



**CITY COUNCIL AGENDA
COUNCIL CHAMBERS- 1ST FLOOR, CITY HALL
CITY OF NEW ROCHELLE
REGULAR LEGISLATIVE MEETING
TUESDAY, MAY 13, 2025
6:15 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

**APPROVAL OF MINUTES: Regular Legislative Meeting, Tuesday, March 18, 2025;
Committee of the Whole Session, Tuesday, April 8, 2025.**

**SUBMISSION OF MINUTES: Regular Legislative Meeting, Tuesday, April 15, 2025;
Committee of the Whole Session, Tuesday, May 6, 2025.**

LEGISLATION IN VOTING ORDER

CONSENT AGENDA

1. **PROPOSED FREE PARKING FOR 2025 DOWNTOWN SUMMER SIZZLE CONCERT SERIES** - Resolution authorizing free parking for the 2025 Downtown Summer Sizzle Concert Series from June 7, 2025 through August 30, 2025.
2. **PROPOSED EXTENSION OF CONTRACT RE: EMPRESS AMBULANCE SERVICE, INC.**
- Resolution authorizing a two-year service agreement extension with Empress Ambulance Service, Inc. for emergency medical services.
3. **PROPOSED PUBLIC HEARING RE: REALLOCATION OF HOME AND HOME ARP FUNDS** - Resolution directing a Public Hearing relative to the reprogramming of HOME and HOME ARP funds to TBRA and amendments to the 2021 and 2022 Action Plans for the City of New Rochelle (Intro. 5/6/2025; Public Hearing 6/10/2025).
4. **PROPOSED PUBLIC HEARING RE: REALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS TO MASCARO ELEVATOR** - Resolution directing a Public Hearing relative to the reprogramming of CDBG funds for a new elevator at Boys & Girls Club Mascaro Clubhouse and amendments to the 2018 and 2024 Action Plans for the City of New Rochelle. (Intro. 5/6/2025; Public Hearing 6/10/2025).

5. PROPOSED AMENDMENT TO THE 2025 BUDGET OF THE CITY OF NEW ROCHELLE RE: NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION ZERO EMISSION VEHICLE REBATE PROGRAM (CORRECTION OF LEGISLATION NO. 35-2025) - Ordinance accepting the New York state Department of Environmental Conservation Zero Emission Vehicle Rebate Program (NYS DEC ZEV Grant) in the amount of \$30,000, amending Ordinance No. 212 of 2024, the Budget of the City of New Rochelle for 2025, and appropriating funds therefore (Correction of Legislation No. 35- 2025).
6. PROPOSED APPLICATION RE: NEW YORK STATE DEPARTMENT OF STATE INLAND FLOODING AND LOCAL WATERFRONT REVITALIZATION PROGRAM IMPLEMENTATION PROJECTS GRANT - Resolution authorizing submission of a grant application to the New York State Inland Flooding and Local Waterfront Revitalization Program Implementation projects (IFLWRPIP) relative to Sub-Basin 5 Stormwater Improvements and committing required matching funds.
7. PROPOSED APPLICATION FOR NEW YORK STATE RESILIENT WATERSHEDS GRANT PROGRAM - Resolution authorizing the submission of a grant application to the New York State Resilient Watersheds Grant program relative to Sheldrake River stormwater improvements and committing required matching funds.
8. PROPOSED APPLICATION FOR NEW YORK STATE RESILIENT WATERSHEDS GRANT PROGRAM - Resolution authorizing submission of a grant application to the Resilient Watersheds Grant (RWG) Program relative to LINC Stormwater Improvements and committing required matching funds.
9. PROPOSED APPLICATION FOR NEW YORK STATE DEPARTMENT OF STATE COASTAL REHABILITATION AND RESILIENCE PROJECTS GRANT PROGRAM - Resolution authorizing the submission of a grant application to the Coastal Rehabilitation and Resilience Projects (CRRP) grant program relative to the City Park Drainage Improvements and committing required matching funds.
10. PROPOSED APPLICATION RE: WESTCHESTER COUNTY STORMWATER MANAGEMENT PROGRAM - Resolution authorizing submission of a grant application to the Westchester County Stormwater Management Law (BPL-26) grants program relative to the Sub-Basin 5 Stormwater Improvements and committing required matching funds.
11. PROPOSED ACCEPTANCE OF NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY'S CLEAN ENERGY COMMUNITIES GRANTS PROGRAM - Ordinance accepting New York State Energy Research and Development Authority Clean Energy Communities Grant relative to Clean Energy Projects and amending Ordinance No. 212 of 2024, the Budget of the City of New Rochelle for 2025.

RESOLUTIONS

ORDINANCES

12. REQUEST FOR FORFEITURE FUND FOR IT HARDWARE - Ordinance approving the use of forfeiture funds for IT Hardware (Police Department).

13. PROPOSED AMENDMENT TO THE 2025 BUDGET (CAPITAL BUDGET) - Ordinance amending Ordinance No. 212 of 2024, the Budget of the City of New Rochelle for 2025, relative to the City's Capital Budget.

FOR DECISION (PUBLIC HEARING HELD ON TUESDAY, MAY 6, 2025)

14. PROPOSED AMENDMENT TO CITY CHARTER, INTRO. NO. 2, RE: CHANGE OF TAXABLE STATUS DATES - Article X; Sections 105 and 107 - A Local Law, Intro. No 2, to amend Section 105, The Board of Assessment Review, and Section 107, Taxable Status Date, of Article X, General City Taxes, of the New Rochelle City Charter. (Intro. 4/8/25; Public Hearing 5/6/25)

PROPOSED AMENDMENTS FOR INTRODUCTION ONLY:

15. PROPOSED LEAD AGENCY STATUS RE: PROPOSED AMENDMENT TO CHAPTER 331, ZONING CODE (MASSAGE ESTABLISHMENTS) - Resolution declaring Lead Agency Status for proposed Zoning Code amendments.
16. PROPOSED AMENDMENT TO CHAPTER 331. ZONING CODE, RE: MASSAGE ESTABLISHMENTS - Ordinance amending Section 331-4, Specific terms defined, Section 331-47, DMU Downtown Mixed Use District, Section 331-48, DMUR Downtown Mixed Use Urban Renewal District, Section 331-50, WR Water Related District, Section 331-51, PWD-3 Planned Waterfront Development - 3-Story District, Section 331-52, PWD-5 Planned Waterfront Development - 5-Story District, Section 331-53, PWD-8 Planned Waterfront Development - 8-Story District, Section 331-54, MUFE Mixed Use Family Entertainment District, Section 331-54.1, North Avenue Zone, Section 331-54.2 NB-H Neighborhood Business-Hospital District, Section 331-55, C-1M General Commercial Modified District, Section 331-56, NB Neighborhood Business District, Section 331-56.1, NB-2.0 Neighborhood Business 2.0 District, Section 331-57, DB Downtown Business District, Section 331-58, LSR Large Scale Retail District, Section 331-58.1, LSR-1 Large Scale Retail District, Section 331-87 Approving Agencies of Chapter 331, Zoning, of the Code of the City of New Rochelle; and adding Section 331-113.14, Massage Establishment, to Chapter 331, Zoning, of the Code of the City of New Rochelle. (Intro. 5/13/25; Public Hearing 6/10/25).
17. PROPOSED PUBLIC HEARING RE: PROPOSED AMENDMENTS TO CHAPTER 331, ZONING CODE (MASSAGE ESTABLISHMENTS) - Resolution scheduling a Public Hearing on proposed amendments to Chapter 331, Zoning, of the Code of the City of New Rochelle.
18. PROPOSED LOCAL LAW RE: MASSAGE ESTABLISHMENTS - Local Law No. , Intro. No. 3, Adopting Chapter 121, Massage Establishments in the City of New Rochelle Charter. (Intro. 5/13/25; Public Hearing 6/10/25)
19. PUBLIC HEARING PROPOSED LOCAL LAW, INTRO. NO. 3, NO. - 2025: MASSAGE ESTABLISHMENTS - Resolution directing a Public Hearing on a Local Law adopting Chapter 121, Massage Establishments, in the City Charter for the City of New Rochelle.

PUBLIC HEARINGS: None.

EXECUTIVE SESSION

ADJOURNMENT

City of New Rochelle
City Manager

MEMORANDUM

TO: Honorable Mayor and City Council
THRU: Wilfredo Melendez, City Manager
FROM: Wilfredo Melendez, City Manager
DATE: May 13, 2025
SUBJECT: PROPOSED FREE PARKING FOR 2025 DOWNTOWN SUMMER SIZZLE CONCERT SERIES - Resolution authorizing free parking for the 2025 Downtown Summer Sizzle Concert Series from June 7, 2025 through August 30, 2025.

Background:

In a continuation of the City's overall efforts to promote visitors in Downtown New Rochelle, the City is hosting the Second Annual Downtown Summer Sizzle Concert Series. The Concert Series will occur each Saturday beginning on June 07, 2025 and concluding on August 30, 2025. To help promote the Concert Series, and local businesses, staff is recommending that free parking be offered, in select Municipal Parking Facilities, when concerts are occurring.

Issue:

As was done in prior years for other City events, staff proposes free parking in the following Municipal Parking Facilities controlled by Muni-Meters:

1. Library
2. Library South

The following Municipal Parking Facilities are **EXCLUDED** from this exemption:

1. City Hall
2. New Roc Garage
3. Lawn Avenue
4. Sickles Avenue
5. North Ave Thruway
6. Prospect Street
7. Maple Avenue
8. Davenport Avenue
9. Union Avenue
10. Bayard Street
11. New Rochelle Transit Center Garage

Recommendation:

Staff recommends that City Council adopt a resolution authorizing free parking in the aforementioned Municipal Parking Facilities, each Saturday from 5:00 p.m. to 10:00 p.m., beginning on Saturday June 07, 2025 and concluding on Saturday August 30, 2025.

LEGISLATION

RESOLUTION AUTHORIZING FREE PARKING FOR THE
2025 DOWNTOWN SUMMER SIZZLE CONCERT SERIES
FROM JUNE 7, 2025 THROUGH AUGUST 30, 2025.

WHEREAS, in a continuation of the City's overall efforts to promote visitors in Downtown New Rochelle, the City is hosting the Second Annual Downtown Summer Sizzle Concert Series each Saturday beginning June 7, 2025 and concluding on August 30, 2025; and

WHEREAS, in order to help promote the Concert Series and local businesses, staff is recommending that free parking be offered in select Municipal Parking Facilities on dates when concerts are occurring; and now therefore,

BE IT RESOLVED, that the Council of the City of New Rochelle authorizes free parking in the following Municipal Parking Facilities each Saturday from 5:00 p.m. to 10:00 p.m. beginning on Saturday, June 7, 2025 and concluding on Saturday, August 30, 2025:

1. Library
2. Library South

BE IT FURTHER RESOLVED, that the following Municipal Parking Facilities are excluded from this exemption, as are permit-only lots:

1. City Hall
2. New Roc Garage
3. Lawn Avenue
4. Sickles Avenue
5. North Ave Thruway
6. Prospect Street
7. Maple Avenue
8. Davenport Avenue
9. Union Avenue
10. Bayard Street
11. New Rochelle Transit Center Garage

City of New Rochelle
City Manager

MEMORANDUM

TO: Honorable Mayor and City Council
THRU: Wilfredo Melendez, City Manager
FROM: Wilfredo Melendez, City Manager
DATE: May 13, 2025
SUBJECT: PROPOSED EXTENSION OF CONTRACT RE: EMPRESS AMBULANCE SERVICE, INC. - Resolution authorizing a two-year service agreement extension with Empress Ambulance Service, Inc. for emergency medical services.

BACKGROUND:

Under Section 122-b, General Ambulance Services, of New York State General Municipal Law, the City of New Rochelle may provide an emergency medical service, a general ambulance service or a combination of such services for the purpose of providing pre hospital emergency medical treatment or transporting sick or injured persons found within the boundaries of the municipality or the municipalities acting jointly to a hospital, clinic, sanatorium or other place for treatment of such illness or injury.

Empress Ambulance Service, Inc. has been providing emergency ambulance services at the Advanced Life Support Care (ALS) level here in the City of New Rochelle for a number of years. Over the course of the contract, Empress and its employees have worked hand in hand with members of the New Rochelle Fire Department and the New Rochelle Police Department to provide New Rochelle residents with high quality emergency medical response.

ISSUE:

The current contract with Empress Ambulance Service, Inc. expires on June 30, 2025. The City Manager's Office has reviewed the current contract with the Fire Commissioner and the Director of Emergency Services. We believe it is in the best interest of the City that the Empress Ambulance Service, Inc. contract be renewed for a period of two (2) years. Because the provision of emergency ambulance services is a professional service, the City is not required to undertake a competitive bidding process.

RECOMMENDATION:

Staff recommends that the City Council adopt a resolution authorizing the City Manager to execute a two-year contract extension with Empress Ambulance Service, Inc. for the time period beginning July 1, 2025 and ending on June 30, 2027.

For Year 1 (July 1, 2025 through June 30, 2026) of the contract extension, the annual fee will be \$826,545, an increase of \$16,207 or two percent. For Year 2 of the extension, the annual fee will be increased by no more than two percent.

FUNDING:

Funding is available in MUNIS Account 3417.46700.

LEGISLATION

RESOLUTION AUTHORIZING A TWO-YEAR SERVICE AGREEMENT EXTENSION WITH EMPRESS AMBULANCE SERVICE, INC. FOR EMERGENCY MEDICAL SERVICES.

