinary, diverse student body through advancing equity, excellence and inspiring all public school students; and

WHEREAS, the New Rochelle Fund for Educational Excellence partners with the City School District of New Rochelle and engages the broader New Rochelle community to develop, fund and implement high-quality educational and enrichment programming that enhances the school experience and helps students thrive and succeed along their educational journey; now, therefore

BE IT RESOLVED, that the City Manager is hereby authorized the to transfer \$5,000 from each of Council Member Fried, Hyden, Kaye and Tarantino's stipend accounts to The New Rochelle Fund for Educational Excellence (total of \$20,000).

City of New Rochelle  
Finance Department

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**MEMORANDUM**

TO: Honorable Mayor and City Council  
 THRU: Charles B. Strome, III, City Manager  
 FROM: Mark Zulli, Finance Commissioner  
 DATE: December 1, 2020  
 SUBJECT: OMNIBUS AUTHORITY - Resolution giving the City Manager omnibus authority to certain contracts and to apply for certain Federal, State and County grants.

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It is recommended that the City Council authorize the City Manager to extend the following agreements and/or separate amendments thereto upon substantially the same terms and conditions except as to budgetary amendments adopted by this Council, for further periods of one year from their next expiration date:

1. Appellate Division of the Supreme Court of NY for the temporary assignment of a judge, as consented to by City Council.
2. Board of Education for Civil Service Commission Services (1431-2220); Fleet Services (1640M-2210); City Hall Security Services (1502-2210); City Hall Maintenance Services (1502-2211); Refuse Collection Services (8160-2808).
3. County of Westchester for Prisoner Transportation (3120-2706-3024).
4. County of Westchester for Selective Enforcement of Occupant Restraint Usage Program (Seat Belts) (3120-3389).
5. County of Westchester for Stop-DWI Patrol Project and/or Training Reimbursements (3123-2706-3023).
6. New Rochelle Council on the Arts for provision of cultural programs (7020-46000-5156).
7. County of Westchester for Employee Assistance Program (1430-45000).
8. County of Westchester Office of Aging for Elderly Nutrition, Frail and Elderly, and Livable Communities Programs (6772-4772-5100+5101+5150, 6773-4772-5101+5102)
9. County of Westchester for Police Mutual Aid and Assistance Plan (3125-14000-3019).
10. County of Westchester for Weapons of Mass Destruction Task Force Emergency Situations.
11. County of Westchester for solid waste, organic waste and recycling disposal services.
12. County of Westchester for Land and Legal Records Public Viewing.
13. County of Westchester for GIS Data Sharing.
14. County of Westchester for SCAR Petition Filing.
15. County of Westchester and the State of New York for:
  - Leisure activities for developmentally disabled young persons (4320-3490).
  - Youth Bureau, Youth Service and Recreation projects (7312-3820, 7620-3820).

16. Housing and Urban Development application and related agreements for Section 8 program.
17. Designation of the Journal News as the official newspaper for publication of official notices.
18. Barbara Davis for services as City Historian (1230-46140).
19. Mary Louise Sullivan for services to the City Clerk office (1410-46000).
20. Danziger & Markoff for GASB-34 OPEB analysis (1310-45000).
21. John Micewicz and assistants for cable television programming (1481-46000).
22. Volunteer New York Program for volunteer and networking services (7020-46000)
23. New Rochelle Humane Society for animal control services (9999-46000-2011).
24. Various architects for Peer Review Board architectural services (6989-46300).
25. New Rochelle Industrial Development Agency for provision of economic development and financial services (1310-2805).
26. New Rochelle Corporation for Local Development for provision of economic development and financial services (1310-2802).
27. Downtown New Rochelle Business Improvement District Management Association for management of downtown BID (6420-46000) .
28. Downtown New Rochelle Business Improvement District Management Association for management of sidewalk cleaning (5110-46100).
29. Mercer Oliver Wyman for actuarial analysis (1710MS1-46000).
30. Capital Markets Advisors for fiscal advisory services (1310-45000).
31. Certiorari Proceedings legal fees and appraisals, including settlement of certiorari proceedings approved by the Corporation Counsel and Finance Commissioner acting jointly (1420-46000, 1355-46000).
32. New York State Office for Mental Retardation and Developmental Disabilities (Therapeutic Recreation Mini-Camp Program) (4320-3490).
33. New York State Department of Transportation for highway maintenance (5110-3501).
34. New York State Office of Court Administration for maintenance of court facilities (1600-3331).
35. New York State Office of Parks, Recreation and Historic Preservation for Navigation Enforcement (3129-3315).
36. United States Department of Agriculture (Summer Lunch Program) (7380-4820).
37. Intergovernmental advocate services approved by Corporation Counsel (1010-46000).
38. New Rochelle Chamber of Commerce for the Thanksgiving Day Parade and other events and programs (9999-41700).
39. United Veterans of New Rochelle for the Memorial Day Event (9999-41700).
40. HOPE Community Services for homelessness prevention (6993-46000).
41. Village of Pelham for Disposal of Yard Waste and Fall Leaves (5140-2133)
42. Marina Clean Vessel Assistance Program for the construction, renovation, operation and maintenance of pumpout and dump stations.
43. County of Westchester funding for National Night Out program.
44. Federal and County of Westchester Task Force Funding Agreements; and



No funding for applicable outside agencies shall be disbursed without the appropriate financial statements being delivered by that agency to the Commissioner of Finance; and that the City Manager (Mr. Charles B. Strome III), the Commissioner of Finance (Mr. Mark Zulli) and the Purchasing Manager (Mr. Edward Ritter) pursuant to Chapter 62-8 of the City Code are authorized to make purchases of goods and services on behalf of the City; and that the recipients of \$20,000 or more per year from General Fund Account OA or Community Development Fund Accounts shall file a certified audit, including a management letter, the latter if dictated by federal, state or county regulations or where the audit findings indicate a need for a more in-depth report on an organization's internal controls, with this City Council by April 1, 2021. Any agency refusing to provide said audit shall be subject to de-funding.

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## LEGISLATION

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RESOLUTION GIVING THE CITY MANAGER OMNIBUS  
AUTHORITY RELATIVE TO CERTAIN CONTRACTS AND  
TO APPLY FOR CERTAIN FEDERAL, STATE AND  
COUNTY GRANTS.

