



**CITY COUNCIL AGENDA
COUNCIL CHAMBERS- 1ST FLOOR, CITY HALL
CITY OF NEW ROCHELLE
REGULAR LEGISLATIVE MEETING
TUESDAY, JANUARY 21, 2025
6:15 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES: Regular Legislative Meeting, Tuesday, October 15, 2024; Special Meeting, Monday, October 21, 2024; Special Meeting, Monday, October 28, 2024; Special Meeting, Tuesday, October 29, 2024; Special Meeting, Wednesday, October 30, 2024; Committee of the Whole Session, Thursday, November 14, 2024 (from December 10, 2024 Agenda);

SUBMISSION OF MINUTES: Regular Legislative Meeting, Tuesday, November 19, 2024; Committee of the Whole Session, Tuesday, December 3, 2024 (from December 10, 2024 Meeting); Current submission: Regular Legislative Meeting, Tuesday, December 10, 2024; Committee of the Whole Session, Tuesday, January 14, 2025;

LEGISLATION IN VOTING ORDER

CONSENT AGENDA

1. **PROPOSED LEGISLATION RE: HAGERDORN BUILDING - 662 MAIN STREET - EDPL -** Resolution authorizing the City Manager to submit a written offer for the property located at 662 Main Street (Section 2, Block 460, Lot 0046) relative to the Eminent Domain Procedure Law (EDPL) for acquiring property in connection with the establishment of a public use and to authorize the commencement of legal proceedings to acquire the property under EDPL Article 4. (Revised.)
2. **PROPOSED CHANGE IN SCHOOL TAX COLLECTION DATES -** Resolution confirming the change in School Tax Collection dates.

3. PROPOSED AMENDMENT TO CODE OF THE CITY OF NEW ROCHELLE RE: PARKING REGULATION - CLIFF STREET - Ordinance amending Section 312-91, Schedule XX: Handicapped Parking, of Chapter 312, Vehicles and Traffic, of the Code of the City of New Rochelle (Cliff Street, Side of 743 Main Street).
4. PROPOSED AMENDMENT TO THE CODE OF THE CITY OF NEW ROCHELLE RE: STOP INTERSECTION (LEMKE PLACE) - Ordinance amending Section 312-79, schedule VIII: Stop Intersections, of the Code of the City of New Rochelle (Lemke Place).
5. PROPOSED BUDGET AMENDMENT AND POSITION UPGRADE - Ordinance approving a position upgrade in the Police Department.
6. NEGATIVE DECLARATION FOR PROPOSED ACTION ADDING CHAPTER 256, PUBLIC PEDESTRIAN PLAZAS- Resolution issuing a Negative Declaration of Environmental Significance under the regulations promulgated by the New York State Department of Environmental Conservation and directing compliance with same regarding the proposed action adding Chapter 256 Public Pedestrian Plazas, to the Code of the City of New Rochelle.
7. PROPOSED AMENDMENT TO THE CODE OF THE CITY OF NEW ROCHELLE RE: PEDESTRIAN PLAZAS - Ordinance adding Chapter 256, Public Pedestrian Plazas, to the Code of the City of New Rochelle. (Intro. 1/14/25)
8. PROPOSED APPLICATION FOR FY 2025 U.S. DOT RAISE GRANT FOR NEW ROCHELLE TRANSIT CENTER REDESIGN - Resolution authorizing City Manager to submit applications and necessary documentation for the U.S. Department of Transportation Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program relative to the New Rochelle Transit Center Redesign.
9. PROPOSED APPROVAL OF GRANT APPLICATION BY THE ENERGY JUSTICE LAW & POLICY CENTER (EJLPC) TO NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (NYSDEC) FOR THE DISADVANTAGED COMMUNITY AIR POLLUTION MITIGATION OPPORTUNITY - Resolution authorizing the City Manager to submit a grant application by the Energy Justice Law & Policy Center (EJLPCC) to the New York State Department of Environmental Conservation (NYSDEC) for the Disadvantaged Community Air Pollution Mitigation Opportunity.
10. PROPOSED AUTHORIZATION TO APPOINT AUXILIARY YOUTH MEMBERS TO THE CITY'S ECOLOGY AND NATURAL RESOURCES ADVISORY COMMITTEE (ENRAC) – Resolution Authorizing the City Manager to appoint Auxiliary Youth Members to the City's Ecology and Natural Resources Advisory Committee (ENRAC). Sponsored by Council Member Sara R. Kaye.