WHEREAS, pursuant to Section 122-b of the New York State General Municipal Law, the City of New Rochelle is authorized to provide general ambulance and emergency medical services within its municipal boundaries; and

WHEREAS, Empress Ambulance Service, Inc. has provided emergency ambulance services at the Advanced Life Support Care (ALS) level to the City of New Rochelle for a number of years, working collaboratively with the New Rochelle Fire and Police Departments to deliver high-quality emergency medical response; and

WHEREAS, the current contract with Empress Ambulance Service, Inc. is set to expire on June 30, 2025; and

WHEREAS, following a review by the City Manager's Office, the Fire Commissioner, and the Director of Emergency Services, it has been determined that extending the contract for an additional two-year term is in the best interest of the City and is permissible as a professional service exempt from competitive bidding requirements; and

WHEREAS, the proposed contract extension provides for an annual fee of \$826,545 for the period of July 1, 2025 through June 30, 2026, reflecting a 2% increase, and allows for an increase of no more than 2% for the subsequent year; now, therefore,

BE IT RESOLVED, that the City Council of the City of New Rochelle hereby authorizes the City Manager to execute a two-year extension of the contract with Empress Ambulance Service, Inc. for emergency ambulance services, covering the period from July 1, 2025 through June 30, 2027, with annual fees as outlined herein; and

BE IT FURTHER RESOLVED, that funding for this contract is available in MUNIS Account 3417.46700.

City of New Rochelle
Development

MEMORANDUM

TO: Honorable Mayor and City Council
THRU: Wilfredo Melendez, City Manager
FROM: Adam Salgado, Commissioner of Development
DATE: May 13, 2025
SUBJECT: PROPOSED PUBLIC HEARING RE: REALLOCATION OF HOME AND HOME ARP FUNDS - Resolution directing a Public Hearing relative to the reprogramming of HOME and HOME ARP funds to TBRA and amendments to the 2021 and 2022 Action Plans for the City of New Rochelle (Intro. 5/6/2025; Public Hearing 6/10/2025).

PROPOSED PUBLIC HEARING RE: REALLOCATION OF HOME AND HOME ARP FUNDS TO TENANT BASED RENTAL ASSISTANCE (TBRA) - Resolution directing a Public Hearing relative to the reprogramming of HOME and HOME-ARP funds to TBRA and amendments to the 2021 and 2022 Action Plans (Intro. 05/6/2025; Public Hearing 06/10/2025).

LEGISLATION

RESOLUTION DIRECTING PUBLIC HEARING RELATIVE
TO THE REPROGRAMMING OF HOME AND HOME ARP
FUNDS TO TBRA AND AMENDMENTS TO THE 2021 AND
2022 ACTION PLANS FOR THE CITY OF NEW ROCHELLE.

BE IT RESOLVED by the Council of the City of New Rochelle that this City Council hold a public hearing on June 10, 2025 at 7:00 p.m. in the City Council Chambers, City Hall, 515 North Avenue, New Rochelle, New York relative to the reprogramming of HOME and HOME ARP funds to TBRA and amendments to the 2021 and 2022 Action Plans; and

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to publish notice of such public hearing in the official newspaper of the City of New Rochelle at least ten (10) days prior to the public hearing date.

City of New Rochelle
Development

MEMORANDUM

TO: Honorable Mayor and City Council
THRU: Wilfredo Melendez, City Manager
FROM: Adam Salgado, Commissioner of Development
DATE: May 13, 2025
SUBJECT: PROPOSED PUBLIC HEARING RE: REALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS TO MASCARO ELEVATOR - Resolution directing a Public Hearing relative to the reprogramming of CDBG funds for a new elevator at Boys & Girls Club Mascaro Clubhouse and amendments to the 2018 and 2024 Action Plans for the City of New Rochelle. (Intro. 5/6/2025; Public Hearing 6/10/2025).

PROPOSED PUBLIC HEARING RE: REALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS TO MASCARO ELEVATOR - Resolution directing a Public Hearing relative to the reprogramming of CDBG funds for a new elevator at Boys & Girls Club Mascaro Clubhouse and amendments to the 2018 and 2024 Action Plans. (Intro. 05/06/2025; Public Hearing 06/10/2025).

LEGISLATION

RESOLUTION DIRECTING PUBLIC HEARING RELATIVE
TO THE REPROGRAMMING OF CDBG FUNDS FOR A NEW
ELEVATOR AT BOYS & GIRLS CLUB MASCARO
CLUBHOUSE AND AMENDMENTS TO THE 2018 AND 2024
ACTION PLANS FOR THE CITY OF NEW ROCHELLE.

BE IT RESOLVED by the Council of the City of New Rochelle that this City Council hold a public hearing on June 10, 2025 at 7:00 p.m. in the City Council Chambers, City Hall, 515 North Avenue, New Rochelle, New York relative to the reprogramming of CDBG funds for a new elevator at Boys & Girls Club Mascaro Clubhouse and amendments to the 2018 and 2024 Action Plans for the City of New Rochelle; and

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to publish notice of such public hearing in the official newspaper of the City of New Rochelle at least ten (10) days prior to the public hearing date.

City of New Rochelle
Development

MEMORANDUM

TO: Honorable Mayor and City Council

THRU: Wilfredo Melendez, City Manager

FROM: Adam Salgado, Commissioner of Development

DATE: May 13, 2025

SUBJECT: PROPOSED AMENDMENT TO THE 2025 BUDGET OF THE CITY OF NEW ROCHELLE RE: NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION ZERO EMISSION VEHICLE REBATE PROGRAM (CORRECTION OF LEGISLATION NO. 35-2025) - Ordinance accepting the New York state Department of Environmental Conservation Zero Emission Vehicle Rebate Program (NYS DEC ZEV Grant) in the amount of \$30,000, amending Ordinance No. 212 of 2024, the Budget of the City of New Rochelle for 2025, and appropriating funds therefore (Correction of Legislation No. 35- 2025).

BACKGROUND:

On March 18, 2025, the City Council adopted Legislation No. 2025-35, accepting the New York State Department of Environmental Conservation Zero Emission Vehicle Rebate Program (NYS DEC ZEV Grant) in the amount of \$30,000 and amending Ordinance No. 212 of 2024, the Budget of the City of New Rochelle for 2025.

ISSUE:

After the adoption of Legislation No. 2025-35, staff discovered a mathematical error in the original budget amendment. The original budget amendment, shown below, totaled \$29,000 of new revenue instead of \$30,000.

Increase Revenue:

6989.3897.25071	State Aid - ZEV Grant	\$15,000
8610.3897. 25071	State Aid - ZEV Grant	\$7,500
5650EP.3897.25071	State Aid - ZEV Grant	\$3,250

5640ET.3897.25071 State Aid - ZEV Grant \$3,250

In order to correct the mathematical error contained in Legislation No. 2025-35, a second budget amendment, identified below, is necessary.

RECOMMENDATION:

Staff recommends that City Council authorize the following Budget Amendment to allow for the correct fund amounts to be entered into the City's 2025 Budget.

Ordinance No. 212 of 2024, the Budget of the City of New Rochelle for 2025, is hereby amended as follows:

Increase Revenue:

5650EP.3897.25071 State Aid - ZEV Grant \$500

5640ET.3897.25071 State Aid - ZEV Grant \$500

LEGISLATION

ORDINANCE ACCEPTING THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION ZERO EMISSION VEHICLE REBATE PROGRAM (NYS DEC ZEV GRANT) IN THE AMOUNT OF \$29,000, AND AMENDING ORDINANCE NO. 212 OF 2024, THE BUDGET OF THE CITY OF NEW ROCHELLE FOR 2025 (Correction of Legislation No. 35- 2025).

WHEREAS, on March 18, 2025, the City Council adopted Legislation No. 2025-35, accepting the New York State Department of Environmental Conservation Zero Emission Vehicle Rebate Program (NYS DEC ZEV Grant) in the amount of \$30,000 and amending Ordinance No. 212 of 2024, the Budget of the City of New Rochelle for 2025; and

WHEREAS, after the adoption of Legislation No. 2025-35, staff discovered a mathematical error in the original budget amendment. The original budget amendment, shown below, totaled \$29,000 of new revenue instead of \$30,000;

BE IT ORDAINED by the City of New Rochelle:

Section 1. The Council of the City of New Rochelle hereby accepts the New York State Department of Environmental Conservation (NYSDEC) grant relative to the Zero Emission Vehicle Rebate Program (NYS DEC ZEV Grant) in the amount of \$29,000.

Section 2. Ordinance No. 212 of 2024, the Budget of the City of New Rochelle for 2025, is hereby amended in order to provide for the acceptance and implementation of this \$29,000 grant, as follows:

Increase Revenue

6989.3897.25XXX	State Aid - ZEV Grant	\$15,000
8610.3897.25XXX	State Aid - ZEV Grant	\$7,500
5650EP.3897.25XXX	State Aid - ZEV Grant	\$3,250
5640ET.3897.25XXX	State Aid - ZEV Grant	\$3,250

Section 3. The City Manager is hereby authorized to make such representation and execute such documentation as may be necessary and required to file and accept the \$29,000 grant.

City of New Rochelle
Development

MEMORANDUM

TO: Honorable Mayor and City Council

THRU: Wilfredo Melendez, City Manager

FROM: Adam Salgado, Commissioner of Development

DATE: May 13, 2025

SUBJECT: PROPOSED APPLICATION RE: NEW YORK STATE DEPARTMENT OF STATE INLAND FLOODING AND LOCAL WATERFRONT REVITALIZATION PROGRAM IMPLEMENTATION PROJECTS GRANT - Resolution authorizing submission of a grant application to the New York State Inland Flooding and Local Waterfront Revitalization Program Implementation projects (IFLWRPIP) relative to Sub-Basin 5 Stormwater Improvements and committing required matching funds.

BACKGROUND:

The Inland Flooding and Local Waterfront Revitalization Program Implementation Projects (IFLWRPIP) Grant Program, administered by the New York State Department of State, supports municipalities located along New York's coasts or designated inland waterways to implement projects that enhance waterfront and watershed resiliency and reduce climate-related risks. At least \$15 million is available through this competitive program, with awards covering up to 90% of eligible project costs. A minimum grant request of \$150,000 is required. Applications must be submitted through the Consolidated Funding Application by 4:00 PM on June 6, 2025.

The City of New Rochelle has demonstrated its ongoing commitment by performing a Citywide Drainage Analysis Study and establishing the Stormwater Mitigation Program in 2023. Pursuant to that Study, under this Program the City identified 170 mitigation projects with a total estimated construction value of over \$350 million. Accordingly, one of the mitigation projects identified that requires funding is Subbasin 5 - Eastchester Road / White Oak Street / North Avenue.

ISSUE:

To support the construction of the improvements to Subbasin 5 - Eastchester Road / White Oak Street / North Avenue which has an estimated project cost of \$971,750, the City intends to apply for the IFLWRPIP Grant Program in the amount of \$874,575. The City would be required to provide a match in the amount of \$97,175 to be funded from the City's Flood Mitigation Fund.

RECOMMENDATION:

Staff recommends that the City Council adopt a resolution supporting the City's IFLWRPIP grant submission to NYS Department of State in the amount of \$874,575, committing the City to the 10% match of \$97,175, and authorizing the City Manager to submit all necessary documentation for the grant application.

LEGISLATION

RESOLUTION AUTHORIZING SUBMISSION OF A GRANT APPLICATION TO THE NEW YORK STATE INLAND FLOODING AND LOCAL WATERFRONT REVITALIZATION PROGRAM IMPLEMENTATION PROJECTS (IFLWRPIP) RELATIVE TO SUB-BASIN 5 STORMWATER IMPROVEMENTS AND COMMITTING REQUIRED MATCHING FUNDS.

WHEREAS, the New York State Department of State administers The Inland Flooding and Local Waterfront Revitalization Program Implementation Projects (IFLWRPIP) Grant Program to support municipal projects that enhance waterfront and watershed resiliency and reduce climate-related risks; and

WHEREAS, the IFLWRPIP Grant Program provides funding for up to 90% of eligible project costs, with a minimum grant request of \$150,000, and applications due by June 6, 2025; and

WHEREAS, the City of New Rochelle has demonstrated its commitment to climate resilience through its 2023 Citywide Drainage Analysis Study and the establishment of a Stormwater Mitigation Program, which identified 170 mitigation projects with an estimated total construction value exceeding \$350 million; and

WHEREAS, one of the identified projects, Subbasin 5 – Eastchester Road / White Oak Street / North Avenue, has an estimated total project cost of \$971,750; and

WHEREAS, the City intends to apply for a grant in the amount of \$874,575 under the IFLWRPIP Grant Program and to commit a 10% local match in the amount of \$97,175 from the City's Flood Mitigation Fund; now, therefore,

BE IT RESOLVED, that the City Council of the City of New Rochelle hereby authorizes the City Manager to submit an application to the New York State Department of State for funding under the IFLWRPIP Grant Program in the amount of \$874,575 for the Subbasin 5 Stormwater Improvements; and

BE IT FURTHER RESOLVED, that the City Council commits to providing the required 10% local match of \$97,175 from the City's Flood Mitigation Fund; and

BE IT FURTHER RESOLVED, that the City Manager is authorized to execute all documentation necessary to complete the grant application and accept any awarded funds.

City of New Rochelle
Development

MEMORANDUM

TO: Honorable Mayor and City Council

THRU: Wilfredo Melendez, City Manager

FROM: Adam Salgado, Commissioner of Development

DATE: May 13, 2025

SUBJECT: PROPOSED APPLICATION FOR NEW YORK STATE RESILIENT WATERSHEDS GRANT PROGRAM - Resolution authorizing the submission of a grant application to the New York State Resilient Watersheds Grant program relative to Sheldrake River stormwater improvements and committing required matching funds.