BE IT RESOLVED by the Council of the City of New Rochelle:

The City Manager is hereby authorized to extend the following agreements and/or separate amendments thereto upon substantially the same terms and conditions except as to budgetary amendments adopted by this Council, for further periods of one year from their next expiration date:

1. Appellate Division of the Supreme Court of NY for the temporary assignment of a judge, as consented to by City Council.
2. Board of Education for Civil Service Commission Services (1431-2220); Fleet Services (1640M-2210); City Hall Security Services (1502-2210); City Hall Maintenance Services (1502-2211); Refuse Collection Services (8160-2808).
3. County of Westchester for Prisoner Transportation (3120-2706-3024).
4. County of Westchester for Selective Enforcement of Occupant Restraint Usage Program (Seat Belts) (3120-3389).
5. County of Westchester for Stop-DWI Patrol Project and/or Training Reimbursements (3123-2706-3023).
6. New Rochelle Council on the Arts for provision of cultural programs (7020-46000-5156).
7. County of Westchester for Employee Assistance Program (1430-45000).
8. County of Westchester Office of Aging for Elderly Nutrition, Frail and Elderly, and Livable Communities Programs (6772-4772-5100+5101+5150, 6773-4772-5101+5102)
9. County of Westchester for Police Mutual Aid and Assistance Plan (3125-14000-3019).
10. County of Westchester for Weapons of Mass Destruction Task Force Emergency Situations.
11. County of Westchester for solid waste, organic waste and recycling disposal services.
12. County of Westchester for Land and Legal Records Public Viewing.
13. County of Westchester for GIS Data Sharing.
14. County of Westchester for SCAR Petition Filing.
15. County of Westchester and the State of New York for:
  - Leisure activities for developmentally disabled young persons (4320-3490).
  - Youth Bureau, Youth Service and Recreation projects (7312-3820, 7620-3820).
16. Housing and Urban Development application and related agreements for Section 8

- program.
17. Designation of the Journal News as the official newspaper for publication of official notices.
  18. Barbara Davis for services as City Historian (1230-46140).
  19. Mary Louise Sullivan for services to the City Clerk office (1410-46000).
  20. Danziger & Markoff for GASB-34 OPEB analysis (1310-45000).
  21. John Micewicz and assistants for cable television programming (1481-46000).
  22. Volunteer New York Program for volunteer and networking services (7020-46000)
  23. New Rochelle Humane Society for animal control services (9999-46000-2011).
  24. Various architects for Peer Review Board architectural services (6989-46300).
  25. New Rochelle Industrial Development Agency for provision of economic development and financial services (1310-2805).
  26. New Rochelle Corporation for Local Development for provision of economic development and financial services (1310-2802).
  27. Downtown New Rochelle Business Improvement District Management Association for management of downtown BID (6420-46000) .
  28. Downtown New Rochelle Business Improvement District Management Association for management of sidewalk cleaning (5110-46100).
  29. Mercer Oliver Wyman for actuarial analysis (1710MS1-46000).
  30. Capital Markets Advisors for fiscal advisory services (1310-45000).
  31. Certiorari Proceedings legal fees and appraisals, including settlement of certiorari proceedings approved by the Corporation Counsel and Finance Commissioner acting jointly (1420-46000, 1355-46000).
  32. New York State Office for Mental Retardation and Developmental Disabilities (Therapeutic Recreation Mini-Camp Program) (4320-3490).
  33. New York State Department of Transportation for highway maintenance (5110-3501).
  34. New York State Office of Court Administration for maintenance of court facilities (1600-3331).
  35. New York State Office of Parks, Recreation and Historic Preservation for Navigation Enforcement (3129-3315).
  36. United States Department of Agriculture (Summer Lunch Program) (7380-4820).
  37. Intergovernmental advocate services approved by Corporation Counsel (1010-46000).
  38. New Rochelle Chamber of Commerce for the Thanksgiving Day Parade and other events and programs (9999-41700).
  39. United Veterans of New Rochelle for the Memorial Day Event (9999-41700).
  40. HOPE Community Services for homelessness prevention (6993-46000).
  41. Village of Pelham for Disposal of Yard Waste and Fall Leaves (5140-2133)
  42. Marina Clean Vessel Assistance Program for the construction, renovation, operation and maintenance of pumpout and dump stations.
  43. County of Westchester funding for National Night Out program.
  44. Federal and County of Westchester Task Force Funding Agreements; and

BE IT FURTHER RESOLVED, that no funding for applicable outside agencies be

disbursed without the appropriate financial statements being delivered by that agency to the Commissioner of Finance; and

BE IT FURTHER RESOLVED, that the City Manager (Mr. Charles B. Strome III), the Commissioner of Finance (Mr. Mark Zulli) and the Purchasing Manager (Mr. Edward Ritter) pursuant to Chapter 62-8 of the City Code are authorized to make purchases of goods and services on behalf of the City; and

BE IT FURTHER RESOLVED, that the recipients of \$20,000 or more per year from General Fund Account OA or Community Development Fund Accounts shall file a certified audit, including a management letter, the latter if dictated by federal, state or county regulations or where the audit findings indicate a need for a more in-depth report on an organization's internal controls, with this City Council by April 1, 2021. Any agency refusing to provide said audit shall be subject to de-funding.

City of New Rochelle  
Finance Department

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**MEMORANDUM**

TO: Honorable Mayor and City Council  
THRU: Charles B. Strome, III, City Manager  
FROM: Mark Zulli, Finance Commissioner  
DATE: December 1, 2020  
SUBJECT: PROPOSED AMENDMENT TO CODE OF THE CITY OF NEW ROCHELLE  
RE: SECTION 133-1, ENUMERATION OF FEES, OF CHAPTER 133, FEES  
- Ordinance amending Section 133-1, Enumeration of Fees, of the Code of the  
City of New Rochelle.

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Staff has reviewed all fees as detailed in Chapter 133-1, Enumeration of Fees, and is recommending the fee increases as per the attached.

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## LEGISLATION

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ORDINANCE AMENDING SECTION 133-1,  
ENUMERATION OF FEES OF CHAPTER 133, FEES,  
OF THE CODE OF THE CITY OF NEW ROCHELLE.

BE IT ORDAINED by the City of New Rochelle:

Section 1. Section 133-1, Enumeration of fees, is hereby amended as follows:

**§ 133-1. Enumeration of fees.**

The following schedule of fees is hereby established with respect to licenses, permits, registrations, documents and activities required or regulated under the provisions of various chapters of the Code of the City of New Rochelle. Specific requirements and regulations for the following shall be as set forth in the chapter to which reference is made below. The following fees shall apply commencing January 1, 2021, and shall renew each calendar year unless amended prior thereto in the fee and deposit schedule maintained by the City Manager.