RESOLUTIONS

11. PROPOSED RESOLUTION APPROVING APPOINTMENTS TO THE NEW ROCHELLE BOARD OF ETHICS - Resolution approving the appointments of Wilbert Ortiz, Yehudah L. Buchweitz, and William Slade to the New Rochelle Board of Ethics by the City Manager.

12. **PROPOSED ACCEPTANCE OF GRANT AWARD RE: MORE SWIMMING (NY SWIMS) GRANT** - Resolution accepting the Dormitory Authority of the State of New York (“DASNY”) for the New York Statewide Investment In More Swimming (NY SWIMS) Initiative Grant program and committing to a \$250,000 city match.

ORDINANCES

13. **PROPOSED AMENDMENT TO THE CODE OF THE CITY OF NEW ROCHELLE RE: REGULATING SMOKING** - Ordinance adding Chapter 252, Smoking, to the Code of the City of New Rochelle and repealing Chapter 293, Theatres, Section 224-5, Smoking, of Chapter 224, Parks and Section 312-18, Smoking Prohibited, of Chapter 312, Vehicles and Traffic, from the Code of the City of New Rochelle.

PUBLIC HEARINGS: NONE.

PUBLIC HEARING(S) HELD ON TUESDAY, JANUARY 14, 2025

14. **NEGATIVE DECLARATION FOR PROPOSED AMENDMENT TO CHAPTER 331 ZONING CODE RE: TOBACCO SMOKE SHOPS & ADULT-USE CANNABIS DISPENSARIES AND ADULT-USE CANNABIS CONSUMPTION LOUNGES** - Resolution issuing a Negative Declaration of Environmental Significance under the regulations promulgated by the New York State Department of Environmental Conservation and directing compliance with same regarding the ordinance amending Section 331-4, Specific terms defined, Section 331-47, DMU Downtown Mixed Use District, Section 331-47, DMUR Downtown Mixed Use Urban Renewal 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 331-61, Additional regulations for nonresidence districts, Section 331-85.1 Fifth Avenue Overlay Zone (FA), Section 331-87 Approving agencies, Section 331-115.6 Smoke Shops, Section 331-115.7 Adult on-site cannabis consumption lounges with extended hours, Section 331-175.11A(2), Table of Uses of Chapter 331, Zoning, of the Code of the City of New Rochelle.

15. PROPOSED AMENDMENT TO CHAPTER 331 ZONING CODE RE: TOBACCO SMOKE SHOPS & ADULT-USE CANNABIS DISPENSARIES AND ADULT-USE CANNABIS CONSUMPTION LOUNGES - Ordinance amending Section 331-4, Specific terms defined, Section 331-47, DMU Downtown Mixed Use District, Section 331-47, DMUR Downtown Mixed Use Urban Renewal 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 331-61, Additional regulations for nonresidence districts, Section 331-85.1 Fifth Avenue Overlay Zone (FA), Section 331-87 Approving agencies, Section 331-115.6 Smoke Shops, Section 331-115.7 Adult on-site cannabis consumption lounges with extended hours, Section 331-175.11A(2), Table of Uses of Chapter 331, Zoning, of the Code of the City of New Rochelle. (Intro. 12/3/24; Public Hearing 1/14/25).

EXECUTIVE SESSION:

ADJOURNMENT

City of New Rochelle
Law

MEMORANDUM

TO: Honorable Mayor and City Council

THRU: Wilfredo Melendez, City Manager

FROM: Dawn Warren, Corporation Counsel

DATE: January 21, 2025

SUBJECT: PROPOSED LEGISLATION RE: HAGERDORN BUILDING - 662 MAIN STREET - EDPL - Resolution authorizing the City Manager to submit a written offer for the property located at 662 Main Street (Section 2, Block 460, Lot 0046) relative to the Eminent Domain Procedure Law (EDPL) for acquiring property in connection with the establishment of a public use and to authorize the commencement of legal proceedings to acquire the property under EDPL Article 4. (Revised.)

Background: On March 21, 2023, City Council initiated proceedings under the New York State Eminent Domain Procedure Law (“EDPL”) to acquire 662 Main Street (the “Property”) for a development project that would provide public access and establish a culture-oriented public use, while preserving the historic integrity of the structure and interior. A Public Hearing regarding the acquisition was held on September 10, 2024, and on November 19, 2024, the City approved the Determination and Findings pursuant to Article 2 of the EDPL.