BACKGROUND:

The Resilient Watersheds Grant (RWG) Program, administered by the New York State Environmental Facilities Corporation (EFC) in partnership with the Department of Environmental Conservation (DEC), provides funding for the construction and implementation of flood mitigation and climate resilience projects. Supported by the 2022 Environmental Bond Act, the program makes at least \$45 million available in its 2025 round, with awards covering up to 90% of eligible project costs. The program prioritizes projects identified in the DEC's Resilient NY stream studies or comparable flood analyses, especially those benefiting disadvantaged communities. Minimum grant requests must be at least \$150,000, and applicants may request up to \$10 million across submissions. Applications must be submitted through the Consolidated Funding Application (CFA) portal by 4:00 PM on June 6, 2025.

The City of New Rochelle has demonstrated its ongoing commitment by performing a Citywide Drainage Analysis Study and establishing the Stormwater Mitigation Program in 2023. Pursuant to that Study, under this Program the City identified 170 mitigation projects with a total estimated construction value of over \$350 million. Accordingly, one of the mitigation projects identified that requires funding are stormwater improvements along the Sheldrake River.

ISSUE:

To support the construction of stormwater improvements along the Sheldrake River which has an estimated project cost of \$500,000, the City intends to apply for the RWG Grant Program in the amount of \$450,000. The City would be required to provide a City match in the amount of \$50,000 to be funded from the City's Flood Mitigation Fund.

RECOMMENDATION:

Staff recommends that the City Council adopt a resolution supporting the City's RWG grant submission to NYS Department of Environmental Conservation in the amount of \$450,000, committing to the City 10% match of \$50,000, and authorizing the City Manager to submit all necessary documentation for the grant application.

LEGISLATION

RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE NEW YORK STATE RESILIENT WATERSHEDS GRANT PROGRAM RELATIVE TO SHELDRAKE RIVER STORMWATER IMPROVEMENTS AND COMMITTING REQUIRED MATCHING FUNDS.

WHEREAS, the New York State Environmental Facilities Corporation (EFC) in partnership with the Department of Environmental Conservation (DEC) administers the Resilient Watersheds Grant (RWG) Program that provides funding to the construction and implementation of flood mitigation and climate resilience projects; and

WHEREAS, supported by the 2022 Environmental Bond Act, this program makes at least \$45 million available in its 2025 round, with awards covering up to 90% of eligible project costs; and

WHEREAS, the City of New Rochelle performed a Citywide Drainage Analysis Study and established the Stormwater Mitigation Program in 2023 where the City identified 170 mitigation projects with a total estimated construction value of over \$350 million; and

WHEREAS, one of the projects identified that requires funding is the improvements along the Sheldrake River which has an estimated total cost of \$500,000 to support the design and construction; and

WHEREAS, the program requires a 10% local match commitment, in the amount of \$50,000; now therefore,

BE IT RESOLVED, that the City Council of the City of New Rochelle hereby does authorize the City Manager to approve and endorse the grant application for the RWG Grant Program in the amount of \$450,000, relative to the Sheldrake River Stormwater Improvements; and

BE IT FURTHER RESOLVED, that the City Council commits to providing the required 10% local match of \$50,000 from the City's Flood Mitigation Fund; and

BE IT FURTHER RESOLVED, that the City Manager is authorized to execute all documentation necessary to complete the grant application and accept any awarded funds.

City of New Rochelle
Development

MEMORANDUM

TO: Honorable Mayor and City Council

THRU: Wilfredo Melendez, City Manager

FROM: Adam Salgado, Commissioner of Development

DATE: May 13, 2025

SUBJECT: PROPOSED APPLICATION FOR NEW YORK STATE RESILIENT WATERSHEDS GRANT PROGRAM - Resolution authorizing submission of a grant application to the Resilient Watersheds Grant (RWG) Program relative to LINC Stormwater Improvements and committing required matching funds.

BACKGROUND:

The Resilient Watersheds Grant (RWG) Program, administered by the New York State Environmental Facilities Corporation (EFC) in partnership with the Department of Environmental Conservation (DEC), provides funding for the construction and implementation of flood mitigation and climate resilience projects. Supported by the 2022 Environmental Bond Act, the program makes at least \$45 million available in its 2025 round, with awards covering up to 90% of eligible project costs. The program prioritizes projects identified in the DEC's Resilient NY stream studies or comparable flood analyses, especially those benefiting disadvantaged communities. Applicants may submit up to two separate grant funding applications per funding round. Minimum grant requests must be at least \$150,000, and applicants may request up to \$10 million across all RWG submissions per funding round. Applications for the current funding round must be submitted through the Consolidated Funding Application (CFA) portal by 4:00 PM on June 6, 2025.

The City of New Rochelle has demonstrated its ongoing commitment by performing a Citywide Drainage Analysis Study and establishing the Stormwater Mitigation Program in 2023. Pursuant to that Study, under this Program the City identified 170 mitigation projects with a total estimated construction value of over \$350 million. Accordingly, one of the mitigation projects identified that requires funding are stormwater improvements relative to the LINC project and the Lincoln Avenue neighborhood.

ISSUE:

To support the construction of stormwater improvements relative to the LINC which has an estimated project cost of \$9,050,000, the City intends to apply for the RWG Grant Program in the amount of \$8,145,000. The City would be required to provide a City match in the amount of \$905,000 to be funded from the City's Flood Mitigation Fund.

RECOMMENDATION:

Staff recommends that the City Council adopt a resolution supporting the City's RWG grant submission to NYS Department of Environmental Conservation, committing to the City 10% match of \$905,000, and authorizing the City Manager to submit all necessary documentation for the grant application.

LEGISLATION

RESOLUTION AUTHORIZING SUBMISSION OF A GRANT APPLICATION TO THE RESILIENT WATERSHEDS GRANT (RWG) PROGRAM RELATIVE TO LINC STORMWATER IMPROVEMENTS AND COMMITTING REQUIRED MATCHING FUNDS.

WHEREAS, the New York State Environmental Facilities Corporation (EFC) in partnership with the Department of Environmental Conservation (DEC) administers The Resilient Watersheds Grant (RWG) Program to support municipal projects with construction and implementation of flood mitigation and climate resilience projects; and

WHEREAS, the RWG rant Program provides funding for up to 90% of eligible project costs, with a minimum grant request of \$150,000, and applications due by June 6, 2025; and

WHEREAS, the City of New Rochelle has demonstrated its commitment to climate resilience through its 2023 Citywide Drainage Analysis Study and the establishment of a Stormwater Mitigation Program, which identified 170 mitigation projects with an estimated total construction value exceeding \$350 million; and

WHEREAS, one of the identified projects, LINC Stormwater Improvements, has an estimated total project cost of \$9,050,000; and

WHEREAS, the City intends to apply for a grant in the amount of \$8,145,000 under the RWG Program and to commit a 10% local match in the amount of \$905,000 from the City's Flood Mitigation Fund; now, therefore,

BE IT RESOLVED, that the City Council of the City of New Rochelle hereby authorizes the City Manager to submit an application to the New York State Environmental Facilities Corporation (EFC) in partnership with the Department of Environmental Conservation (DEC) for funding under the RWG Program in the amount of \$8,145,000 for the LINC Stormwater Improvements; and

BE IT FURTHER RESOLVED, that the City Council commits to providing the required 10% local match of \$905,000 from the City's Flood Mitigation Fund; and

BE IT FURTHER RESOLVED, that the City Manager is authorized to execute all documentation necessary to complete the grant application and accept any awarded funds.

City of New Rochelle
Development

MEMORANDUM

TO: Honorable Mayor and City Council

THRU: Wilfredo Melendez, City Manager

FROM: Adam Salgado, Commissioner of Development

DATE: May 13, 2025

SUBJECT: PROPOSED APPLICATION FOR NEW YORK STATE DEPARTMENT OF STATE COASTAL REHABILITATION AND RESILIENCE PROJECTS GRANT PROGRAM - Resolution authorizing the submission of a grant application to the Coastal Rehabilitation and Resilience Projects (CRRP) grant program relative to the City Park Drainage Improvements and committing required matching funds.

BACKGROUND:

The Coastal Rehabilitation and Resilience Projects (CRRP) Grant Program, administered by the New York State Department of State through the Clean Water, Clean Air and Green Jobs Environmental Bond Act of 2022, provides funding to support implementation of nature-based and climate-adaptive coastal resilience projects. At least \$20 million is available statewide through this competitive grant opportunity. Eligible applicants include municipalities, not-for-profits, soil and water conservation districts, and state agencies with projects located in New York's designated coastal areas or watersheds draining into those areas. Awards will cover up to 90% of total eligible project costs, with a minimum grant request of \$300,000 required. Applications must be submitted through the Consolidated Funding Application (CFA) portal by 4:00 PM on June 6, 2025.

The City of New Rochelle has demonstrated its ongoing commitment by performing a Citywide Drainage Analysis Study and establishing the Stormwater Mitigation Program in 2023. Pursuant to that Study, under this Program the City identified 170 mitigation projects with a total estimated construction value of over \$350 million. Accordingly, one of the mitigation projects identified that requires funding is City Park Drainage Improvements.

ISSUE:

The support the construction of the City Park Drainage improvements project which has an estimated total cost of \$3,639,628, the City intends to apply for the CRRP Grant Program in the amount of \$3,275,665. The City would be required to provide a match in the amount of \$363,963 to be funded from the City's Flood Mitigation Fund.

RECOMMENDATION:

Staff recommends that the City Council adopt a resolution supporting the City's CRRP grant submission to NYS Department of State in the amount of \$3,275,665, committing the City to the 10% match of \$363,963, and authorizing the City Manager to submit all necessary documentation for the grant application.

LEGISLATION

RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE COASTAL REHABILITATION AND RESILIENCE PROJECTS (CRRP) GRANT PROGRAM RELATIVE TO THE CITY PARK DRAINAGE IMPROVEMENTS AND COMMITTING REQUIRED MATCHING FUNDS.

WHEREAS, the New York State Department of State through the Clean Water, Clean Air and Green Jobs Environmental Bond Act of 2022 administers the Coastal Rehabilitation and Resilience Projects (CRRP) Grant Program that provides funding to support implementation of nature-based and climate-adaptive coastal resilience projects; and

WHEREAS, at least \$20 million is available statewide through this competitive grant opportunity and award covers up to 90% of total eligible project costs, with a minimum grant request of \$300,000 required; and

WHEREAS, the City of New Rochelle performed a Citywide Drainage Analysis Study and established the Stormwater Mitigation Program in 2023 where the City identified 170 mitigation projects with a total estimated construction value of over \$350 million; and

WHEREAS one of the identified projects, City Park Drainage improvements project, has an estimated total project cost of \$3,639,628 to support the design and construction; and

WHEREAS, the program requires a 10% local match commitment, in the amount of \$363,963; now therefore,

BE IT RESOLVED, that the City Council of the City of New Rochelle hereby does authorize the City Manager to approve and endorse the grant application for the CRRP grant program in the amount of \$3,275,665, relative to the City Park Drainage improvements project; and

BE IT FURTHER RESOLVED, that the City Council commits to providing the required 10% local match of \$363,963 from the City's Flood Mitigation Fund; and

BE IT FURTHER RESOLVED, that the City Manager is authorized to execute all documentation necessary to complete the grant application and accept any awarded funds.

City of New Rochelle

Development

MEMORANDUM

TO: Honorable Mayor and City Council

THRU: Wilfredo Melendez, City Manager

FROM: Adam Salgado, Commissioner of Development

DATE: May 13, 2025

SUBJECT: PROPOSED APPLICATION RE: WESTCHESTER COUNTY
STORMWATER MANAGEMENT PROGRAM - Resolution authorizing
submission of a grant application to the Westchester County Stormwater
Management Law (BPL-26) grants program relative to the Sub-Basin 5
Stormwater Improvements and committing required matching funds.

BACKGROUND:

The Westchester County Storm Water Management Law establishes a grant program that provides fundings for the design and construction of stormwater management projects that improve capacity of municipal infrastructure to mitigate flooding. The period to apply for funding under this program is rolling. The program requires a 50% local match commitment, along with commitments to intermunicipal collaboration and flood reduction.

The City of New Rochelle has demonstrated its ongoing commitment by performing a Citywide Drainage Analysis Study and establishing the Stormwater Mitigation Program in 2023. Pursuant to that Study, under this Program the City identified 170 mitigation projects with a total estimated construction value of over \$350 million. Accordingly, one of the mitigation projects identified that requires funding is Subbasin 5 - Eastchester Road / White Oak Street / North Avenue.

ISSUE:

To support the design and construction of the aforementioned stormwater improvement project which has an estimated maximum project cost of \$1,943,500, the City intends to apply for the BPLP-26 grant program in the amount of \$971,750. The City would be required to provide a match in the amount of \$971,750 to be funded from the City's Flood Mitigation Fund.

RECOMMENDATION:

Staff recommends that the City Council adopt a resolution supporting the City's BPL-26 grant submission to Westchester County and authorizing the City Manager to submit all necessary documentation for the grant application. By authorizing submission of this grant application, Council is committed to flood reduction and to provide the requisite matching funds for the

application if awarded, including cost overruns. By authorizing submission of this grant application, Council is also committed to work cooperatively with the County and other municipalities within its watershed to reduce flooding, flood risk and flood damages.

LEGISLATION

RESOLUTION AUTHORIZING SUBMISSION OF A GRANT
APPLICATION TO THE WESTCHESTER COUNTY STORMWATER
MANAGEMENT LAW (BPL-26) GRANTS PROGRAM RELATIVE
TO THE SUB-BASIN 5 STORMWATER IMPROVEMENTS AND
COMMITTING REQUIRED MATCHING FUNDS.