**§ 147-13. Fire Department Permit Fees**

	<u>Time</u>		
Ammunition Storage	Annual	[\$130]	<u>\$160</u>
Blasting	Per job	[\$130]	<u>\$160</u>
Commercial Garage 1-25	Annual	[\$110]	<u>\$140</u>
Commercial Garage Over 25	Annual	[\$130]	<u>\$160</u>
Dip Tank/Spray Booth	Annual	[\$115]	<u>\$140</u>
Dry Cleaning Plant	Annual	[\$115]	<u>\$140</u>
Explosives, Storage of [, annual]	<u>Per Magazine</u>	[\$275]	<u>\$350</u>
Explosives, Transportation of	Annual	[\$275]	<u>\$350</u>
Explosives, Transportation of	Per job	[\$175]	<u>\$225</u>
Explosives, Certificate of Fitness		[\$150]	<u>\$175</u>
Flammable/ <u>Combustible</u> Liquids			
Installation / Modification of Equipment		[\$110]	<u>\$130</u>
Storage of Class I Liquids (Per Tank)	Annual	[\$110]	<u>\$130</u>
Storage of Class II Liquids (Per Tank)	Annual	[\$110]	<u>\$130</u>
Storage of Class III Liquids (Per Tank)	Annual	[\$110]	<u>\$130</u>
Testing of Storage Facilities		[\$ 85]	<u>\$100</u>
Hazardous Materials Storage	Annual	[\$150]	<u>\$180</u>

Industrial Ovens, Operation of	Annual	[\$ 75]	<u>\$ 90</u>
Liquefied Petroleum Gas (LPG), Storage			
Per 100 lb. or more tank	Annual	[\$125]	<u>\$150</u>
LPG Install (Includes First Year Annual		[\$235]	<u>\$280</u>
Lumberyard)	Annual	[\$150]	<u>\$180</u>
Motion Picture Projection Machine Operator		[\$ 75]	<u>\$ 75</u>
Oil Burner Installation	Per Unit	[\$ 75]	<u>\$ 90</u>
Oil Burner Installer's License	Annual	[\$125]	<u>\$150</u>
<u>Flammable/Combustible [Oil] Tank</u>			
<u>Installation/Modification/Removal</u>			
0-999 gallons	Per Tank	[\$125]	<u>\$150</u>
1,000-4,999 gallons	Per Tank	[\$250]	<u>\$300</u>
5,000 gallons and up	Per Tank	[\$500]	<u>\$600</u>
<u>Re-Inspection or Return to Site to witness</u>			
<u>Corrections of previous deficiencies</u>			
<u>0-999 gallons</u>	<u>Per Tank</u>	[ n/a]	<u>\$150</u>
<u>1,000-4,999 gallons</u>	<u>Per Tank</u>	[ n/a]	<u>\$300</u>
<u>5,000 gallons and up</u>	<u>Per Tank</u>	[ n/a]	<u>\$600</u>
Public Garage 1-25	Annual	[\$115]	<u>\$140</u>
Public Garage 25 and up	Annual	[\$125]	<u>\$150</u>
Self Service Gasoline Station	Annual	[\$150]	<u>\$180</u>
Welding and Cutting	Annual	[ 90]	<u>\$100</u>
Woodworking Plan	Annual	[\$120]	<u>\$140</u>
Fire and Smoke Detection Systems			
[Plan Review/Inspection and certification of]		[\$150]	
<u>Filing Fee, Issuance of Permit, Plan Review, Inspection/</u>			
<u>Certification of</u>			
<u>Panel and up to 99 devices</u>			<u>\$150</u>
<u>100-200 devices</u>			<u>\$200</u>
<u>Per additional 1-99 devices</u>			<u>\$100</u>
<u>Re-inspection or returning to site to witness corrections of</u>			
<u>Any previous deficiencies</u>			<u>\$150</u>
<u>2<sup>nd</sup> re-inspection</u>			<u>\$200</u>
<u>3<sup>rd</sup> re-inspection</u>			<u>\$250</u>
<u>All subsequent re-inspections</u>			<u>\$300</u>
Sprinkler System			
[Filing fee for up to 100 sprinkler heads, including plans review]		[\$195]	
[Each additional 50 heads or part thereof]		[\$ 50]	

[Final Acceptance for above-ground piping]	[\$100]	
[Witness & calibrate area water main flow for Hydraulic Calculations]	[\$100]	

Filing Fee, Issuance of Permit, Plan Review, Inspection/Certification of

<u>Up to 100 sprinkler heads</u>		<u>\$250</u>
<u>Each additional sprinkler head</u>		
<u>\$3/head</u>		

Re-Inspection or Returning to Site to witness corrections of any Previous deficiencies	[\$120]	<u>\$150</u>
2nd Re-inspection	[\$150]	<u>\$200</u>
3 <sup>rd</sup> Re-inspection	\$250	<u>\$250</u>
All subsequent re-inspections	\$300	<u>\$300</u>

Fixed Extinguishing System - Application Fee, Plan Review, On-Site Testing	[\$165]	<u>\$200</u>
Re-Inspection of returning to site to Witness Corrections of Any previous deficiencies	[\$100]	<u>\$120</u>
2 <sup>nd</sup> Re-Inspection	[\$150]	<u>\$180</u>
3 <sup>rd</sup> Re-Inspection	[\$250]	<u>\$300</u>
All Subsequent Re-Inspections	[\$300]	<u>\$360</u>

**§ 162. Sanitary Sewer and Stormwater Fees**

RESIDENTIAL UNIT FEE		
Per dwelling Unit		<u>\$103</u>

NON-RESIDENTIAL UNIT FEE		
Per Acre Parcel Size		
<.2 acre: 1 unit.		<u>\$135</u>
.21 - .5 acre: 2 units.		<u>\$270</u>
.51 - 1 acre: 3 units.		<u>\$405</u>
1.01 - 2 acres: 4 units.		<u>\$540</u>
Over 2 acres: 5 units.		<u>\$675</u>

Hotel		
1 residential unit for each hotel room.		<u>\$103</u>

Matter [bracketed] deleted.  
Matter underlined added.

ATTACHMENTS:



1. 2021 Fee Schedule Revision FINAL 10-26-2020

### § 133-1. Enumeration of fees.

The following schedule of fees is hereby established with respect to licenses, permits, registrations, documents and activities required or regulated under the provisions of various chapters of the Code of the City of New Rochelle. Specific requirements and regulations for the following shall be as set forth in the chapter to which reference is made below. The following fees shall apply commencing January 1, 2021, and shall renew each calendar year unless amended prior thereto in the fee and deposit schedule maintained by the City Manager.