At this time, the City will need to negotiate the acquisition of the Property. As per EDPL §303, the City will be required to make a written offer to acquire the Property for one hundred per centum of the valuation established by the appraisal prepared in December 2022. For the Property, the offer will need to be made in the amount of \$3,490,000. Once the offer is made, the Property’s owner may: (a) accept this offer as payment in full for the value of the Property; or (b) reject this offer as payment in full and instead elect to accept this offer as an advance payment. In the meantime, the City will file a Petition to acquire the Property by eminent domain and vest title in the City under Article 4 of the EDPL.

Recommendation: The Department of Law staff recommends that the City Council authorize the City Manager or a designee to submit a written offer for the 662 Main Street Property pursuant to EDPL Article 3 for the purpose of acquiring the Property for a cultural-oriented public use and to commence legal proceedings to acquire the Property under EDPL Article 4.

LEGISLATION

RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A WRITTEN OFFER FOR THE PROPERTY LOCATED AT 662 MAIN STREET (SECTION 2, BLOCK 460, LOT 0046) RELATIVE TO THE EMINENT DOMAIN PROCEDURE LAW (EDPL) FOR ACQUIRING PROPERTY IN CONNECTION WITH THE ESTABLISHMENT OF A PUBLIC USE AND TO COMMENCE LEGAL PROCEEDINGS TO ACQUIRE THE PROPERTY. (Rev.)

WHEREAS, it is the City of New Rochelle's intention to develop the property located at 662 Main Street (Section 2, Block 460, Lot 46) (the "Property") for a public purpose in which citizens would benefit from the establishment of a culture-oriented public use that maintains the historic integrity of the structure and its interior; and

WHEREAS, to accomplish this public use, the City will seek to negotiate the acquisition of the Property to accommodate the contemplated use; and

WHEREAS, the City will attempt to acquire the Property through private negotiation and acquisition; however, it may be necessary for the City to acquire the Property through the eminent domain process; and

WHEREAS, the City has already acted to accomplish this goal, including, but not limited to, approving, on November 19, 2024, a Determination and Findings under Article 2 of the EDPL that the Property would be taken for the aforesaid proposed public use; and

WHEREAS, as per EDPL §303, the City is required to make a written offer to acquire the Property for one hundred per centum of the valuation established by the appraisal prepared in December 2022, which is \$3,490,000; and

WHEREAS, once the offer is made, the Property's owner may: (a) accept this offer as payment in full for the value of the Property; or (b) reject this offer as payment in full and instead elect to accept this offer as an advance payment; and

WHEREAS, in the meantime, the City will file a Petition to acquire the Property by eminent domain and vest title in the City under Article 4 of the EDPL; now, therefore

BE IT RESOLVED, that the City Council of the City of New Rochelle hereby authorizes the City Manager to submit a written offer for the 662 Main Street Property pursuant to EDPL Article 3 for the purpose of acquiring the Property for a cultural-oriented public use and to

commence legal proceedings to acquire the Property under EDPL Article 4.

City of New Rochelle
Finance Department

MEMORANDUM

TO: Honorable Mayor and City Council
THRU: Wilfredo Melendez, City Manager
FROM: Edward Ritter, Finance Commissioner
DATE: January 21, 2025
SUBJECT: PROPOSED CHANGE IN SCHOOL TAX COLLECTION DATES - Resolution
confirming the change in School Tax Collection dates.

BACKGROUND:

The City collects tax payments for the New Rochelle School district in two installments; October and April. Funds collected are transferred to the school district as available. At the end of the collection, the City is required to make the district warrant whole.

SITUATION:

The school district does not receive any funds until the collection is underway. The reserves (fund balance) they can have are limited. Funding expenses to include payroll from July through mid-October are near impossible causing the need to issue Tax Anticipation Notes (TAN) with market rate interest.

REQUEST:

The District has requested that the City change the tax collection dates from October and April to September and March. This will bring funds in sooner and lessen the need for borrowing. The City staff can accommodate this request beginning with the 2025/26 fiscal collection.

RECOMMENDATION:

It is the recommendation of staff that the current 2024/25 school tax collection for the second payment remain, unchanged, in April
Beginning with the fiscal year 2025/26, the New Rochelle School tax collection dates will move to September and March.

LEGISLATION

RESOLUTION CONFIRMING CHANGE IN SCHOOL TAX COLLECTION DATES.