WHEREAS, the Westchester County Storm Water Management Law establishes a grant program that provides funding for the design and construction of stormwater management projects that improve capacity of municipal infrastructure to mitigate flooding; and

WHEREAS, the City of New Rochelle performed a Citywide Drainage Analysis Study and established the Stormwater Mitigation Program in 2023 where the City identified 170 mitigation projects with a total estimated construction value of over \$350 million; and

WHEREAS, one of the identified projects, Subbasin 5 - Eastchester Road / White Oak Street / North Avenue, has an estimated total project cost of \$1,943,500 to support the design and construction; and

WHEREAS, the program requires a 50% local match commitment, in the amount of \$971,750, along with commitments to intermunicipal collaboration and flood reduction; now therefore,

BE IT RESOLVED, that the City Council of the City of New Rochelle hereby does authorize the City Manager to approve and endorse the grant application for the Westchester County Stormwater Management Law (BPL-26) grants program relative to the Sub-Basin 5 Stormwater Improvements; and

BE IT FURTHER RESOLVED, that the City Council commits to providing the required 50% local match of \$971,750 from the City's Flood Mitigation Fund; and

BE IT FURTHER RESOLVED, that the City Manager is authorized to execute all documentation necessary to complete the grant application and accept any awarded funds.

City of New Rochelle

Development

MEMORANDUM

TO: Honorable Mayor and City Council

THRU: Wilfredo Melendez, City Manager

FROM: Adam Salgado, Commissioner of Development

DATE: May 13, 2025

SUBJECT: PROPOSED ACCEPTANCE OF NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY'S CLEAN ENERGY COMMUNITIES GRANTS PROGRAM - Ordinance accepting New York State Energy Research and Development Authority Clean Energy Communities Grant relative to Clean Energy Projects and amending Ordinance No. 212 of 2024, the Budget of the City of New Rochelle for 2025.

BACKGROUND

The City was notified that it was being awarded its grant request for funding through the New York State Energy Research and Development Authority (NYSERDA) Clean Energy Communities (CEC) grants for a solar array installation project at the Intermodal Transportation Center (ITC) at the New Rochelle Transit Center. The City will receive \$997,500 to fund design, purchase, and installation of a photovoltaic solar array that will generate renewable energy. This grant does not require a local match from the City of New Rochelle.

ISSUE

In order to proceed with a Grant Agreement, City Council needs to accept the awarded grant funds and delegate signing authority for all future grant documents.

RECOMMENDATION

Staff recommends that City Council accept the NYSERDA CEC grant award in the amount of \$997,500 and authorize the City Manager to execute and submit all necessary documents related to said grant award.

Staff also recommends that City Council authorize the following Budget Amendment to allow for these funds to be entered into the City's 2025 Budget.

Ordinance No. 212 of 2024, the Budget of the City of New Rochelle for 2025, is hereby amended as follows:

Increase Revenue

5640ET.3897.25XXX	State Aid	\$997,500
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Increase Expense

5640ET.20000.25XXX	Major Renovations	\$997,500
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LEGISLATION

ORDINANCE ACCEPTING NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY CLEAN ENERGY COMMUNITIES GRANT RELATIVE TO CLEAN ENERGY PROJECTS AND AMENDING ORDINANCE NO. 212 OF 2024, THE BUDGET OF THE CITY OF NEW ROCHELLE FOR 2025.

WHEREAS, the City of New Rochelle has been awarded a grant in the amount of \$997,500 through the New York State Energy Research and Development Authority (NYSERDA) Clean Energy Communities program to fund the design, purchase, and installation of a photovoltaic solar array at the Intermodal Transportation Center; and

WHEREAS, the grant does not require a local match and will support the City's ongoing sustainability and clean energy initiatives; and

WHEREAS, in order to proceed with the grant award and implementation of the project, it is necessary for the City Council to formally accept the grant and authorize the City Manager to execute all associated documentation; and

WHEREAS, it is also necessary to amend the 2025 City Budget to reflect the receipt and expenditure of these funds; now, therefore,

BE IT ORDAINED, by the City Council of the City of New Rochelle as follows:

Section 1. The City Council hereby accepts the NYSERDA Clean Energy Communities grant award in the amount of \$997,500; and

Section 2. The City Manager is hereby authorized to execute and submit all necessary documentation related to said grant award; and

Section 3. Ordinance No. 212 of 2024, the Budget of the City of New Rochelle for 2025, is hereby amended as follows:

Increase Revenue

5640ET.3897.25XXX	State Aid	\$997,500
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Increase Expense

5640ET.20000.25XXX	Major Renovations	\$997,500
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City of New Rochelle
Police Department

MEMORANDUM

TO: Honorable Mayor and City Council
 THRU: Wilfredo Melendez, City Manager
 FROM: Robert Gazzola, Police Commissioner
 DATE: May 13, 2025
 SUBJECT: REQUEST FOR FORFEITURE FUND FOR IT HARDWARE - Ordinance approving the use of forfeiture funds for IT Hardware (Police Department).

Background

In the next several months, the hardware in approximately 75 computers within the New Rochelle Police Department will be insufficient to meet the requirements necessary to receive and support Microsoft Windows updates, this, in turn, will negatively affect security concerns and CJIS compliance. The impacted hardware includes computers in a number of units (Dispatch, Communications, and Records among them). The updated hardware is essential for maintaining a secure and CJIS compliant computer system.

Recommendation

I respectfully request that City Council grant approval to use \$71,720 of forfeiture funds to purchase new computer hardware in order to maintain a secure and CJIS compliant computer system. The funds for this purchase would be drawn from Forfeiture account TA - 031 - 1131, and then transferred to Operating Account 3128-46120.

Ordinance No. 212 of 2024, the budget of the City of New Rochelle for 2025, is hereby amended as follows:

Increase Appropriations:

3128-46120	Contractual Tech	\$71,720
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Increase Revenue:

3128-5038	Inter fund Transfer T&A	\$71,720
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Cc: Ed Ritter, Finance Commissioner
 Dawn Warren, Corporation Counsel

LEGISLATION

ORDINANCE APPROVING THE USE OF FORFEITURE FUNDS FOR IT HARDWARE (POLICE DEPARTMENT).

WHEREAS, in the next several months, the hardware in approximately 75 computers within the New Rochelle Police Department will be insufficient to meet the requirements necessary to receive and support Microsoft Windows updates, this, in turn, will negatively affect security concerns and CJIS compliance; and

WHEREAS, the impacted hardware includes computers in a number of units (Dispatch, Communications, and Records among them) and updated hardware is essential for maintaining a secure and CJIS compliant computer system; and

BE IT ORDAINED by the City of New Rochelle:

Section 1. The City Council hereby approves to use \$71,720 of forfeiture funds to purchase new computer hardware in order to maintain a secure and CJIS compliant computer system.

Section 2. Ordinance No. 212 of 2024, the budget of the City of New Rochelle for 2025, is hereby amended as follows:

Increase Appropriations:

3128-46120	Contractual Tech	\$71,720
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Increase Revenue:

3128-5038	Inter fund Transfer T&A	\$71,720
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City of New Rochelle
City Manager

MEMORANDUM

TO: Honorable Mayor and City Council
THRU: Wilfredo Melendez, City Manager
FROM: Wilfredo Melendez, City Manager
DATE: May 13, 2025
SUBJECT: PROPOSED AMENDMENT TO THE 2025 BUDGET (CAPITAL BUDGET) -
Ordinance amending Ordinance No. 212 of 2024, the Budget of the City of New
Rochelle for 2025, relative to the City's Capital Budget.

Background:

On December 10, 2024, the City Council of New Rochelle adopted Ordinance No. 212 of 2024, the Budget of the City of New Rochelle for 2025. Included in the adopted ordinance is the City's Capital Budget. Staff in the City Manager's Office and Finance Department are constantly reviewing the Capital Budget with all City Departments who receive capital funding. From time to time, the Capital Budget requires amending in an effort to better allocate resources.

Issue:

City staff has compiled the Capital Budget amendments attached hereto. These amendments include the following:

- Reallocation of Funds Between Projects;
- Revision of Project Descriptions to Include Additional Scope;
- Revision of Funding Sources;
- Close out of Completed Projects; and,
- Elimination of Grant Funding Never Received

Recommendation:

Staff recommends that Ordinance No. 212 of 2024, the Budget of the City of New Rochelle for 2025, be amended as specified on the attached schedules and in accordance with City Code Chapter 75-1.

LEGISLATION

ORDINANCE AMENDING ORDINANCE NO. 212 OF 2024, THE BUDGET OF THE CITY OF NEW ROCHELLE FOR 2025, RELATIVE TO THE CITY'S CAPITAL BUDGET.

WHEREAS, on December 10, 2024, the City Council of New Rochelle adopted Ordinance No. 212 of 2024, the Budget of the City of New Rochelle for 2025; and

WHEREAS, staff in the City Manager's Office and Finance Department are constantly reviewing the Capital Budget with all City Departments who receive capital funding; from time to time, the Capital Budget requires amending in an effort to better allocate resources; and

WHEREAS, City staff has compiled the Capital Budget amendments attached hereto, which include the following:

- Reallocation of Funds Between Projects;
- Revision of Project Descriptions to Include Additional Scope;
- Revision of Funding Sources;
- Close out of Completed Projects; and,
- Elimination of Grant Funding Never Received

Now therefore,

BE IT ORDAINED by the City of New Rochelle:

Section 1. Ordinance No. 212 of 2024, the Budget of the City of New Rochelle for 2025, be amended as specified on the attached schedule and in accordance with City Code Chapter 75-1.

ATTACHMENTS:

1. 2025 Capital Budget Council Memo Backup - 20250513

Capital Budget Adjustments						
05/13/2025 RLM						
Org	Object	Project	Description	Amount	Type	Notes
1490H	20150	3134	Mill and Pave	\$ (153,023.00)	Expense	Reallocating to 2025 Paving Account
1490H	9998	3134	Mill and Pave	\$ (153,023.00)	Revenue	Reallocating to 2025 Paving Account
1490H	20150	25026	Road Paving	\$ 153,023.00	Expense	Reallocating to 2025 Paving Account
1490H	9998	25026	Road Paving	\$ 153,023.00	Revenue	Reallocating to 2025 Paving Account
1490H	20000	24003	City Hall Improvements (Development Office/Parks & Rec Office/Youth Spaces)	\$ (200,000.00)	Expense	Revising Scope of Project
1490H	9998	24003	City Hall Improvements (Development Office/Parks & Rec Office/Youth Spaces)	\$ (200,000.00)	Revenue	Revising Scope of Project
1490H	20000	24003	City Hall Improvements (Development Office/Parks & Rec Office/Youth Spaces/Comms Office)	\$ 200,000.00	Expense	Revising Scope of Project
1490H	9998	24003	City Hall Improvements (Development Office/Parks & Rec Office/Youth Spaces/Comms Office)	\$ 200,000.00	Revenue	Revising Scope of Project
1490H	20000	25030	City Hall Office Renovation (Mayor's Suite)	\$ (235,000.00)	Expense	Revising Scope of Project
1490H	5710	25030	City Hall Office Renovation (Mayor's Suite)	\$ (235,000.00)	Revenue	Revising Scope of Project
1490H	20000	25030	City Hall Office Renovation (Mayor's Suite/Comms Office/City Hall Improvements)	\$ 235,000.00	Expense	Revising Scope of Project
1490H	5710	25030	City Hall Office Renovation (Mayor's Suite/Comms Office/City Hall Improvements)	\$ 235,000.00	Revenue	Revising Scope of Project
1490H	20150	25013	Downtown Street Paving	\$ (76,151.00)	Expense	Bond not needed
1490H	5710	25013	Downtown Street Paving	\$ (76,151.00)	Revenue	Bond not needed
8110H	20100	2169	Lining of Sanitary Sewers	\$ (184,252.00)	Expense	GF Cash Reallocation
8110H	9998	2169	Lining of Sanitary Sewers	\$ (184,252.00)	Revenue	GF Cash Reallocation
1490H	20160	25047	Stairway Repairs: North Avenue/Oxford Road	\$ (30,900.00)	Expense	Project Complete
1490H	9998	25047	Stairway Repairs: North Avenue/Oxford Road	\$ (30,900.00)	Revenue	Project Complete
1490H	20000	25033	DPW Center Repairs	\$ (90,000.00)	Expense	Reducing Project Amount and Changing Funding Source
1490H	5710	25033	DPW Center Repairs	\$ (90,000.00)	Revenue	Reducing Project Amount and Changing Funding Source
1490H	20000	25033	DPW Center Repairs	\$ 30,000.00	Expense	Reducing Project Amount and Changing Funding Source
1490H	9998	25033	DPW Center Repairs	\$ 30,000.00	Revenue	Reducing Project Amount and Changing Funding Source

1490H	5710	25029	Beechwood Facility Repairs	\$ (75,000.00)	Revenue	Changing Funding Source - Bond to Cash
1490H	9998	25029	Beechwood Facility Repairs	\$ 75,000.00	Revenue	Changing Funding Source - Bond to Cash
3310H	20180	25049	Traffic Signal Replacement - Wilmot/Grand	\$ (144,000.00)	Expense	Project schedule moved out
3310H	9998	25049	Traffic Signal Replacement - Wilmot/Grand	\$ (7,200.00)	Revenue	Project schedule moved out
3310H	3589	25049	Traffic Signal Replacement - Wilmot/Grand	\$ (21,600.00)	Revenue	Project schedule moved out
3310H	4097	25049	Traffic Signal Replacement - Wilmot/Grand	\$ (115,200.00)	Revenue	Project schedule moved out
1490H	20000	25010	City Hall Improvements (Beaufort Annex Windows)	\$ (300,000.00)	Expense	Project schedule moved out
1490H	5710	25010	City Hall Improvements (Beaufort Annex Windows)	\$ (300,000.00)	Revenue	Project schedule moved out
7140H	23000	7110	Stephenson Park	\$ (250,000.00)	Expense	Grant Never Received
7140H	3897	7110	Stephenson Park	\$ (250,000.00)	Revenue	Grant Never Received

City of New Rochelle
Finance Department

MEMORANDUM

TO: Honorable Mayor and City Council

THRU: Wilfredo Melendez, City Manager

FROM: Edward Ritter, Finance Commissioner

DATE: May 13, 2025

SUBJECT: PROPOSED AMENDMENT TO CITY CHARTER, INTRO. NO. 2, RE: CHANGE OF TAXABLE STATUS DATES - Article X; Sections 105 and 107 - A Local Law, Intro. No 2, to amend Section 105, The Board of Assessment Review, and Section 107, Taxable Status Date, of Article X, General City Taxes, of the New Rochelle City Charter. (Intro. 4/8/25; Public Hearing 5/6/25)

SITUATION:

Small Claims Assessment Review (SCAR) applications are residents opportunity to grieve their assessed value and if successful, reduce their tax obligation.