### § 147-13 Fire Department Permit Fees

[Last amended 3-19-2019 by Ord. No. 2019-57]

Matter [bracketed] deleted

Matter underlined added

<u>Item</u>	<u>Time</u>	<u>Current</u>	<u>New</u>
Ammunition Storage	Annual	[\$130]	<u>\$160</u>
Blasting	Per job	[\$130]	<u>\$160</u>
Commercial Garage 1-25	Annual	[\$110]	<u>\$140</u>
Commercial Garage Over 25	Annual	[\$130]	<u>\$160</u>
Dip Tank/Spray Booth	Annual	[\$115]	<u>\$140</u>
Dry Cleaning Plant	Annual	[\$115]	<u>\$140</u>
Explosives, Storage of	Per Magazine	[\$275]	<u>\$350</u>
Explosives, Transportation of	Annual	[\$275]	<u>\$350</u>
Explosives, Transportation of	Per job	[\$175]	<u>\$225</u>
Explosives, Certificate of Fitness		[\$150]	<u>\$175</u>
Flammable/Combustible Liquids			
- Installation / Modification of Equipment		[\$110]	<u>\$130</u>
Storage of Class I Liquids (Per Tank)	Annual	[\$110]	<u>\$130</u>
Storage of Class II Liquids (Per Tank)	Annual	[\$110]	<u>\$130</u>
Storage of Class III Liquids (Per Tank)	Annual	[\$110]	<u>\$130</u>
Testing of Storage Facilities		[\$85]	<u>\$100</u>
Hazardous Materials Storage	Annual	[\$150]	<u>\$180</u>
Industrial Ovens, Operation of	Annual	[\$75]	<u>\$90</u>
Liquefied Petroleum Gas (LPG), Storage	Annual	[\$125]	<u>\$150</u>
- Per 100 lb. or more tank			
LPG Install (Includes First Year Annual)		[\$235]	<u>\$280</u>
Lumberyard	Annual	[\$150]	<u>\$180</u>
Motion Picture Projection Machine Operator		[\$75]	<u>\$75</u>
Oil Burner Installation	Per Unit	[\$75]	<u>\$90</u>
Oil Burner Installer's License	Annual	[\$125]	<u>\$150</u>
<u>Flammable/Combustible [Oil] Tank.</u>			
<u>Installation/Modification/Removal</u>			
- 0-999 gallons	Per Tank	[\$125]	<u>\$150</u>
- 1,000-4,999 gallons	Per Tank	[\$250]	<u>\$300</u>
- 5,000 gallons and up	Per Tank	[\$500]	<u>\$600</u>
<u>Re-Inspection or Return to Site to witness</u>			
<u>Corrections of previous deficiencies</u>			
- <u>0-999 gallons</u>	<u>Per Tank</u>	[n/a]	<u>\$150</u>
- <u>1,000-4,999 gallons</u>	<u>Per Tank</u>	[n/a]	<u>\$300</u>
- <u>5,000 gallons and up</u>	<u>Per Tank</u>	[n/a]	<u>\$600</u>

Public Garage 1-25	Annual	[\$115]	<u>\$140</u>
Public Garage 25 and up	Annual	[\$125]	<u>\$150</u>
Self Service Gasoline Station	Annual	[\$150]	<u>\$180</u>
Welding and Cutting	Annual	[\$90]	<u>\$100</u>
Woodworking Plant	Annual	[\$120]	<u>\$140</u>
Fire and Smoke Detection Systems [Plan Review/Inspection and certification of]		[\$150]	
<u>Filing Fee, Issuance of Permit, Plan Review, Inspection/ Certification of</u>			
<u>Panel and up to 99 devices</u>			<u>\$150</u>
<u>100-200 devices</u>			<u>\$200</u>
<u>Per additional 1-99 devices</u>			<u>\$100</u>
<u>Re-inspection or returning to site to witness corrections of</u>			
<u>any previous deficiencies</u>			<u>\$150</u>
<u>2<sup>nd</sup> re-inspection</u>			<u>\$200</u>
<u>3<sup>rd</sup> re-inspection</u>			<u>\$250</u>
<u>All subsequent re-inspections</u>			<u>\$300</u>
Sprinkler System [Filing fee for up to 100 sprinkler heads, including plans review]		[\$195]	
[Each additional 50 heads or part thereof]		[\$50]	
[Final Acceptance for above-ground piping]		[\$100]	
[Witness & calibrate area water main flow for Hydraulic Calculations]		[\$100]	
<u>Filing Fee, Issuance of Permit, Plan Review, Inspection/ Certification of</u>			
<u>Up to 100 sprinkler heads</u>			<u>\$250</u>
<u>Each additional sprinkler head</u>			<u>\$3/head</u>
Re-Inspection or Returning to Site to witness corrections of any previous deficiencies		[\$120]	<u>\$150</u>
2 <sup>nd</sup> Re-Inspection		[\$150]	<u>\$200</u>
3 <sup>rd</sup> Re-Inspection		\$250	<u>\$250</u>
All subsequent re-inspections		\$300	<u>\$300</u>
Fixed Extinguishing System – Application Fee, Plan Review, On-Site Testing		[\$165]	<u>\$200</u>
Re-Inspection or returning to site to Witness Corrections of Any previous deficiencies		[\$100]	<u>\$120</u>
2 <sup>nd</sup> Re-Inspection		[\$150]	<u>\$180</u>
3 <sup>rd</sup> Re-Inspection		[\$250]	<u>\$300</u>
All Subsequent Re-Inspections		[\$300]	<u>\$360</u>

**§ 162 Sanitary Sewer and Stormwater Fees**

## RESIDENTIAL UNIT FEE

Per dwelling Unit	<u>\$103</u>
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## NONRESIDENTIAL UNIT FEE

## Per Acre Parcel Size

< .2 acre: 1 unit.	<u>\$135</u>
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.21 - .5 acre: 2 units.	<u>\$270</u>
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.51 - 1 acre: 3 units.	<u>\$405</u>
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1.01 - 2 acres: 4 units.	<u>\$540</u>
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Over 2 acres: 5 units.	<u>\$675</u>
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## Hotel

1 residential unit for each hotel room.	<u>\$103</u>
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City of New Rochelle  
Finance Department

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**MEMORANDUM**

TO: Honorable Mayor and City Council  
THRU: Charles B. Strome, III, City Manager  
FROM: Mark Zulli, Finance Commissioner  
DATE: December 1, 2020  
SUBJECT: 2021 BUDGET RE: LEVY, CONFIRMATION, AND WARRANT - Ordinance levying taxes unpaid solid waste collection fees, and unpaid sanitary sewer and stormwater fees for the Year 2021, ordering the apportionment thereof, confirming the Tax Roll, and directing issuance and signature of the warrant (Intro. 12/16/19)

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Memo to follow upon receipt of final budget

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# LEGISLATION

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ORDINANCE LEVYING TAXES, UNPAID SOLID WASTE COLLECTION FEES, AND SANITARY SEWER AND STORMWATER FEES FOR THE YEAR 2021, ORDERING THE APPORTIONMENT THEREOF, CONFIRMING THE TAX ROLL, AND DIRECTING ISSUANCE AND SIGNATURE OF THE WARRANT.