WHEREAS, the City collects tax payments for the New Rochelle School District in two installments; October and April, and the funds collected are transferred to the school district as available; and

WHEREAS, the School District does not receive any funds until the collection is underway and the reserves (fund balance) the school district has may be limited; and

WHEREAS, funding expenses to include in payroll accounts from July through mid-October are nearly impossible causing the need to issue Tax Anticipation Notes (TAN) with market rate interest; and

WHEREAS, the District has requested that the City change the tax collection dates from October and April to September and March, bringing funds in sooner and lessening the need for TANs; now therefore,

BE IT RESOLVED, that the City Council of New Rochelle hereby confirms the current 2024/25 school tax collection for the second payment remain unchanged in April; and further

BE IT RESOLVED, that the City Council of the City of New Rochelle hereby confirms the New Rochelle School tax collection dates will move to September and March, beginning with the fiscal year 2025/26.

City of New Rochelle
Public Works

MEMORANDUM

TO: Honorable Mayor and City Council

THRU: Wilfredo Melendez, City Manager

FROM: Wilfredo Melendez, City Manager

DATE: January 21, 2025

SUBJECT: PROPOSED AMENDMENT TO CODE OF THE CITY OF NEW ROCHELLE
RE: PARKING REGULATION - CLIFF STREET - Ordinance amending
Section 312-91, Schedule XX: Handicapped Parking, of Chapter 312, Vehicles
and Traffic, of the Code of the City of New Rochelle (Cliff Street, Side of 743
Main Street).

A request was received on behalf of an elderly resident resident of 727-9 Main St who has a handicapped parking permit for designation of a handicapped parking space at that location. As this is not possible on Main Street due to time limit and metered parking regulations, the Department of Public Works has proposed a location on Cliff Street, approximately 200 feet away. The following amendment to the Municipal Code is recommended:

§ 312-91 Schedule XX: Handicapped Parking.

In accordance with the provisions of § 312-49, the following described locations are hereby designated as handicapped parking spaces:

Name of Street	Side	Location
<u>Cliff Street</u>	<u>East</u>	<u>Side of 743 Main Street (20 feet)</u>

LEGISLATION

ORDINANCE AMENDING SECTION 312-91, SCHEDULE XX:
HANDICAPPED PARKING, OF CHAPTER 312, VEHICLES
AND TRAFFIC, OF THE CODE OF THE CITY OF NEW
ROCHELLE (CLIFF STREET; SIDE OF 743 MAIN STREET).

BE IT ORDAINED by the City of New Rochelle:

The Code of the City of New Rochelle, Section 312-91 (Schedule XX: Handicapped Parking) of Chapter 312 (Vehicles and Traffic) is hereby amended as follows:

§312-91. Schedule XX: Handicapped Parking.

In accordance with the provisions of §312-49, the following described locations are hereby designated as handicapped parking spaces:

Name of Street	Side	Location
<u>Cliff Street</u>	<u>East</u>	<u>Side of 743 Main Street (20 feet)</u>

ATTACHMENTS:

1. Cliff St-743 Main St

Subject: FW: Handicapped  parking-727-9 Main St
Attachments: image003.jpg

My mother who is 83yrs old and handicapped has extreme difficulty parking at her residence at 727-9 Main [Street New Rochelle NY 10801](#). My Mother has resided at this residence for 45yrs and has experienced more difficulty as waiting in the car for hours after a doctors appointment just to park, or even going to the grocery store for food only to return and wait 2-3 hours for parking to free up again. I am writing you to ask for a

handicapped parking space to allow the ease and stress of doing simple tasks such as a doctors appointment will be a better experience for my mother.

Thank you for your consideration in this matter,

Tenesha Shelton Hernandez



Attachment: Cliff St-743 Main St (3407 : PROPOSED AMENDMENT TO CODE OF THE CITY OF NEW ROCHELLE RE: PARKING REGULATION -

City of New Rochelle
Public Works

MEMORANDUM

TO: Honorable Mayor and City Council
 THRU: Wilfredo Melendez, City Manager
 FROM: Wilfredo Melendez, City Manager
 DATE: January 21, 2025
 SUBJECT: PROPOSED AMENDMENT TO THE CODE OF THE CITY OF NEW ROCHELLE RE: STOP INTERSECTION (LEMKE PLACE) - Ordinance amending Section 312-79, schedule VIII: Stop Intersections, of the Code of the City of New Rochelle (Lemke Place).

The Department of Public Works has been made aware of a location where vehicles are not properly stopping for through traffic. Tee intersections require vehicles entering from the stem to stop and yield the right of way to traffic on the through street, regardless of the presence of a stop sign. To reinforce this requirement it is recommended to add the following intersection to the Municipal Code, after which a Stop sign will be installed . The following change is recommended:

(matter underlined added)

312-79 Schedule VIII: Stop Intersections.