The current assessment calendar has SCAR applications and decisions arriving after the city budgeting process. Tax rates are apportioned according to assessed value to fulfill the entire tax levy. Because these arrive after tax rates are set in our budget, refunds are required and the levy is shortened.

PROPOSAL:

We are proposing that the New Rochelle City Charter be amended, subject to a public hearing, to alter the assessment calendar in order to facilitate smooth, accurate tax apportionment for the budgeting process and a reduction in tax refunds.

RECOMMENDATION:

It is the recommendation of the staff that the assessment calendar be changed, subject to a public hearing, consistent with the calendar attached.

LEGISLATION

LOCAL LAW NO. ____

A LOCAL LAW, INTRO. NO. 2 TO AMEND SECTION 105,
THE BOARD OF ASSESSMENT REVIEW AND SECTION 107,
TAXABLE STATUS DATE, OF ARTICLE X, GENERAL CITY
TAXES, OF THE NEW ROCHELLE CITY CHARTER.

BE IT ENACTED, by the City of New Rochelle, as follows:

Section 1. Section 105, The Board of Assessment Review, of Article X, General City Taxes, of the New Rochelle City Charter, is hereby amended to read as follows:

§ 105. The Board of Assessment Review.

The Board of Assessment Review shall prescribe the form in which complaints in relation to assessments shall be made to it. It shall fix the dates, places and time pursuant to law when the Board will meet to hear complaints. Hearings shall commence on the third Tuesday of [June] February in each year, and terminate not later than the 15th day of [July] March. The Board shall notify the Assessor of such dates, places and times on or before [May 20] January 20 in each year. The verified statement showing the changes determined to be made in assessments, required by law to be delivered to the Assessor, shall be so delivered not later than [July 20] March 20 in each year.

Section 2. Section 107, Taxable status date, of Article X, General City Taxes, of the New Rochelle City Charter, is hereby amended to read as follows:

§ 107. Taxable status date.

The taxable status and valuation of all real property in the City of New Rochelle shall be determined annually as of the first day of [May] December, and all real property therein shall be assessed according to its condition and ownership as of such date.

Section 3. This local law shall take effect upon final passage, public hearing, and filing with the Secretary of State.

Matter [bracketed] deleted.

Matter underlined added.

ATTACHMENTS:

1. Charter Article X Section 105-107 Assessment Review
2. Assessment Date Change Memo

Chapter C. Charter

Article X. General City Taxes

Section 105. The Board of Assessment Review.

The Board of Assessment Review shall prescribe the form in which complaints in relation to assessments shall be made to it. It shall fix the dates, places and time pursuant to law when the Board will meet to hear complaints. Hearings shall commence on the third Tuesday of {June} February in each year, and terminate not later than the 15th day of {July} March. The Board shall notify the Assessor of such dates, places and times on or before {May 20} January 20 in each year. The verified statement showing the changes determined to be made in assessments, required by law to be delivered to the Assessor, shall be so delivered not later than (July 20) March 20 in each year.

Section 106.

[Enacted by Local Law No. 3-1972 (March 27, 1972); amended by Local Law No. 6-1985 (June 18, 1985).]

The powers and duties of the Assessor and of the Board of Assessment Review shall be as set forth in Sections 99 through 103 and as specified in the Real Property Tax Law, except as otherwise set forth below in this Chapter X.

[1] *Editor's Note: This section was originally listed as Sections 1(4) and 105.*

[2] *Editor's Note: Section 3 of L.L. No. 6-1985 provided that the following laws or sections thereof are hereby superseded or changed: §§ 500; 506; 512, Subdivision 1; and 516, Subdivision 1, of the Real Property Tax Law, as amended by L. 1984, c. 379.*

Section 107. Taxable status date.

[Enacted by Local Law No. 6-1985 (June 18, 1985).]

The taxable status and valuation of all real property in the City of New Rochelle shall be determined annually as of the first day of {May} December, and all real property therein shall be assessed according to its condition and ownership as of such date.

Matter {bracketed} to be deleted

Matter underlined to be added

City of New Rochelle
Assessor's Office
515 North Avenue
New Rochelle, NY 10801



Tel (914) 654-2052
Fax (914) 654-4364

Philip M. Platz, Esq. IAO
Assessor

City of New Rochelle New York

TO: Edward Ritter, Finance Commissioner

From: Philip Platz, Assessor

SUBJECT: Proposed Change in New Rochelle Assessment Calendar

DATE: March 5, 2025

I would like to propose that New Rochelle amend the City Charter to alter the assessment calendar in order to facilitate the smoother and more accurate budgeting process. The current calendar has caused the Small Claims Assessment Review (SCAR) refunds to arrive during, or immediately after the city budgeting process.

The current assessment calendar is as follows:

May 1 – Taxable status date. Property assessed in its condition as of this date; exemption applications due.

May 1- Valuation date – Property improvements valued as of this date.

June 1 – Tentative assessment roll published.

Third Tuesday in June- Grievance Day- Assessment complaints may be filed between the tentative assessment roll publication and the end of this day.

August 1- Final assessment roll published- Board of Assessment Review changes are applied to the tentative assessment roll.

August 31- Deadline for appeals filed with the County Clerk.

October 1- School tax bill first half.

January 1- City tax bill.

April 1 –School tax bill second half.

June 1 – County tax bill.

Proposed new assessment Calendar:

December 1 – Taxable status date.

December 1- Valuation date.
February 1- Tentative assessment roll.
Third Tuesday in February – Grievance Day.
April 1- Final assessment roll.
May 1- Deadline for appeals filed with the County Clerk.
September 1 – School tax bill first half.
January 1- City tax bill.
March 1 - School tax bill second half.
June 1 – County tax bill.

By moving to this new calendar, we would have sufficient time to process the assessment roll and the SCAR changes before the city budgeting process has begun.

Please let me know if you have any questions or comments.

City of New Rochelle

Buildings

MEMORANDUM

TO: Honorable Mayor and City Council

THRU: Wilfredo Melendez, City Manager

FROM: Paul Vacca, Commissioner of Buildings

DATE: May 13, 2025

SUBJECT: PROPOSED LEAD AGENCY STATUS RE: PROPOSED AMENDMENT TO CHAPTER 331, ZONING CODE (MASSAGE ESTABLISHMENTS) - Resolution declaring Lead Agency Status for proposed Zoning Code amendments.

Resolution declaring Lead Agency Status relative to the proposed action amending Section 331-4, Specific terms defined, Section 331-47, DMU Downtown Mixed Use District, Section 331-48, DMUR Downtown Mixed Use Urban Renewal District, Section 331-50, WR Water Related District, Section 331-51, PWD-3 Planned Waterfront Development - 3-Story District, Section 331-52, PWD-5 Planned Waterfront Development - 5-Story District, Section 331-53, PWD-8 Planned Waterfront Development - 8-Story District, Section 331-54, MUFE Mixed Use Family Entertainment District, Section 331-54.1, North Avenue Zone, Section 331-54.2 NB-H Neighborhood Business-Hospital District, Section 331-55, C-1M General Commercial Modified District, Section 331-56, NB Neighborhood Business District, Section 331-56.1, NB-2.0 Neighborhood Business 2.0 District, Section 331-57, DB Downtown Business District, Section 331-58, LSR Large Scale Retail District, Section 331-58.1, LSR-1 Large Scale Retail District, Section 331-87 Approving Agencies of Chapter 331, Zoning, of the Code of the City of New Rochelle; and adding Section 331-113.14, Massage Establishment, to Chapter 331, Zoning, of the Code of the City of New Rochelle.

LEGISLATION

RESOLUTION DECLARING LEAD AGENCY STATUS FOR PROPOSED ZONING CODE AMENDMENTS RE: MASSAGE ESTABLISHMENT

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 331-4, Specific terms defined, Section 331-47, DMU Downtown Mixed Use District, Section 331-48, DMUR Downtown Mixed Use Urban Renewal District, Section 331-50, WR Water Related District, Section 331-51, PWD-3 Planned Waterfront Development - 3-Story District, Section 331-52, PWD-5 Planned Waterfront Development - 5-Story District, Section 331-53, PWD-8 Planned Waterfront Development - 8-Story District, Section 331-54, MUFE Mixed Use Family Entertainment District, Section 331-54.1, North Avenue Zone, Section 331-54.2 NB-H Neighborhood Business-Hospital District, Section 331-55, C-1M General Commercial Modified District, Section 331-56, NB Neighborhood Business District, Section 331-56.1, NB-2.0 Neighborhood Business 2.0 District, Section 331-57, DB Downtown Business District, Section 331-58, LSR Large Scale Retail District, Section 331-58.1, LSR-1 Large Scale Retail District, Section 331-87 Approving Agencies of Chapter 331, Zoning, of the Code of the City of New Rochelle; and adding Section 331-113.14, Massage Establishment, to Chapter 331, Zoning, of the Code of the City of New Rochelle; and

WHEREAS, the proposed Action is classified as an Unlisted Action under SEQRA, and an Environmental Assessment Form (EAF) has been prepared and filed with the City Clerk.

NOW, THEREFORE, BE IT RESOLVED, that this City Council hereby declares itself Lead Agency for the environmental review of said Proposed Action.

City of New Rochelle

Buildings

MEMORANDUM

TO: Honorable Mayor and City Council

THRU: Wilfredo Melendez, City Manager

FROM: Paul Vacca, Commissioner of Buildings

DATE: May 13, 2025

SUBJECT: PROPOSED AMENDMENT TO CHAPTER 331. ZONING CODE, RE: MASSAGE ESTABLISHMENTS - Ordinance amending Section 331-4, Specific terms defined, Section 331-47, DMU Downtown Mixed Use District, Section 331-48, DMUR Downtown Mixed Use Urban Renewal District, Section 331-50, WR Water Related District, Section 331-51, PWD-3 Planned Waterfront Development - 3-Story District, Section 331-52, PWD-5 Planned Waterfront Development - 5-Story District, Section 331-53, PWD-8 Planned Waterfront Development - 8-Story District, Section 331-54, MUFE Mixed Use Family Entertainment District, Section 331-54.1, North Avenue Zone, Section 331-54.2 NB-H Neighborhood Business-Hospital District, Section 331-55, C-1M General Commercial Modified District, Section 331-56, NB Neighborhood Business District, Section 331-56.1, NB-2.0 Neighborhood Business 2.0 District, Section 331-57, DB Downtown Business District, Section 331-58, LSR Large Scale Retail District, Section 331-58.1, LSR-1 Large Scale Retail District, Section 331-87 Approving Agencies of Chapter 331, Zoning, of the Code of the City of New Rochelle; and adding Section 331-113.14, Massage Establishment, to Chapter 331, Zoning, of the Code of the City of New Rochelle. (Intro. 5/13/25; Public Hearing 6/10/25).

BACKGROUND:

Professional massage therapy is widely recognized as a legitimate and beneficial health service. Unfortunately, over the past year the City of New Rochelle has received numerous complaints regarding the occurrence of illicit activity, including but not limited to human trafficking, prostitution, and the operation of unlicensed or unqualified practitioners, at various massage establishments throughout the City.

ISSUE:

The establishment of regulations governing massage establishments is necessary to promote and protect the public health, safety, and welfare. The purpose of such regulations is to implement reasonable and enforceable standards that support legitimate massage therapy practices while addressing and mitigating the risk of unlawful or exploitative conduct. These regulations are intended to strike an appropriate balance between fostering a safe and professional environment

for therapeutic services and ensuring the integrity of local businesses and neighborhoods.

In conjunction with the adoption of such regulations, the following corresponding amendments to the City's Zoning Code are necessary to ensure consistency and to provide appropriate land use classifications and conditions for massage establishments.

RECOMMENDATION:

Staff recommends that City Council take the following actions:

1. Direct that a Public Hearing be scheduled for June 10, 2025 regarding the Proposed Zoning Code Amendments, as noted above and pursuant to the regulations set forth in Section 331-146, and refer same to the Planning Board and the Westchester County Planning Board;
2. Declare itself Lead Agency for the purposes of an environmental review pursuant to the State Environmental Quality Review Act (SEQRA). A Short Environmental Assessment Form (SEAF) is attached; and,
3. Approve these zoning amendments pending the outcome of the Public Hearing and responses from the City's Planning Board, and the Westchester County Planning Board.

Encs.