BE IT ORDAINED by the City of New Rochelle:

Section 1. It is hereby ordered that there be levied, assessed, raised and collected against and from the properties, persons and corporations liable to taxation within the City of New Rochelle, the following sums and amounts for the purposes stated, to wit:

City General Government Operation	\$
City Downtown Business Improvement District	\$
Unpaid Solid Waste Collection Fees (Schedule Attached)	\$
Unpaid Sanitary Sewer and Stormwater System Fees (Schedule Attached)	\$

Section 2. The Commissioner of Finance is hereby directed to apportion the said amounts so to be raised, at the following rates for each \$1,000 of assessed valuation against each and all of the respective properties, persons and corporations liable to taxation within the City of New Rochelle, according to the values thereof as set forth upon the annual assessment roll last compiled and recently confirmed by this Council as and for the taxes of the City of New Rochelle for the year 2021:

	<u>Tax Rate</u>
City General Government Operations	\$
City Downtown Business Improvement District	\$

Section 3. The tax roll for the year 2021 as prepared by the Commissioner of Finance pursuant to the direction of this Council, by apportioning the annual tax levy for the said year against the assessment roll of the year 2020, be and the same is currently confirmed this 8th day of December, 2020.

Section 4. The warrant for the collection of said taxes for the year 2021 shall be issued and signed by a majority of the Council, and said warrant be in the amount of \$

City of New Rochelle  
Public Works

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**MEMORANDUM**

TO: Honorable Mayor and City Council  
 THRU: Charles B. Strome, III, City Manager  
 FROM: Jim Moran, Interim Public Works Commissioner  
 DATE: December 1, 2020  
 SUBJECT: PROPOSED AMENDMENT TO CODE OF THE CITY OF NEW ROCHELLE  
 RE: PARKING REGULATION CHANGE - ROCHELLE PLACE - Ordinance  
 amending Section 312-83, Schedule XII: Parking Prohibited at all Times, and  
 Section 312-84, Schedule XIII: Parking Prohibited Certain Hours, of Chapter 312,  
 Vehicles and Traffic, of the Code of the City of New Rochelle (Rochelle Place).

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Routine replacement of missing parking signs revealed the following posted regulations were not listed in the Municipal Code. It is recommended to add them at this time.

(Matter underlined added)

§ 312-83 Schedule XII: Parking Prohibited at All Times.

In accordance with the provisions of § 312-39, no person shall park a vehicle at any time upon any of the following described streets or parts of streets:

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
<u>Rochelle Place</u>	<u>North</u>	<u>15 Rochelle Place to dead end</u>

**§ 312-84 Schedule XIII: Parking Prohibited Certain Hours.**

In accordance with the provisions of § 312-40, no person shall park a vehicle between the hours listed upon any of the following described streets or parts of streets subject to winter suspension of alternate side of street sweeping parking regulations as denoted by an asterisk (\*) herein:

<b>Name of Street</b>	<b>Side</b>	<b>Hours/ Days</b>	<b>Location</b>
<u>Rochelle Place*</u>	<u>North</u>	<u>8:00 a.m. to 12:00 noon/Tuesday</u>	<u>North Avenue to 15 Rochelle Place</u>

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# LEGISLATION

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ORDINANCE AMENDING SECTION 312-83, SCHEDULE XII: PARKING PROHIBITED AT ALL TIMES, AND SECTION 312-84, SCHEDULE XIII: PARKING PROHIBITED CERTAIN HOURS, OF CHAPTER 312, VEHICLES AND TRAFFIC, OF THE CODE OF THE CITY OF NEW ROCHELLE (ROCHELLE PLACE).

BE IT ORDAINED by the City of New Rochelle:

Section 1. The Code of the City of New Rochelle, Section 312-83, Schedule XII: Parking Prohibited at All Times, of Chapter 312, Vehicles and Traffic, is hereby amended as follows:

§ 312-83. Schedule XII: Parking Prohibited at All Times.

In accordance with the provisions of § 312-39, no person shall park a vehicle at any time upon any of the following described streets or parts of streets:

Name of Street	Side	Location
<u>Rochelle Place</u>	<u>North</u>	<u>15 Rochelle Place to dead end</u>

Section 2. The Code of the City of New Rochelle, Section 312-84, Schedule XIII: Parking Prohibited Certain Hours, of Chapter 312, Vehicles and Traffic, is hereby amended as follows:

§ 312-84. Schedule XIII: Parking Prohibited Certain Hours.

In accordance with the provisions of § 312-40, no person shall park a vehicle between the hours listed upon any of the following described streets or parts of streets subject to winter suspension of alternate side of street sweeping parking regulations as denoted by an asterisk (\*) herein:

Name of Street	Side	Hours/Days	Location
<u>Rochelle Place*</u>	<u>North</u>	<u>8:00 a.m. to 12:00 noon/Tuesday</u>	<u>North Avenue to 15 Rochelle Place</u>



Matter underlined added.

City of New Rochelle  
City Manager

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**MEMORANDUM**

TO: Honorable Mayor and City Council  
THRU: Charles B. Strome, III, City Manager  
FROM: Charles Strome III, City Manager  
DATE: December 1, 2020  
SUBJECT: PROPOSED ADOPTION OF PAPER BAG FEE - Resolution adopting a \$0.05 paper bag fee effective January 1, 2021.

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In the most recent New York State Budget, the State included a ban on plastic bags that took effect on or after March 1, 2020. The State legislation allows the legislative body of any County and City to impose a fee (\$0.05) on paper carry-out bags through local law. This is an opt-in. Therefore, there will be no fee unless the County or City chooses to act. If a County and a City wholly within such County (as is the case with New Rochelle) both impose a fee, then the fee imposed by such County does not apply within the territorial limits of the City. To date, Westchester County has not imposed the fee.

The paper bag fee cannot apply to customers using the Supplemental Nutritional Assistance Program (SNAP), the Women, Infants, and Children (WIC) Program, or any successor programs used as full or partial payment.

If the County or City imposes a paper bag fee locally, the State Comptroller will pay 40% of the paper bag fee (\$0.02) to the County or City that imposed it for the purpose of purchasing and distributing reusable bags, with priority given to low and fixed-income communities. Any funds that have not been used for this purpose must be returned to the Comptroller and deposited into the General Fund for the state to purchase and distribute reusable bags. The remaining 60 percent of the fee (\$0.03) is deposited into the State's Environmental Protection Fund.

The legislation explicitly preempts local plastic bag laws. Additionally, several types of retailers are exempt from the fee. I have attached a memorandum from the Law Department that describes such retailers.

City Council discussed this issue on numerous occasions and has requested that the staff prepare legislation for Council to consider in December. As a result, legislation adopting the \$0.05 paper bag fee in the City of New Rochelle, effective January 1, 2021 is being presented.

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## **LEGISLATION**

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RESOLUTION ADOPTING A \$0.05 PAPER BAG FEE EFFECTIVE  
JANUARY 1, 2021.