In accordance with the provisions of § 312-34, the following described intersections are hereby designated as stop intersections, and stop signs shall be installed as follows:

Stop Sign on	Direction of Travel	At Intersection of
<u>Lemke Place</u>	<u>West</u>	<u>Rockland Place</u>

LEGISLATION

ORDINANCE AMENDING SECTION 312-79, SCHEDULE VIII: STOP INTERSECTIONS, OF CHAPTER 312, VEHICLES AND TRAFFIC, OF THE CODE OF THE CITY OF NEW ROCHELLE (LEMKE PLACE).

BE IT ORDAINED by the City of New Rochelle:

The Code of the City of New Rochelle, Section 312-79, Schedule VIII: Stop Intersections, of Chapter 312, Vehicles and Traffic, is hereby amended as follows:

§312-79. Schedule VIII: Stop Intersections.

In accordance with the provisions of §312-34, the following described intersections are hereby designated as stop intersections, and stop signs shall be installed as follows:

Stop Sign on	Direction of Travel	At Intersection of
<u>Lemke Place</u>	<u>West</u>	<u>Rockland Place</u>

Matter underlined added.

City of New Rochelle
Police Department

MEMORANDUM

TO: Honorable Mayor and City Council
 THRU: Wilfredo Melendez, City Manager
 FROM: Robert Gazzola, Police Commissioner
 DATE: January 21, 2025
 SUBJECT: PROPOSED BUDGET AMENDMENT AND POSITION UPGRADE -
 Ordinance approving a position upgrade in the Police Department.

Background

Senior Clerk Tanya Cisneros was hired by the New Rochelle Police Department on April 17, 2023 during a period of transition in the Records Unit. As part of this transition, our senior clerk positions were being upgraded to principal clerks in alignment with the increasing scope of responsibilities and the job description of principal clerk. These responsibilities have been clearly defined and correspond to the role Senior Clerk Cisneros has been performing since joining the department.

Since her hiring, Senior Clerk Cisneros has consistently met the expectations of the position, demonstrating strong performance and expertise. She also serves as the only bilingual clerk serving the public service window of the Department, an attribute that's extremely beneficial to the Department and the citizens it serves. Additionally, she has successfully passed the Civil Service examination for Principal Clerk and is now reachable for appointment, in accordance with Civil Service guidelines.

Recommendation

Given Ms. Cisneros qualifications, performance, and Civil Service eligibility, The Police Department recommends that the City Council approve Senior Clerk Cisneros be promoted to Principal Clerk, Grade 7, at Salary Step 2. This reclassification is in line with the Department's ongoing efforts to align job titles and responsibilities, and it recognizes Cisneros' proven capabilities in this role.

Increase (Decrease) Appropriations - General Fund

3120-11000	Salaries	- Full Time	\$7,269
------------	----------	-------------	---------

LEGISLATION

ORDINANCE APPROVING A POSITION UPGRADE IN THE POLICE DEPARTMENT.

WHEREAS, the New Rochelle Police Department hired Senior Clerk Tanya Cisneros (“Cisneros”) on April 17, 2023, during a period of transition in the Records Unit; and

WHEREAS, since her hiring, Cisneros has consistently met the expectations of the position, demonstrating strong performance and expertise, in addition to serving as the only bilingual clerk to the public service window of the Department, an attribute that is extremely beneficial to the Department and the citizens it serves; and

WHEREAS, Cisneros has successfully passed the Civil Service examination for Principal Clerk and is now reachable for appointment, in accordance with Civil Service guidelines; and,

now, therefore

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

Section 1. The upgrade of Cisneros to the position of Principal Clerk, Grade 7, at Salary Step 2, in the Police Department is hereby approved.

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

Increase (Decrease) Appropriations - General Fund

3120-11000	Salaries	- Full Time	\$7,269
------------	----------	-------------	---------

City of New Rochelle
Law

MEMORANDUM

TO: Honorable Mayor and City Council
THRU: Wilfredo Melendez, City Manager
FROM: Dawn Warren, Corporation Counsel
DATE: January 21, 2025
SUBJECT: NEGATIVE DECLARATION FOR PROPOSED ACTION ADDING CHAPTER 256, PUBLIC PEDESTRIAN PLAZAS- Resolution issuing a Negative Declaration of Environmental Significance under the regulations promulgated by the New York State Department of Environmental Conservation and directing compliance with same regarding the proposed action adding Chapter 256 Public Pedestrian Plazas, to the Code of the City of New Rochelle.