Draft Code Amendment
Short Environmental Assessment Form (SEAF)

LEGISLATION

ORDINANCE AMENDING SECTION 331-4, SPECIFIC TERMS DEFINED, SECTION 331-47, DMU DOWNTOWN MIXED USE DISTRICT, SECTION 331-48, DMUR DOWNTOWN MIXED USE URBAN RENEWAL DISTRICT, SECTION 331-50, WR WATER RELATED DISTRICT, SECTION 331-51, PWD-3 PLANNED WATERFRONT DEVELOPMENT - 3-STORY DISTRICT, SECTION 331-52, PWD-5 PLANNED WATERFRONT DEVELOPMENT - 5-STORY DISTRICT, SECTION 331-53, PWD-8 PLANNED WATERFRONT DEVELOPMENT - 8-STORY DISTRICT, SECTION 331-54, MUFE MIXED USE FAMILY ENTERTAINMENT DISTRICT, SECTION 331-54.1, NORTH AVENUE ZONE, SECTION 331-54.2 NB-H NEIGHBORHOOD BUSINESS-HOSPITAL DISTRICT, SECTION 331-55, C-1M GENERAL COMMERCIAL MODIFIED DISTRICT, SECTION 331-56, NB NEIGHBORHOOD BUSINESS DISTRICT, SECTION 331-56.1, NB-2.0 NEIGHBORHOOD BUSINESS 2.0 DISTRICT, SECTION 331-57, DB DOWNTOWN BUSINESS DISTRICT, SECTION 331-58, LSR LARGE SCALE RETAIL DISTRICT, SECTION 331-58.1, LSR-1 LARGE SCALE RETAIL DISTRICT, SECTION 331-87 APPROVING AGENCIES OF CHAPTER 331, ZONING, OF THE CODE OF THE CITY OF NEW ROCHELLE; AND ADDING SECTION 331-113.14, MASSAGE ESTABLISHMENT, TO CHAPTER 331, ZONING, OF THE CODE OF THE CITY OF NEW ROCHELLE.

WHEREAS, professional massage therapy is widely recognized as a legitimate and beneficial health service; and

WHEREAS, unfortunately, over the past year the City of New Rochelle has received numerous complaints regarding the occurrence of illicit activity, including but not limited to human trafficking, prostitution, and the operation of unlicensed or unqualified practitioners, at various massages establishments throughout the City; and

WHEREAS, the establishment of regulations governing massage establishments is necessary to promote and protect the public health, safety, and welfare and the purpose of such regulations is to implement reasonable and enforceable standards that support legitimate

massage therapy practices while addressing and mitigating the risk of unlawful or exploitative conduct; and

WHEREAS, these regulations are intended to strike an appropriate balance between fostering a safe and professional environment for therapeutic services and ensuring the integrity of local businesses and neighborhoods; now therefore,

BE IT ORDAINED by the City of New Rochelle:

Section 1. Section 331-4, Specific terms defined, of Chapter 331, Zoning, of the Code of the City of New Rochelle is hereby amended as follows:

§ 331-4. Specific terms defined.

MESSAGE ESTABLISHMENT

[Any establishment having a fixed place of business where massages are administered. This definition shall not be construed to include a hospital, nursing home, medical clinic or the office of any health care practitioner duly licensed by the State of New York nor barbershops or beauty salons in which massages are administered. This definition shall not include a volunteer fire department, a volunteer rescue squad or a nonprofit organization operating a community center, swimming pool, tennis court or other educational, cultural, recreational or athletic facilities and facilities for the welfare of the residents of an area.]

Any establishment other than a massage parlor, having a fixed place of business where massages are administered for pay only by duly licensed massage therapists. Where massage is given in premises devoted to other uses, including but not limited to barber shops, beauty salons, health clubs and fitness centers, "massage establishments" shall refer to that part of the premises used to give massage.

Section 2. Section 331-47, DMU Downtown Mixed-Use District, of Chapter 331, Zoning, of the Code of the City of New Rochelle is hereby amended as follows:

§ 331-47. DMU Downtown Mixed-Use District.

- A. Permitted principal uses.
- (4) Stores and shops for sales at retail, or the performance of customary personal services. Massage Establishment is not included and is a special permit use.
- C. Uses allowed by special permit.
- (21) Massage Establishment.

Section 3. Section 331-48, DMUR Downtown Mixed-Use Urban Renewal District, of Chapter 331, Zoning, of the Code of the City of New Rochelle is hereby amended as follows:

§ 331-48. DMUR Downtown Mixed Use Urban Renewal District.

- A. Permitted principal uses.
- (3) Stores and shops for sales at retail, or the performance of customary personal services. Massage Establishment is not included and is a special permit use.
- C. Uses allowed by special permit.
- (16) Massage Establishment.

Section 4. Section 331-50, WR Water Related District, of Chapter 331, Zoning, of the Code of the City of New Rochelle is hereby amended as follows:

§ 331-50. WR Water Related District.

- C. Uses allowed by special permit by the City Council.
- (o) Massage Establishment.

Section 5. Section 331-51, PWD-3 Planned Waterfront Development - 3-Story District, of Chapter 331, Zoning, of the Code of the City of New Rochelle is hereby amended as follows:

§ 331-51. PWD-3 Planned Waterfront Development - 3-Story District.

- C. Uses allowed by special permit by the City Council.
- (m) Massage Establishment.

Section 6. Section 331-52, PWD-5 Planned Waterfront Development - 5-Story District, of Chapter 331, Zoning, of the Code of the City of New Rochelle is hereby amended as follows:

§ 331-52. PWD-5 Planned Waterfront Development - 5-Story District.

- C. Uses allowed by special permit by the City Council.
- (o) Massage Establishment.

Section 7. Section 331-53, PWD-8 Planned Waterfront Development - 8-Story District, of Chapter 331, Zoning, of the Code of the City of New Rochelle is hereby amended as follows:

§ 331-53. PWD-8 Planned Waterfront Development - 8-Story District.

- C. Uses allowed by special permit by the City Council.
- (s) Massage Establishment.

Section 8. Section 331-54, MUFE Mixed Use Family Entertainment District, of Chapter 331, Zoning, of the Code of the City of New Rochelle is hereby amended as follows:

§ 331-54. MUFE Mixed Use Family Entertainment District.

- A. Permitted principal uses.
 - (1) Stores and shops for sales at retail or the performance of customary personal services. Massage Establishment is not included and is a special permit use.
- C. Uses allowed by special permit.
 - (14) Massage Establishment.

Section 9. Section 331-54.1, North Avenue Zone, of Chapter 331, Zoning, of the Code of the City of New Rochelle is hereby amended as follows:

§ 331-54.1. North Avenue Zone.

- A. Permitted principal uses.
 - (3) Stores and shops exclusively for sales at retail or the performance of customary personal services. Massage Establishment is not included and is a special permit use.
- C. Uses allowed by special permit.
 - (15) Massage Establishment.

Section 10. Section 331-54.2, NB-H Neighborhood Business-Hospital District, of Chapter 331, Zoning, of the Code of the City of New Rochelle is hereby amended as follows:

§ 331-54.2. NB-H Neighborhood Business-Hospital District.

- C. Uses allowed by special permit.
 - (1) All permitted accessory special permit uses permitted in the H Hospital District. (See § 331-46C.)
 - (2) All permitted accessory special permit uses permitted in the NB Neighborhood Business District (See § 331-56C.)

Section 11. Section 331-55, C-1M General Commercial Modified District, of Chapter 331, Zoning, of the Code of the City of New Rochelle is hereby amended as follows:

§ 331-55. C-1M General Commercial Modified District.

- A. Permitted principal uses.
 - (2) Stores and shops exclusively for sales at retail or the performance of customary personal services. Massage Establishment is not included and is a special permit use.
- C. Uses allowed by special permit.
 - (12) Massage Establishment.

Section 12. Section 331-56, NB Neighborhood Business District, of Chapter 331, Zoning, of the Code of the City of New Rochelle is hereby amended as follows:

§ 331-56. NB Neighborhood Business District.

A. Permitted principal uses.

(2) Stores and shops exclusively for sale at retail or the performance of customary personal services. Massage Establishment is not included and is a special permit use. Notwithstanding the foregoing, stores and shops exclusively for retail sale located within 150 feet of a residential district or use shall not exceed 3,000 square feet, including all accessory spaces, unless the current parking requirements are met on site.

C. Uses allowed by special permit

(15) Massage Establishment.

Section 13. Section 331-56.1, NB-2.0 Neighborhood Business 2.0 District, of Chapter 331, Zoning, of the Code of the City of New Rochelle is hereby amended as follows:

§ 331-56.1. NB-2.0 Neighborhood Business 2.0 District.

A. Permitted principal uses.

(2) Stores and shops exclusively for sale at retail or the performance of customary personal services. Massage Establishment is not included and is a special permit use. Notwithstanding the foregoing, stores and shops exclusively for retail sale located within 150 feet of a residential district or use shall not exceed 3,000 square feet, including all accessory spaces, unless the current parking requirements are met on site.

C. Uses allowed by special permit.

(14) Massage Establishment.

Section 14. Section 331-57, DB Downtown Business District, of Chapter 331, Zoning, of the Code of the City of New Rochelle is hereby amended as follows:

§ 331-57. DB Downtown Business District.

A. Permitted principal uses.

(1) Stores and shops for sales at retail or the performance of customary personal services, excluding Massage Establishment which is a special permit use and the sale of building materials, stone, lumber, coal, other fuels or other materials or products.

C. Uses allowed by special permit.

(18) Massage Establishment.

Section 15. Section 331-58, LSR Large Scale Retail District, of Chapter 331, Zoning, of the Code of the City of New Rochelle is hereby amended as follows:

§ 331-58. LSR Large Scale Retail District.

- A. Permitted principal uses.
- (2) Stores and shops exclusively for sales at retail or the performance of customary personal services. Massage Establishment is not included and is a special permit use.
- C. Uses allowed by special permit.
- (9) Massage Establishment.

Section 16. Section 331-58.1, LSR-1 - Large Scale Retail District, of Chapter 331, Zoning, of the Code of the City of New Rochelle is hereby amended as follows:

§ 331-58.1. LSR-1 - Large Scale Retail District.

- A. Permitted principal uses.
- (2) Stores and shops exclusively for sales at retail or the performance of customary personal services. Massage Establishment is not included and is a special permit use.
- C. Uses allowed by special permit.
- (8) Massage Establishment.

Section 17. Section 331-87, Approving agencies, of Chapter 331, Zoning, of the Code of the City of New Rochelle is hereby amended as follows:

§ 331-87. Approving agencies.

The approving agency for special permit uses shall be as follows:

- B. Planning Board.
- (1) The Planning Board shall have authority to approve the following listed special permit uses, in addition to any other specially permitted uses not specifically identified in this section:
 - (kk) Massage Establishment.

Section 18. Section 331-113.14, Massage Establishment, of Chapter 331, Zoning, of the Code of the City of New Rochelle is hereby added as follows:

Section 18. Section 331-113.14, Massage Establishment, of Chapter 331, Zoning, of the Code of the City of New Rochelle is hereby added as follows:

§ 331-113.14. Massage Establishment

The Planning Board may approve a Massage Establishment whether as a primary or accessory use where such use is permitted, subject to the following requirements:

- (1) Minimum distancing requirement between establishments shall be 500'.
- (2) All massage therapists shall be licensed in the State of New York.
- (3) Hours of operation shall be set by the New Rochelle Planning Board.
- (4) If an owner, proprietor, manager, operator or employee of a Message Establishment engages in illegal activity in conjunction with the establishment's use, the special permit shall be forfeited.
- (5) This special permit shall be applied for and renewed every 3 years and the operator of such establishment shall obtain a yearly license to operate by the City.

Matter [bracketed] deleted.

Matter underlined added.

ATTACHMENTS:

1. Short Environmental Assessment Form - Massage Establishments

Short Environmental Assessment Form

Part 1 - Project Information

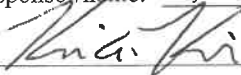
Instructions for Completing

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.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Massage Establishment Legislation			
Project Location (describe, and attach a location map): City of New Rochelle			
Brief Description of Proposed Action: The City of New Rochelle is proposing to amend the zoning code and also add a new chapter to the City Code that will regulate massage establishments. The code will establish license, application and renewal procedures and adopt standards and regulations applicable to the practice of massage.			
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 ☐	YES ☒
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 ☐	YES ☐
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: ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☐	☐
b. Consistent with the adopted comprehensive plan?	☐	☐	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☐	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	☐	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
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?	☐	☐	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☐	☐	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	☐	☐	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	☐	☐	
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?	NO	YES	
	☐	☐	
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?	☐	☐	
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?	NO	YES	
	☐	☐	
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: _____ _____ _____			

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,	NO ☐	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)? If Yes, explain the purpose and size of the impoundment:	NO ☐	YES ☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO ☐	YES ☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO ☐	YES ☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>City of New Rochelle</u> Date: <u>05/08/2025</u>		
Signature: <u></u> Title: <u>Director of Planning and Sustainability</u>		

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?	☒	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☒	☐
3. Will the proposed action impair the character or quality of the existing community?	☒	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☒	☐
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?	☒	☐
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?	☒	☐
7. Will the proposed action impact existing:	☒	☐
a. public / private water supplies?	☒	☐
b. public / private wastewater treatment utilities?	☒	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☒	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☒	☐
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☒	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☒	☐

PRINT FORM

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.

As shown in Parts I and II of this Short Environmental Assessment Form and in the accompanying documentation, the proposed code changes will have no adverse impact on the environment. If anything, the proposed changes will enhance to quality of life for residents and visitors of New Rochelle.

- ☐ 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

05/08/2025

Name of Lead Agency

Date

Paul Vacca

Commissioner of Buildings

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
Buildings

MEMORANDUM

TO: Honorable Mayor and City Council
THRU: Wilfredo Melendez, City Manager
FROM: Paul Vacca, Commissioner of Buildings
DATE: May 13, 2025
SUBJECT: PROPOSED PUBLIC HEARING RE: PROPOSED AMENDMENTS TO
CHAPTER 331, ZONING CODE (MASSAGE ESTABLISHMENTS) -
Resolution scheduling a Public Hearing on proposed amendments to Chapter 331,
Zoning, of the Code of the City of New Rochelle.