WHEREAS, the recently approved New York State Budget included a ban on plastic bags that will take effect on or after March 1, 2020; and

WHEREAS, the State legislation allows the legislative body of any county and city to impose a fee (\$0.05) on paper carry-out bags through local (this is an opt-in); and

WHEREAS, there will be no fee unless the county or city chooses to act; and

WHEREAS, if a county and a city wholly within such county (as is New Rochelle) both impose a fee, then the fee imposed by such county does not apply within the territorial limits of the city; and

WHEREAS, to date, Westchester County has not imposed a fee; and

WHEREAS, the paper bag fee cannot apply to customers using the Supplemental Nutritional Assistance Program (SNAP), the Women, Infants, and Children (WIC) program, or any successor programs used as full or partial payment; and

WHEREAS, if the county or city imposes a paper bag fee locally, the Comptroller will pay 40 percent of the paper bag fee (\$0.02) to the county or city that imposed it for the purpose of purchasing and distributing reusable bags, with priority given to low and fixed-income communities; and

WHEREAS, any funds that have not been used for this purpose must be returned to the Comptroller and deposited into the General Fund for the State to purchase and distribute reusable bags, and the remaining 60 percent of the fee (\$0.03) is deposited into the state's Environmental Protection Fund; and

WHEREAS, the legislation explicitly preempts local plastic bag laws; and

WHEREAS, several types of retailers are exempt from the fee; now, therefore

BE IT RESOLVED, that the Council of the City of New Rochelle hereby authorizes the adoption of a \$0.05 paper bag fee effective January 1, 2021.

ATTACHMENTS:

1. Paper Bag Exemptions

## MEMORANDUM

To: Kathleen Gill  
 From: Dawn M. Warren  
 Date: November 18, 2020  
 Re: Plastic Bag Reduction, Refuse and Recycling/ Exemptions

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6 NYCRR Part 351 Plastic Bag Reduction, Reuse, and Recycling

### Definitions:

“Paper carryout bag” means a paper bag, other than an exempt bag, that is provided to a customer by a person required to collect tax, to be used by the customer to carry *tangible personal property*, regardless of whether such person required to collect tax sells any *tangible personal property* or service to the customer, and regardless of whether any *tangible personal property* or service sold is exempt from tax under Article 28 of the New York State Tax Law.

“Plastic carryout bag” means any plastic bag, other than an exempt bag, that is provided to a customer by a person required to collect tax to be used by the customer to carry *tangible personal property*, regardless of whether such person required to collect tax sells any *tangible personal property* or service to the customer, and regardless of whether any *tangible personal property* or service sold is exempt from tax under Article 28 of the New York State Tax Law

“Tangible personal property” is not defined in the plastic bag reduction new law or in Article 28 of the Tax Law. Article 28 defines “*personal property*” as “all property that is not real property.”

### Exemptions:

The only people exempt from paying the paper-bag fee are those who receive SNAP or WIC benefits.

Below are the types of bags that are exempt from both the plastic bag ban and the paper carryout bag fee.

### Exemptions:

- Used only to contain or wrap uncooked meat, fish, seafood, poultry, other unwrapped or non-prepackaged food, flower, plant, or other item for the purpose of separating it from other items to avoid contamination, prevent damage from moisture, or for sanitary, public health, or environmental protection purposes
- Used only to package items from bulk containers, including:
  - fruits
  - vegetables

- grains
- candy
- small hardware items (such as nuts, bolts, and screws)
- live insects
- fish, crustaceans, mollusks, or other aquatic items requiring a waterproof bag
- Used only to contain food sliced or prepared to order
- Used only to contain a newspaper for delivery to a subscriber
- Sold in bulk quantities to a consumer at the point of sale that were specifically prepackaged in a manner to allow for bulk sale (for example, quantities of bags prepackaged in individual pre-sealed boxes) or prepackaged in individual boxes or containers for sale to a customer
- Sold as a trash bag
- Sold as a food storage bag, such as those in snack, sandwich, quart, and gallon sizes
- Used as a garment bag, such as over-the-hanger bags or those used by a dry cleaner or laundry service
- Made of plastic provided by a restaurant, tavern or similar food service establishment, as defined in the New York state sanitary code, to carry out or deliver prepared food
- Provided by a pharmacy to carry prescription drugs

City of New Rochelle  
City Clerk

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**MEMORANDUM**

TO: Honorable Mayor and City Council  
THRU: Charles B. Strome, III, City Manager  
FROM: Michelle Oliveros, City Clerk  
DATE: December 1, 2020  
SUBJECT: PROPOSED APPOINTMENT OF DEPUTY MAYOR FOR THE YEAR 2021  
Resolution designating City Council Member Martha Lopez as Deputy Mayor for  
the Year 2021.

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Resolution designating City Council Member \_\_\_\_\_ as deputy mayor for the  
year 2021.

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## LEGISLATION

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RESOLUTION DESIGNATING CITY COUNCIL  
MEMBER MARTHA LOPEZ AS DEPUTY MAYOR  
FOR THE YEAR 2021.

BE IT RESOLVED by the Council of the City of New Rochelle:

Section 1. Council Member, Martha Lopez, a member of the City Council of New Rochelle, is hereby designated Deputy Mayor for the year 2021.

Section 2. Council Member, Martha Lopez, shall perform the duties of the Mayor of the City of New Rochelle during the absence or disability of the Mayor for the effective period of this designation.



City of New Rochelle  
City Clerk

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**MEMORANDUM**

TO: Honorable Mayor and City Council  
THRU: Charles B. Strome, III, City Manager  
FROM: Michelle Oliveros, City Clerk  
DATE: December 1, 2020  
SUBJECT: BUDGET/POLICE REVIEW COMMITTEE Requested by Charles B. Strome,  
III, City Manager

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**DISCUSSION ITEM**

Further discussion Re: Budget/Police Review Committee

Mayor Bramson reviewed the recommendations presented by the Policing Review Committee and memo prepared (see memo attached).

Comments and questions followed.

Note: Council Member Kaye requested that staff identify and pursue grants and funding opportunities; City Manager Strome will contact Angela Farrish of the New Rochelle Municipal Housing Authority for input regarding programs implemented with the use of outside funding sources; input from the Police Department is needed regarding recommendations in the Policing Review Committee report as they relate to certain types of equipment; requirements and qualifications for service as a Police Officer were discussed - it would be appropriate to submit recommendations to the Civil Service Commission; final recommendations by City Council relative to the Policing Review Committee proposals will be considered on December 8.