Resolution issuing a Negative Declaration of Environmental Significance under the regulations promulgated by the New York State Department of Environmental Conservation and directing compliance with same regarding the proposed action adding Chapter 256 Public Pedestrian Plazas, to the Code of the City of New Rochelle.

LEGISLATION

RESOLUTION ISSUING A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE UNDER THE REGULATIONS PROMULGATED BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION AND DIRECTING COMPLIANCE WITH SAME REGARDING THE PROPOSED ACTION ADDING CHAPTER 256, PUBLIC PEDESTRIAN PLAZAS, TO THE CODE OF THE CITY OF NEW ROCHELLE.

WHEREAS, this City Council declared itself Lead Agency for the environmental review of the proposed ordinance amending proposed ordinance adding Chapter 256, Public Pedestrian Plazas, to the Code of the City of New Rochelle. (“Proposed Action”); and

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

WHEREAS, this City Council, as Lead Agency, reviewed the Proposed Action and EAF prepared in conjunction therewith in accordance with the New York State Environmental Quality Review Act; now, therefore,

BE IT RESOLVED that this Council, as Lead Agency, based on the above-described environmental review and the contents of the EAF, hereby determines that the Proposed Action will not have a significant effect on the environment and hereby issues a Negative Declaration of Environmental Significance. An environmental impact statement shall not be required.

City of New Rochelle
City Manager

MEMORANDUM

TO: Honorable Mayor and City Council

THRU: Wilfredo Melendez, City Manager

FROM: Wilfredo Melendez, City Manager

DATE: January 21, 2025

SUBJECT: PROPOSED AMENDMENT TO THE CODE OF THE CITY OF NEW ROCHELLE RE: PEDESTRIAN PLAZAS - Ordinance adding Chapter 256, Public Pedestrian Plazas, to the Code of the City of New Rochelle. (Intro. 1/14/25)

Background:

In 2023 the City of New Rochelle officially opened the "new" Anderson Plaza. The Plaza has been a gathering place for individuals and families seeking to enjoy a meal outdoors, cool off in the splash pad, listen to live music, and/or celebrate the New Year.

In order to maintain a high Quality of Life in Anderson Plaza, and other public pedestrian plazas around the City, staff is proposing to create a new chapter in the City Code to specifically address public pedestrian plazas. This new chapter would officially designate pedestrian plazas and also codify rules and procedures for current and future designated plazas.

Recommendation:

Staff recommends that City Council take the following actions:

1. Declare itself Lead Agency for the purposes of an environmental review pursuant to the State Environmental Quality Review Act (SEQRA). The Short Environmental Assessment Form (SEAF) is attached; and,
2. Approve the draft legislation.

Encs.

Short Environmental Assessment Form (SEAF)

LEGISLATION

ORDINANCE ADDING CHAPTER 256, PUBLIC PEDESTRIAN PLAZAS, TO THE CODE OF THE CITY OF NEW ROCHELLE.

BE IT ORDAINED by the City of New Rochelle:

Section 1. The Code of the City of New Rochelle, Chapter 256, Public Pedestrian Plazas, is hereby added to the Code of the City of New Rochelle as follows:

Chapter 256 Public Pedestrian Plazas.

§ 256-1 Definition. The words and phrases set forth below have the following meanings when used in this chapter:

Public Pedestrian Plaza: An area designated by the City as such for pedestrian circulation, use and enjoyment on property under the jurisdiction of the City including, but not limited to, property mapped as a public place or property, wholly or partially within the bed of a roadway, and which may contain amenities such as tables, seating, trees, plants, lighting, bike racks, splash pads, or public art.

§ 256-2 Designated Public Pedestrian Plazas

- A. Anderson Plaza: The following Public Pedestrian Plaza operated by the City of New Rochelle is hereby established: the property located on Anderson Street between North Avenue to the West, LeCount Place to the East, Block 231, Lots 0009 and 0015 to the North, and Block 228, Lots 0018 and 0023 to the South, and described on the Official Tax Assessment Map of the City of New Rochelle as Block 228, Lot 0300. The Public Pedestrian Plaza shall only include the Anderson Street road-bed when Anderson Street has been officially closed to vehicular traffic and parking by the City of New Rochelle.
- B. Memorial Plaza: The following Public Pedestrian Plaza operated by the City of New Rochelle is hereby established: the property located on the Northwest corner of Main Street and Memorial Hwy. The Plaza is borders Memorial Hwy to the East, Main Street to the South, and Block 416, Lots 0071 - 0073 to the West.
- C. Garden Street Plaza: The following Public Pedestrian Plaza operated by the City of New Rochelle is hereby established: the property located on the Southeast corner of North Avenue and Garden Street and described on the Official Tax Assessment Map of the City of New Rochelle as Block 801 Lot 0011.