Introduce 05/13/2025, Scheduling a Public Hearing for Tuesday, 06/10/2025

LEGISLATION

RESOLUTION SCHEDULING A PUBLIC HEARING ON PROPOSED AMENDMENTS TO 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 June 10, 2025 at 7:00 P.M. in the Council Chambers, 515 North Avenue, New Rochelle, New York, on a proposed ordinance amending the following sections of Chapter 331, Zoning:

SECTION 331-4, SPECIFIC TERMS DEFINED, SECTION 331-47, DMU DOWNTOWN MIXED USE DISTRICT, SECTION 331-48, DMUR DOWNTOWN MIXED USE URBAN RENEWAL DISTRICT, SECTION 331-50, WR WATER RELATED DISTRICT, SECTION 331-51, PWD-3 PLANNED WATERFRONT DEVELOPMENT - 3-STORY DISTRICT, SECTION 331-52, PWD-5 PLANNED WATERFRONT DEVELOPMENT - 5-STORY DISTRICT, SECTION 331-53, PWD-8 PLANNED WATERFRONT DEVELOPMENT - 8-STORY DISTRICT, SECTION 331-54, MUFE MIXED USE FAMILY ENTERTAINMENT DISTRICT, SECTION 331-54.1, NORTH AVENUE ZONE, SECTION 331-54.2 NB-H NEIGHBORHOOD BUSINESS-HOSPITAL DISTRICT, SECTION 331-55, C-1M GENERAL COMMERCIAL MODIFIED DISTRICT, SECTION 331-56, NB NEIGHBORHOOD BUSINESS DISTRICT, SECTION 331-56.1, NB-2.0 NEIGHBORHOOD BUSINESS 2.0 DISTRICT, SECTION 331-57, DB DOWNTOWN BUSINESS DISTRICT, SECTION 331-58, LSR LARGE SCALE RETAIL DISTRICT, SECTION 331-58.1, LSR-1 LARGE SCALE RETAIL DISTRICT, SECTION 331-87 APPROVING AGENCIES OF CHAPTER 331, ZONING, OF THE CODE OF THE CITY OF NEW ROCHELLE; AND ADDING SECTION 331-113.14, MASSAGE ESTABLISHMENT, TO CHAPTER 331, ZONING, OF THE CODE OF THE CITY OF NEW ROCHELLE.

BE IT FURTHER RESOLVED, that the proposed ordinance is 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
Buildings

MEMORANDUM

TO: Honorable Mayor and City Council
 THRU: Wilfredo Melendez, City Manager
 FROM: Paul Vacca, Commissioner of Buildings
 DATE: May 13, 2025
 SUBJECT: PROPOSED LOCAL LAW RE: MASSAGE ESTABLISHMENTS - Local Law No. , Intro. No. 3, Adopting Chapter 121, Massage Establishments in the City of New Rochelle Charter. (Intro. 5/13/25; Public Hearing 6/10/25)

BACKGROUND:

Professional massage therapy is widely recognized as a legitimate and beneficial health service. Unfortunately, over the past year the City of New Rochelle has received numerous complaints regarding the occurrence of illicit activity, including but not limited to human trafficking, prostitution, and the operation of unlicensed or unqualified practitioners, at various massage establishments throughout the City.

ISSUE:

The establishment of regulations governing massage establishments is necessary to promote and protect the public health, safety, and welfare. The purpose of such regulations is to implement reasonable and enforceable standards that support legitimate massage therapy practices while addressing and mitigating the risk of unlawful or exploitative conduct. These regulations are intended to strike an appropriate balance between fostering a safe and professional environment for therapeutic services and ensuring the integrity of local businesses and neighborhoods.

RECOMMENDATION:

Staff recommends that City Council take the following actions:

1. Direct that a Public Hearing be scheduled for June 10, 2025 regarding the Proposed Local Law No. 3-2025; and,
2. Adopt a Local Law establishing Chapter 121, Massage Establishments, in the Code of the City of New Rochelle.

Encs.

Draft Local Law
Short Environmental Assessment Form (SEAF)

LEGISLATION

LOCAL LAW NO. - 2025

LOCAL LAW NO. , INTRO. NO. _3_, ADOPTING
CHAPTER 121, MASSAGE ESTABLISHMENTS IN THE CITY
OF NEW ROCHELLE.

BE IT ENACTED by the City of New Rochelle:

Section 1. PURPOSE.

The purpose of this Chapter is to protect and preserve the public health, safety and welfare by establishing license, application, and renewal procedures, and adopting standards and regulations, applicable to the practice of massage considered within this Chapter and in accordance with State Education Law § 7800 et seq.

Section 2. DEFINITIONS.

As used in this Chapter, the following definitions shall apply:

CHAIR MASSAGE

Massage given to a person who is fully clothed and sitting upright on a professional bodywork seat, a stool or office seat, wheelchair or other mobility device, or other chair-like device.

MASSAGE OR MASSAGE THERAPY

Any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the body, flesh or musculature with the hands or with the aid of any mechanical electrical apparatus or appliance, with or without supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powder, lotions, ointments, ice, hot and cold packs, or other similar preparations, for therapeutic, rehabilitative, relaxation or other purposes.

MASSAGE ESTABLISHMENT

Any establishment, other than a massage parlor, having a fixed place of business where massages are administered for pay only by duly licensed massage therapists. Where massage is given in premises devoted to other uses, including but not limited to barber shops, beauty salons, health clubs and fitness centers, "massage establishment" shall refer to that part of the premises used to give massage.

MASSAGE PARLOR

Any establishment or business, by whatever name called, where massages are administered by one or more unlicensed massage practitioners who are required to be licensed to perform such massages. Massage parlors are prohibited in every zoning district in the City of New Rochelle.

MESSAGE PRACTITIONER OR MESSAGE THERAPIST

Any individual who for compensation, hire or reward engages in the practice of massage.

PERMITTEE

The owner, proprietor, manager, or operator of a massage establishment.

PERSON

Any individual, partnership, firm, association, company, corporation, or combination of individuals of whatever form or character.

Section 3. APPLICABILITY.

Subject to the exemptions set forth in subsection §121-4 herein, this Chapter is applicable to all massage establishments and massage parlors in the City of New Rochelle ("City"), including those now existing and those that may seek to operate in the future.

Section 4. EXEMPTIONS.

Establishments in the City engaged in the following shall be exempt from the requirements of this Chapter:

- A. The practice of massage therapy by any person who is authorized to practice medicine, nursing, osteopathy, physiotherapy, chiropractic, podiatry or acupuncture by the State of New York or any other state within the United States of America. This exemption shall only apply to the person who is so authorized and not one employed by, agent of, or assisting such authorized person.
- B. The practice of massage therapy by any massage therapist, masseur or masseuse, as defined in § 7802 of the New York State Education Law, employed by any person who is authorized to practice medicine, nursing, osteopathy, physiotherapy, chiropractic, podiatry or acupuncture by the State of New York; said employment is not deemed operation of a massage establishment.
- C. The practice of that massage which is customarily given in barbershops or beauty parlors for the purpose of beautification by any licensed barber or beauty culturist.
- D. The practice of massage therapy by any person:
 - (1) Employed in a medical institution licensed or chartered by the State of New York, provided that such person is under the on-site supervision of a person licensed to

practice massage therapy or authorized to practice massage therapy in conjunction with the practice of medicine, nursing, osteopathy, physiotherapy, chiropractic, or podiatry.

- (2) Enrolled in a program of a recognized school or institute of massage therapy, provided that such person is under the on-site supervision of a person licensed to practice massage therapy or authorized to practice massage therapy in conjunction with the practice of medicine, nursing, osteopathy, physiotherapy, chiropractic, or podiatry.
 - (3) Employed as a trainer by a professional athletic association, club or team, or as a member of the physical education department of an accredited university, college or high school.
 - (4) Employed as a trainer and/or massage therapist in an indoor membership gymnasium or personal training facility.
 - (5) Listed as exempt under § 7805 of the New York State Education Law.
- E. Any licensed massage therapist working as a solo practitioner, which for purposes of this section shall mean a licensed massage therapist solely physically performing massages on the premises who is not employed by or otherwise affiliated with any massage establishment required to be licensed by this Chapter.
- F. Businesses where only chair massage is performed by a licensed massage practitioner and is performed in public view.

Section 5. MASSAGE ESTABLISHMENT LICENSE REQUIRED; FEES.

It shall be unlawful for any person to open, conduct, maintain or operate a massage establishment unless the building, room, place or space where the same is conducted, maintained or operated is licensed in the manner prescribed in this Chapter.

- A. No person shall operate a massage establishment used by patrons for hire or reward or advertise as being engaged in the business of massage in the City without receiving valid license in the manner prescribed in this Chapter.
- B. A property owner or landlord shall not permit a tenant or subtenant to open or operate a massage establishment within the City unless a massage establishment license has first been obtained by the property owner, landlord, tenant or subtenant.
- C. The fee for such massage establishment license is set forth in Chapter 133, Fees.

Section 6. MASSAGE THERAPIST STATE LICENSE REQUIRED.

No person shall engage in the practice of massage at a message establishment in the City unless a license from the State to practice massage therapy as provided in New York State Education Law § 7800 et seq. has first been obtained.

Section 7. APPLICATION FOR MASSAGE ESTABLISHMENT LICENSE.

A. Any person desiring to operate a massage establishment shall procure a massage establishment license from the City Clerk after filing an application on the form provided. Such form shall contain, but need not be limited to, the following information:

- (1) Name, address, date of birth and last four digits of social security number of applicant(s), as well as proof of identification.
 - (a) If the applicant is an individual, the name, address, date of birth and last four digits of social security number of the individual.
 - (b) If a partnership, the names, addresses, dates of birth and last four digits of social security numbers of all persons having an ownership interest in the partnership.
 - (c) If a corporation, the names, addresses and dates of birth and last four digits of social security numbers of all officers, directors and managers, and the name of each stockholder having 10% or more of the total outstanding shares of any class of stock. There shall also be given the number of shares held by these stockholders and their percentage of the total outstanding shares of stock.
 - (d) If the applicant is other than an individual, partnership, or corporation, the organizational structure and the name, address, date of birth and last four digits of social security number of all principals in the organization.
- (2) Name, address, date of birth and last four digits of social security number of each and every manager of the premises.
- (3) The country of citizenship of each person named in §121-7A(1) or (2).
- (4) Whether any person mentioned in §121-7A(1) or (2) has been convicted of a felony or misdemeanor and, if so, give full details related thereto.
- (5) Whether any person mentioned in §121-7A(1) or (2) has been engaged individually as an operator or manager of a massage establishment or similar business within the last five years and, if so, give the name of such business, its address and the length of time such person operated such business.

- (6) Whether any person mentioned in §121-7A(1) or (2) has ever had a previous massage establishment or similar license revoked or suspended and whether such person has been convicted of operating or managing such a business without a license and, if so, give full details related thereto.
 - (7) The name of the massage establishment under which the applicant will operate and the location.
 - (8) The nature of the massage services to be provided.
 - (9) The maximum number of private rooms to be utilized for massages and the number of entrances and exits to the massage establishment itself.
 - (10) Whether any part of the premises to be used will be used for any purpose other than for providing of massages.
 - (11) The names and addresses of all persons who will be providing massage services, and provide copies of their valid licenses, permits and/or registrations required to perform such services. Should the list of persons subsequently change due to new hires or terminations of employment, within 10 days of the change the City Clerk must be notified in writing and provided an updated list.
 - (12) Affix to the application two copies of a drawing showing the dimensions of all rooms to be used for massage and the locations therein of all massage tables.
- B. Said application shall be signed and sworn to, before a notary public or other officer authorized to administer an oath, by all persons coming under §121-7A(1).
- C. If the applicant has previously had a massage establishment or similar license suspended or revoked, or if any of the persons enumerated in §121-7A(1) or (2) were named in an application for a massage establishment license that was suspended or revoked, or a materially false statement is contained in the filed or a prior massage establishment license application, all persons described in §121-7A(1) and (2) shall be fingerprinted as part of the application process. The application shall be deemed incomplete and be automatically denied if any of the persons enumerated in §121-7A(1) and (2) have not submitted their fingerprints with said application. The fingerprints shall be provided in a manner prescribed by the City's Police Commissioner or his/her designee.
- D. Said application shall be referred to the Police Commissioner, Fire Commissioner and Building Code Enforcement Officer for proper investigation of the applicant and the premises, and a determination of whether such applicant and premises conform to the requirements of this Chapter and all laws and regulations of the State of New York and

the City. At the conclusion of such investigation, each of these said official shall render a recommendation as to whether or not such application should be granted.