City Manager Strome stated that recommendations by City Council will be incorporated into a draft report and, following final review, Public Hearing(s) will be scheduled. The final Plan must be in the Governor's office by April 1, 2021. ---

## MEMORANDUM

To: Honorable Council

Cc: City Manager Chuck Strome  
Corporation Counsel Kathleen Gill  
Commissioner Joseph Schaller  
Deputy Commissioner Rob Gazzola

Fr: Mayor Noam Bramson  
Council Member Yadira Ramos-Herbert

Date: December 1, 2020

Re: Police Review Committee Recommendations

The following is intended to provide structure to the City Council's consideration of the Report of the Policing Review Committee and also represents our recommendation for the direction that should be provided to the City Manager and professional staff.

As noted throughout this document, we still recommend receiving guidance from the NRPD and City staff. This guidance will prove to be helpful as we work towards the adoption of a plan. Once the Council adopts a plan, we request quarterly updates from the NRPD that will provide a status report on the implementation of the recommendations and adopted plan.

## **Community-Police Partnership Board (CPPB)**

In addition to the specific responses noted below, and as a means of implementing several of the recommendations made by the Policing Review Committee, we suggest as a priority item in 2021 the formation of a Community-Police Partnership Board (CPPB) with the following responsibilities, to be discharged in concert with NRPD leadership and relevant personnel, and in a spirit of active engagement and collaboration:

- Review and recommend improvements to NRPD training protocols and use-of-force policies, with an emphasis on “advancing procedural justice practices, emotional intelligence, [and] community-oriented policing,” as well as conflict de-escalation and implicit bias prevention. Such reviews should occur as often as deemed necessary and no less than annually.
- Examine the circumstances surrounding “serious incidents” that entail significant injury or death and/or an officer’s discharge of a weapon and “that have the potential to damage community trust or confidence in the agency.” At the Police Commissioner’s request, advise on disciplinary matters.
- Supplant and assume the functions currently discharged by Citizens for a Better New Rochelle, including regular meetings with community leaders and interested residents to review data, discuss concerns, and maintain ongoing, trust-building dialogue.

The precise composition and appointment methodology of the CPPB requires further discussion.

**Support as Recommended**  
***Immediate or Short-Term Implementation in 2021***

PRC Recommendation: The committee strongly recommends implementation of the Implicit Bias training that was delayed due to COVID-19 and refreshes ICAT.

*YRH/NB Comment: The NRPD is already committed to implementation of implicit bias training, as soon as public health conditions permit.*

PRC Recommendation: The committee recommends NRPD engage in robust training on when and how to engage Clergy Rapid Response Team.

*YRH/NB Comment: The Clergy Rapid Response team has already proven its value. Nonetheless, standards for the engagement and responsibilities of the Clergy Rapid Response team should be formalized.*

PRC Recommendation: The committee recommends the City Council join any County level shared services model for crisis responders.

*YRH/NB Comment: We are in full agreement with this recommendation.*

PRC Recommendation: The committee recommends that the NRPD update its website and allow public access to monthly reports that detail racial, ethnic, gender and location data related to all police stops, crime data, complaint data, vehicle and traffic law and daily activity logs. The committee recommends the hiring of a data entry clerk who will aggregate the information in a manner that allows monthly digital access. The committee recommends a comprehensive data management overhaul be undertaken to analyze the following but not limited to collection, maintenance, analyzing, and disclosure practices.

*YRH/NB Comment: This will require an amendment to the 2021 budget of at least \$70,000, and possibly additional resources for software. The specific data categories to be collected and presented will require further discussion and consideration, but, at a minimum, the racial, ethnic, and gender composition of police interactions should be recorded, aggregated, and transparently displayed.*

PRC Recommendation: The committee recommends all complaints concerning a member of the NRPD should be: capable of being filed through an on-line fill-in form; tracked to a final disposition with a detailed explanation of the ultimate result; and available to the public with legal necessary redaction. All identifying information of complainants should be held confidential and restricted to only those with the need to investigate, resolve or adjudicate such complaints and subject to a strictly enforced

retaliation policy which confirms that any retaliation against any complainant will result in disciplinary action and possible termination by the offending officer. The retaliation policy should be clearly stated on the complaint form.

*YRH/NB Comment: The NRPD is engaged in creating an online complaint form. While implementation of certain aspects of this recommendation is contingent upon definitive resolution of state-level regulations governing disciplinary records, we support the immediate implementation of an online complaint portal and request an analysis from staff on how transparency can be achieved for both complainants and the general public, consistent with state guidelines.*

PRC Recommendation: The committee recommends all information shared on the NRPD website be provided in English and Spanish.

*YRH/NB Comment: This recommendation has obvious merit in a community with a substantial Spanish-speaking population. The staff should provide the Council with a clear description of the steps necessary to implement this recommendation, including any necessary budget allocation and/or assignment of personnel. This will facilitate informed consideration of options.*

PRC Recommendation: The reinstatement of Resident Security Officers (“RSO”) who are residents from the community to serve as liaisons with NRPD and helped to reduce crime.

*YRH/NB Comment: Strengthening resident-police partnerships is of urgent importance and must be pursued vigorously, so that residents can be more fully engaged in providing for safe neighborhoods. Recognizing that the specific proposal for RSOs requires additional information in order to fully frame an actionable step, the staff should analyze costs, implementation models, and relevant examples from other communities in order to determine whether and how such a program – or an alternative program with similar intent – could be implemented in New Rochelle and under the auspices of which authority.*

PRC Recommendation: If as part of its police reform task force or county level legislation, Westchester County establishes a Civilian Review Board the committee recommends New Rochelle seek the participation in the County level review board.

*YRH/NB Comment: We are in full agreement with this recommendation.*

PRC Recommendation: The creation of the Office of an Inspector General, which is not a part of NRPD but is an office within City Hall charged with investigating and resolving complaints or allegations of misconduct.

*YRH/NB Comment: This is already in process and included within the 2021 proposed budget. Further discussion about how this role will come to fruition should be held.*

PRC Recommendation: The committee recommends body cameras for all officers and supervisors operating in the field as well as in-car cameras for all marked and unmarked vehicles.

*YRH/NB Comment: This is already in process and included within the 2021 proposed budget.*

PRC Recommendation: The committee recommends the footage for these cameras should be stored and retained in a way that is easily accessible to third parties such as the NYS Attorney General's Office and requests from the public.

*YRH/NB Comment: This is already in process and included within the 2021 proposed budget.*

**Support as Recommended**  
***Medium or Long-Term Implementation, as Resources Permit***

PRC Recommendation: The committee recommends the hiring of police officers and community members who will allow the creation of relationships that will reduce crime in hot spot areas, including 5 police officers assigned solely to Peter Bracey and Heritage Homes. These officers should be trained in community service model practices that will help to build trust and engagement between the residents and the police.