§ 256-3 Regulated Uses:

- A. Posting of Notices and Signs

- 1) No person shall post, display, affix, construct or carry any placard, flag, banner, sign or model in or on any pedestrian plaza or display any such item by means of aircraft, kite, or other aerial device in, on, or above the surface of any pedestrian plaza for any purpose whatsoever, without permission from the Department of Development. Each separate item placed in violation of this paragraph shall constitute a separate violation.
- 2) Notwithstanding subparagraph (1) above, any person may carry any item described in subparagraph (1) above, without the aid of any aircraft, kite, or other aerial device, where the space on which the message of such item is contained has a height no greater than two feet and a length no longer than three feet, and that such item takes up a total area of no more than six square feet.
- 3) Any person who posts or displays a sign in, on, or above the surface of any pedestrian plaza, shall be responsible for removal of such sign. Failure to remove any sign that is posted or displayed in, on, or above the surface of any pedestrian plaza or that remains on such property shall constitute a violation of these rules.
- 4) In the event that a notice or sign, in violation of paragraph (1) above, is posted or displayed in, on, or above the surface of any pedestrian plaza, there shall be a rebuttable presumption that any person whose name, telephone number, or other identifying information appears on such notice or sign has violated paragraph (1) by either:
 - i. Pasting, posting, painting, printing or nailing such notice or sign, or
 - ii. Directing or permitting a servant, agent, employee or other individual under such person's control to engage in such activity; provided, however, that such rebuttable presumption shall not apply with respect to criminal prosecutions brought pursuant to this subparagraph (4).
- B. Except as otherwise permitted, no person shall skateboard, inline skate, roller skate, or ride a bicycle, scooter, or any other vehicle or device on or through any part of a pedestrian plaza, except a wheelchair or scooter used for transit by disabled persons.
- C. Except as otherwise permitted, no person shall make, continue, cause, or permit to be made or continued unreasonable noise in violation of the City Code.
- D. Except as otherwise permitted, no person shall consume alcoholic beverages.
- E. Except as otherwise permitted, no person shall kindle, build, maintain, or use a fire.
- F. Except as otherwise permitted, no person shall bring or place tables, carts, chairs or furniture in or on any pedestrian plaza.
- G. Except as otherwise permitted, no person shall use or interfere with any authorized use of utilities, including, but not limited to, electricity and water, that supply pedestrian plazas.
- H. Except as otherwise permitted, no person shall interfere with the use of a plaza by a person or group using the plaza pursuant to the terms of a permit issued by any City department.
- I. Except as otherwise permitted, no person shall use or block any person from using any amenity while selling or offering to sell any goods, services, tickets, or

entertainment or while providing any goods, services, tickets, or entertainment in exchange for a donation.

For purposes of this paragraph, the term "amenity" shall include, but not be limited to, chairs, tables, planters, benches, kiosks, utilities or canopies, installed in or on any pedestrian plaza.

§ 256-4 Prohibited Uses:

The following shall be a violation of this Chapter:

- 1) No person shall engage in disorderly behavior in or on any pedestrian plaza, such as the following:
 - i. Endangering the safety of oneself and/or others;
 - ii. Obstructing pedestrian traffic;
 - iii. Engaging in conduct or committing acts that disturb the peace, comfort or repose of a reasonable person of normal sensitivities; or
 - iv. Climbing upon any wall, artwork, fence, shelter or any structure not specifically intended for climbing purposes.
- 2) No person shall use a Pedestrian Walkway for any purpose other than the safe and continuous movement of pedestrian traffic.
- 3) No person shall litter in or on any pedestrian plaza. All persons shall use receptacles provided for the disposal of refuse. No person shall deposit household or commercial refuse in any receptacle in a pedestrian plaza.
- 4) No person shall spit, urinate, or defecate in or on any pedestrian plaza, except in a facility which is specifically designed for such purpose.
- 5) No person shall bathe, shower or shave.
- 6) No person shall occupy more than one seat with oneself or one's belongings when to do so would interfere or tend to interfere with the use of such seats by others.
- 7) No person shall leave any property unattended or place property in or on any pedestrian plaza in a manner that interferes with pedestrian traffic.
- 8) No person shall injure, deface, alter, write upon, destroy, remove or tamper with in any way, any real or personal property or equipment owned by or under the jurisdiction or control of the City.
- 9) No person shall gamble or conduct or engage in any game of chance, unless such game of chance is permitted by law.
- 10) No person shall appear in such a manner that the person's genitalia are unclothed or exposed, except as otherwise permitted by law.
- 11) No person shall engage in camping, or erect or maintain a tent, structure, shelter or camp.
- 12) No person shall allow any dog in the person's custody or control to be