- E. Within 30 days after the receipt of the recommendations of the Police Commissioner, Fire Commissioner and Buildings Code Enforcement Officer, the City Clerk will grant or deny such license. The City Clerk shall grant such massage establishment license if, and only if, said officials each recommend that such license be issued.
- F. If a license is denied by the City Clerk:
 - (1) Notice shall be given to the applicant within 10 days after the City Clerk's receipt of the recommendations stated in subsection E above, whereupon the applicant may appeal such denial within 30 days of the notice date. If the applicant timely appeals such a denial in accordance with this subsection, the applicant must be prepared to go to a hearing on the appeal within 30 days of the City's Clerk's receipt of the notice of appeal.
 - (2) The Commissioner of Buildings shall be required to complete a hearing upon every appeal from the denial of a massage establishment license within 30 days of its commencement or within a mutually agreed-upon time thereafter, not to exceed an additional 30 days. The applicant shall be given at least 10 days' notice of such hearing, which notice shall include a statement of the time, place and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing is to be held; a reference to the particular sections of the statutes and rules involved, where possible; and a short and plain statement of matters asserted. Upon application of the applicant, a more definite and detailed statement may be furnished if the Commissioner of Buildings finds that the statement initially provided was not sufficiently definite or sufficiently detailed. Any statement furnished shall be deemed, in all respects, to be a part of the notice of hearing.
 - (3) At such hearing, the applicant shall be given an opportunity to present oral and/or written argument on issues of law and an opportunity to present evidence and such argument on issues of fact.
 - (4) Unless precluded by statute, disposition may be made of any hearing by stipulation, agreed settlement, consent order, default or other informal method.
 - (5) After the conclusion of said hearing and within a period of 30 days after the record is closed, the Commissioner of Buildings shall be required to find, in writing, whether the application is incomplete, the denial should be upheld, or, in the exercise of his/her discretion, the massage establishment license must be issued by the City Clerk. A finding that false information was provided on the

application filed may be used as a basis for denial. In any case, written findings shall be provided to the application to support the action taken.

- (6) In no event shall massages be permitted pending the appeal or determination of a finding pursuant to §121-7I.
- G. All massage establishment licenses expire one year after the anniversary of the date of prior issuance. A complete application for renewal must be received by the City Clerk on or before the anniversary date for the provisions of subsection H below to apply. If required pursuant to §121-7C, fingerprints shall be provided with the initial application and every two years thereafter with the annual renewal application.
- H. When an applicant has made a timely and complete application to renew a previously issued massage establishment license, the prior year's license shall not expire until a determination on the renewal application has been made by the City Clerk; or, if the application is denied and timely appealed, until a decision on the denial has been rendered by the Commissioner of Buildings after the hearing thereon.
- I. If the recommendations of any one of the officials described in subsection D of this section contain findings that the public health, safety and welfare require emergency action and the termination of all massage establishment activities pending such action, the provisions of §121-16 shall apply.

Section 8. SUSPENSION OR REVOCATION OF LICENSE; SUPPLEMENTAL LICENSE.

- A. A license may be suspended or revoked by the City Clerk upon written recommendation from the Police Commissioner, Fire Commissioner, or Buildings Code Enforcement Officer, citing a violation of this Chapter, applicable state or local laws, or the allowance of disorderly, obscene, or immoral conduct on or near the licensed premises. The City Clerk shall notify the applicant within 10 days of such action. The applicant may appeal within 30 days, following the procedures set forth in §121-7F. Reopening procedures shall follow §121-14.
- B. Whenever a massage establishment license is suspended or revoked, no refund of any unearned portion of the fee shall be made, and at least six months from the time of such suspension or revocation shall elapse before another license shall be issued to the applicant or any of the persons enumerated in §121-7A(1) and (2) on the application. If the license of any massage establishment is twice suspended or revoked within a period of one year, a new license shall not be issued to such applicant or any person enumerated in §121-7A(1) and (2) for a period of at least one year from the date of the second suspension or revocation.

Section 9. SUPPLEMENTAL LICENSE; REPLACEMENT OF LICENSE.

- A. Where there is any change regarding any person enumerated in §121-7A(1) or (2), or where there is a change in the nature of the activities to be conducted in such massage establishment, the applicant shall cause to be filed with the City Clerk, within 10 days thereof, a supplemental application setting forth the name or names of all persons so affected, along with all other information required to be furnished by such person under § 121-7A(1) and (2). A supplemental filing fee set forth in Chapter 33, Fees, shall be paid at the time of application. Supplement applications shall be subject to the procedures and provisions set forth in §121-7 hereof.
- B. Whenever a new massage establishment license is required because of a change in the name of a currently licensed massage establishment or whenever a license is lost or destroyed without fault on the part of the holder or his agent or employee, a duplicate license, in lieu thereof, may be issued upon notarized written request and the payment of a fee established in Chapter 33, Fees.

Section 10. POSTING OF LICENSES.

Every person who obtains a massage establishment license in accordance with this Chapter shall immediately post such license and keep the same posted while in force in a conspicuous place stated in the application for such license. In addition, a copy of the current New York State license/permit, registration and a photo ID of each person performing massages on the premises shall be posted in that location to establish that all persons providing massage services on the premises are properly licensed and registered. Home addresses may be redacted before posting the documents. Upon request by a customer, the Building Department or the Police Department, the originals of such documents shall be produced for inspection. This requirement shall not apply to a person exempt by state law from having to be licensed and/or registered.

Section 11. PARTIES RESPONSIBLE.

The tenant, subtenant, and owner/landlord of a building and the permittee shall be required to comply with the regulations set forth in in this Chapter. The owner of the building and the permittee shall prohibit any tenant, subtenant, or other person from operating in violation of this Chapter and shall be subject to the penalties for noncompliance set forth in §121-15 hereof.

Section 12. OPERATIONAL REQUIREMENTS.

The following regulations shall be applicable to all massage establishments and massage activities:

- A. It shall be unlawful to operate a massage parlor at any time in any location in the City.
- B. Price rates for all services shall be prominently posted or provided in brochures in the reception area in a location available to all prospective customers.

- C. Business owners and managers shall ensure that the sexual or genital areas of patrons are always covered by sheets, cloths or undergarments when in the presence of an employee of the massage establishment.
- D. Business owners and managers shall ensure that no person in the massage establishment shall place her or his hand upon, or touch with any part of her or his body, or fondle in any manner, or massage, a sexual or genital area of any other person.
- E. All massages offered in the massage establishment shall be therapeutic and health related. No massages shall be offered or provided, including by means of print or internet advertisement, which are unlawful, illicit, or involve sexual acts or relations or are sexually oriented.
- F. All refuse, garbage and waste, solid or otherwise, shall be properly disposed of; laundry shall be changed after each massage/client; laundry shall be cleaned on a daily basis during the days the establishment is in operation; all rooms, tables, etc., shall be sanitized daily; and all persons in the massage establishment shall comply with any and all applicable public health rules and regulations, and such rules and regulations shall be posted in the establishment.
- G. No massage establishment shall have an entrance or exitway providing a direct passageway to any other type of business, residence or living quarters.
- H. There shall be no obstruction of the passage of light through any windows of the massage establishment premises by means including, but not limited to, affixing plywood, paper, or taping other opaque materials over the windows. This restriction does not apply to the standard use of curtains or blinds.
- I. No massage services shall be provided to persons under the age of 18 unless the parent or guardian of said minor is physically present when such services are provided or such parent or guardian has provided written authorization, properly notarized, for such services.
- J. Any massage practitioner working in the massage establishment providing massage services or any employee occupying the establishment shall obtain, and maintain in effect, all applicable licenses, permits and registrations required by all state and local governmental authorities for the provision of massage services, including those required pursuant to New York State Education Law §7800 et seq. and this Chapter. Anyone providing on the premises massage services that require a license from the State of New York shall possess that license in full force and effect.
- K. All persons providing massage services shall obtain and keep current a United States or New York State government-issued photo ID as well as licenses, permits and

registrations from the New York State Department of Education, the New York State Department of State or other appropriate New York licensing department establishing that said person is licensed to provide massage services, and such persons are to post same pursuant to §121-10.

- L. The names and addresses of all persons who are providing massage services, along with copies of their licenses, permits and registrations, shall be provided to the City Clerk before any such person may be permitted to provide massage services. The City Clerk must be notified in writing within 10 days of the name of any person who performed massages who is no longer employed at the massage establishment and any person who is newly hired to perform massages.
- M. The property owner, landlord, permittee and massage establishment license holder shall provide the Building Department, Police Department and Fire Department access to the premises during business hours to allow them to ensure compliance with the provisions of this Chapter.
- N. Within five days after receipt of same, the operator of a massage establishment shall provide the City Clerk with copies of any summonses or violations issued with respect to the operation of the massage establishment.
- O. The massage establishment shall not be conducted in a disorderly manner or in a manner which constitutes a public nuisance.
- P. The massage establishment license issued pursuant to this Chapter shall be immediately revoked if, subsequent to the issuance of the license, any person providing massage services on the premises is found to have been criminally convicted of a charge involving prostitution or drug use or the unauthorized or unlicensed provision of massage services. Under such circumstances, no massage activities will be permitted prior to application for and issuance of a new massage establishment license.
- Q. There shall be no outdoor activity associated with the massage establishment.
- R. Massage establishment licenses are not transferable.

Section 13. RIGHT OF ENTRY AND INSPECTION.

- A. In order to ensure compliance with the provisions of this Chapter and other applicable laws and regulations, any massage establishment licensed under this Chapter shall permit duly authorized representatives of the City, including but not limited to personnel from the Police Department, Fire Department, Building Department, or City Clerk's Office, to enter and inspect the licensed premises during the establishment's regular business hours.

- B. Such inspections shall be for the limited purpose of verifying compliance with licensing conditions, safety standards, and applicable legal requirements, and shall be conducted in a reasonable manner and at reasonable times. Inspections shall not be unreasonably disruptive of the business operations.
- C. Entry pursuant to this section shall be with the consent of the licensee or a person in apparent control of the premises. If consent is refused, the City may seek a warrant or other legal process, as appropriate under law.
- D. A licensee's refusal to permit a lawful inspection as required by this section shall constitute a violation of this Chapter. Upon written notification of such refusal by the appropriate City official to the City Clerk, the license may be suspended or revoked in accordance with the procedures set forth in §121-8 of this Chapter

Section 14. REGISTRATION AND COMPLIANCE OF EXISTING MASSAGE ESTABLISHMENTS.

- A. Registration. All massage establishments in existence at the time this Chapter becomes effective shall, within four months thereof, obtain the required massage establishment license from the City Clerk pursuant to the application procedure in this Chapter.
- B. Compliance. Four months after the effective date of this Chapter, any massage establishment in existence when this Chapter became effective that is determined not to be in compliance therewith shall be ordered closed and shall be made to obtain a massage establishment license and to comply with all of the requirements of this Chapter before reopening.

Section 15. ENFORCEMENT; REMEDIES; PENALTIES FOR OFFENSES.

- A. The Police Department and Buildings Department shall be charged with the enforcement of this Chapter. Any person violating this chapter shall, upon conviction, be guilty of a misdemeanor and subject to a fine of up to \$2,500 or 15 days' imprisonment, or both. Each day that a violation continues shall be deemed a separate offense. Any person convicted of a second violation of this Chapter within three years of a prior conviction under this Chapter shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of twice that imposed for the first offense, up to \$5,000, and/or imprisonment for a period not to exceed 15 days.
- B. Nothing herein shall be deemed to preclude the Office of the Corporation Counsel from seeking the revocation, for good cause shown, of any license or permit that may be issued hereunder and to obtain an order requiring the immediate closure of a massage parlor or premises found not to have the required license and/or permit.

Section 16. EMERGENCY PROVISIONS.

- A. When, in the opinion of the Fire Commissioner, Buildings Code Enforcement Officer or any City police officer, there exists a violation of this Chapter or any law or regulation of the State of New York or the City which creates imminent danger to public health, safety or welfare, any one of these officials described may order the owner to cease or abate said violation if by its nature the violation can be corrected immediately, or to evacuate all persons from the premises if by its nature the violation requires a period of time to correct.
- B. Upon failing to comply with such an order, the person(s) so ordered shall be guilty of a misdemeanor and subject to immediate arrest for violation of this Chapter and any applicable provisions of the Penal Law of the State of New York. In order to protect the public health, safety and welfare, the Fire Commissioner, Buildings Code Enforcement Officer or any police officer of the City may order such massage establishment evacuated, and the massage establishment license of such establishment shall be immediately suspended; provided, however, that within 24 hours or the next business day following such evacuation, whichever is later, there shall be a finding by such official that emergency conditions exist that require the continuation of the suspension until a hearing is provided or other action taken as provided for under this Chapter. In the event that there is not such a finding, the massage establishment shall be permitted to operate pending a hearing or other action taken as provided for under this Chapter.

Section 17. CONFLICTS.

Wherever the requirements of this Chapter conflict with other articles, sections or chapters of the City Code, or any other lawfully adopted rule, regulation, local law or other enactment, the most restrictive or that imposing the highest standards shall govern unless a contrary intent is expressly stated.

Section 18. WHEN EFFECTIVE.

This local law shall take effect as provided by law upon filing with the Secretary of the State of New York.

City of New Rochelle
Buildings

MEMORANDUM

TO: Honorable Mayor and City Council
THRU: Wilfredo Melendez, City Manager
FROM: Paul Vacca, Commissioner of Buildings
DATE: May 13, 2025
SUBJECT: PUBLIC HEARING PROPOSED LOCAL LAW, INTRO. NO. 3, NO. - 2025:
MESSAGE ESTABLISHMENTS - Resolution directing a Public Hearing on a
Local Law adopting Chapter 121, Massage Establishments, in the City Charter for
the City of New Rochelle.

Introduce 05/13/2025, Scheduling a Public Hearing for Tuesday, 06/10/2025

LEGISLATION

RESOLUTION DIRECTING PUBLIC HEARING ON A LOCAL
LAW ADOPTING CHAPTER 121, MASSAGE
ESTABLISHMENTS IN THE CITY CHARTER FOR THE CITY
OF NEW ROCHELLE.

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

This Council shall hold a public hearing on June 10, 2025 at 7:00 P.M. in the Council Chambers at City Hall, 515 North Avenue, New Rochelle, New York, on the proposed Local Law, entitled:

LOCAL LAW NO. _____

LOCAL LAW NO. , INTRO. NO. _3_, ADOPTING CHAPTER
121, MASSAGE ESTABLISHMENTS IN THE CITY OF NEW
ROCHELLE.

and, be it further

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