*YRH/NB Comment: The cost of hiring 5 additional officers makes immediate implementation of this recommendation impractical, particularly given the fiscal uncertainties associated with COVID. Nonetheless, this should be established as a clear municipal goal to be implemented when resources are available.*

**Support as Recommended**  
***Refer to CPPB for Implementation***

PRC Recommendation: The committee recommends NRPD participate in rigorous and robust training that focuses on advancing procedural justice practices, emotional intelligence, community-oriented policing, and specifically addresses the role of race in officer's perceptions of risk and their decision making in potentially dangerous interactions with citizens.

PRC Recommendation: The committee recommends collaboration between NRPD and community members to "co-produce" and update policies and training programs in a manner that reflects clear roles and responsibilities to achieve community centered safety goals, violence reduction and address key problem areas. Special consideration should be paid to Use of Force and De-escalation policies to reflect norming best practices, including the ban of intentional neck and chokeholds.

PRC Recommendation: The committee recommends the creation of a *Serious Incident Review Board* comprising of sworn staff and community members to review cases involving officer involved shootings and other serious incidents that have the potential to damage community trust or confidence in the agency.

PRC Recommendation: The committee recommends that the NRPD should proactively seek opportunities to participate in neighborhood and community meetings. These meetings should have staggered start times and days, accept written comments/questions (via an online portal), the recording of meetings and should be advertised.



## **Support in Principle**

### ***Implement Through Alternative Means***

PRC Recommendation: Communication modalities have changed and social media is the key way to share information. The committee recommends the hiring a staff member who is trained to permit a more robust social presence without violating NRPD Rules and Regulation sections 3.1, 3.2 and 3.4.

*YRH/NB Comment: The City should initially seek to accomplish this important goal utilizing existing personnel and resources. If this proves infeasible or inadequate, then the Administration and Council should consider the addition of dedicated staff in a future budget. This should be prioritized in 2021 with updates to the Council about whether existing personnel and resources will permit the NRPD to enhance its communication through social media.*

PRC Recommendation: The committee recommends the hiring of a community stakeholder liaison. The liaison will be responsible for implementing strategic initiatives to foster better police/community relations. The individual will work closely with the Youth Bureau and other various City/State agencies to ensure better communication between City, State, Federal agencies and the community stakeholders.

*YRH/NB Comment: The City should initially seek to accomplish this important goal utilizing existing personnel and resources. If this proves infeasible or inadequate, then the Administration and Council should consider the addition of dedicated staff in a future budget.*

PRC Recommendation: The institution of a "Cure Violence" program where leaders in the community are trained to change norms, respond to shootings, organize the community and mediate violence and proactively address areas with high risk.

*YRH/NB Comment: This function may be effectively discharged by the Clergy Rapid Response Team and by the CPPB.*

PRC Recommendation: The institution of a Credible Messengers program, in which formerly incarcerated community members with street credibility receive mediation training (for disturbances/disputes/suspicious person/trespassing/juvenile disturbance calls not related to mental health issues) and are able to connect with and motivate the most at-risk young people to successfully challenge and transform destructive thinking, attitudes and actions.

*YRH/NB Comment: A related initiative is currently underway in the New Rochelle City Court with the creation of an "Opportunity Youth Part." In addition, the Court is exploring a potential partnership with the incoming*

*Westchester County District Attorney to provide restorative justice programming. These efforts should be strongly supported by the City government.*

PRC Recommendation: The committee recommends this civilian committee assist in determining policy for the police department, share policy and policy changes in publicly accessible formats, hold public disciplinary hearings, discipline and dismiss police officers and participate in hiring decisions of the Police Commissioner.

*YRH/NB Comment: Given the constraints associated with collective bargaining and other considerations, the goals implied by this recommendation can best be accomplished through the CPPB.*

PRC Recommendation: The committee recommends an affirmative declaration from NRPD that they will not purchase or look for grants to purchase military grade weapons including rubber bullets, chemical gases.

*YRH/NB Comment: The NRPD notes that there are limited instances in which chemical gases and military-grade firearms may either be necessary to address emergent public safety hazards and/or the best means of limiting injury. The City should require that any such purchase be preceded by and conditioned upon written justification, as well as notification to the City Manager and City Council.*

## **Requires Additional Analysis**

### **Questions for Staff or Referral to CPPB for Review & Discussion**

PRC Recommendation: The committee recommends NRPD explore other potential community crisis responders with a focus on de-escalating outcomes.

*YRH/NB Comment: Articulating standards for the engagement and responsibilities of the Clergy Rapid Response team and identifying a community policing model where residents of the community are empowered and trained to serve as bridges to the NRPD will help facilitate the aims of this recommendation and should continue under the auspices of the CPPB.*

PRC Recommendation: The committee recommends NRPD implement the (ABLE) Project.

*YRH/NB Comment: The ABLE Project is a notable program that requires community support (as noted on the website, two letters from community organizations are required). The goal of CPPB is to facilitate active engagement and collaboration between the NRPD and the community around issues of training and related policies, and we recommend an examination of this model by the CPPB.*

PRC Recommendation: The committee also recommends that the NRPD should proactively collaborate with the appropriate City Department (for example the communications department) to continuously monitor the languages spoken by residents of New Rochelle. As new languages become prevalent in our community efforts should be made to translate these materials into the emerging languages in our community.

*YRH/NB Comment: This recommendation has obvious merit in a community with a substantial and ever-evolving foreign-born population. The staff should provide the Council with a clear description of the steps necessary to implement this recommendation, including any necessary budget allocation and/or assignment of personnel. This will facilitate informed consideration of options.*

PRC Recommendation: The committee also recommends digitizing all police employment records and civilian complaints.

*YRH/NB Comment: The staff should provide the Council with a clear description of the costs associated with implementing this recommendation, so that it can receive further consideration.*

PRC Recommendation: For all stops by a police officer, the committee recommends that all officers are required to give their name, badge number, reasons for the stop and a card with instructions for filing a complaint.

*YRH/NB Comment: This proposal requires additional information from the staff, specifically: is this a practice in other jurisdictions and what feedback can be obtained about the efficacy of this practice?*

PRC Recommendation: Examination of civil service policies. Does this require advocacy to state representatives? Consider tools available to advance practices that focus beyond cognitive abilities to measure key personality traits, community-oriented skills and capabilities. Explore opportunities for candidates to earn hiring "points" from a range of desirable attributes, specifically focused to mitigate disparate impact that minority or working class, or low-income candidates may have in the process. Consider current educational requirements thoughtfully and whether they present a barrier or can be adjusted in other ways to get more qualified candidates in the door while still incentivizing the attainment of higher education and its corresponding benefits for officers.

*YRH/NB Comment: The City should simultaneous and strongly pursue the dual objectives of greater diversity within the NRPD and of local hires. To the extent these objectives conflict, priority should be given to diversity. The staff should provide the City Council with a clear description of which potential civil service and hiring changes fall under State authority and which under local authority, and then with a recommended action plan for implementing changes in local policy and for advocating for changes in State policy.*