unrestrained or to discharge any fecal matter in or on any pedestrian plaza, unless such person promptly removes or disposes of same. This provision shall not apply to a guide or service animal accompanying a person with a disability.

- 13) No person shall operate an aircraft, drone, kite or other aerial device in, on, or above the surface of any pedestrian plaza for any purpose whatsoever.
- 14) No person shall feed any undomesticated animal, including unconfined squirrels and birds, in or on any pedestrian plaza.
- 15) No person shall prevent, delay, or interfere with employees of the City of New Rochelle or City designated subcontractors during the maintenance of the pedestrian plaza.

§256-5 Sale or exhibition of articles, food, and beverages; services.

No person shall expose any article, food, or beverages for sale or exhibition, nor perform any personal service for hire, in any public pedestrian plaza except under a permit to be issued by the City of New Rochelle. Such permit shall set forth the term, location, hours of operation, and fee for such permit, together with such other terms and conditions as shall be established by the City of New Rochelle. An itinerant vendor as defined under

§ 235-1 of the City Code may not obtain a permit under this § 256-5 without first having obtained a license as an itinerant vendor under Chapter 235 of the City Code.

§256-5. Regulations of the Commissioner of Development

The Commissioner of Development is authorized to adopt additional rules and regulations as he or she may deem necessary, subject to the approval of the City Manager, for the proper use of City public pedestrian plazas. No person or entity shall violate such rules and regulations adopted by the Commissioner of Development.

§ 256-6. Penalties for Offense

A. An offense against the provisions of this chapter shall be punishable by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both.

Matters underlined added.

ATTACHMENTS:

1. PEDESTRIAN PLAZA - SEAF 1 13 25

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: Public Pedestrian Plaza Regulations			
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 add a new chapter to the city code that will officially designate pedestrian plazas and also codify rules and procedures for the designated plazas.			
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			

Attachment: PEDESTRIAN PLAZA - SEAF 1 13 25 (3411 : PROPOSED AMENDMENT TO THE CODE OF THE CITY OF NEW ROCHELLE RE:

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
☐ 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>01/03/25</u> Signature: <u><i>Kia Ki</i></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. The proposed changes will provide greater clarity on what are officially designated public plazas and how they are regulated, which will result in quality of life improvements.

- ☐ 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

01/03/25

Name of Lead Agency

Date

Wilfredo Melendez

City Manager

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

PRINT FORM

City of New Rochelle

Development

MEMORANDUM

TO: Honorable Mayor and City Council

THRU: Wilfredo Melendez, City Manager

FROM: Adam Salgado, Commissioner of Development

DATE: January 21, 2025

SUBJECT: PROPOSED APPLICATION FOR FY 2025 U.S. DOT RAISE GRANT FOR NEW ROCHELLE TRANSIT CENTER REDESIGN - Resolution authorizing City Manager to submit applications and necessary documentation for the U.S. Department of Transportation Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program relative to the New Rochelle Transit Center Redesign.

INTRODUCTION:

The U.S. Department of Transportation (USDOT) Rebuilding American Infrastructure with Sustainability and Equity (RAISE) program provides grants for surface transportation infrastructure projects with significant local or regional impact. The deadline to apply for funding under this program is January 30, 2025. The maximum award amount is \$25,000,000 with a 20% local match requirement.

ISSUE:

The City wishes to apply for the RAISE in an amount not to exceed the grant limit of \$25,000,000, plus the required City match of \$6,250,000, for a maximum project cost of \$31,250,000, to support the implementation of the New Rochelle Transit Center Redesign.

RECOMMENDATION:

Staff recommends that the City Council adopt a resolution supporting the City's U.S. DOT FY 2025 RAISE grant submission 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 provide the requisite matching funds for the application if awarded, including cost overruns.

LEGISLATION

RESOLUTION AUTHORIZING CITY MANAGER TO SUBMIT APPLICATIONS AND NECESSARY DOCUMENTATION FOR THE U.S. DEPARTMENT OF TRANSPORTATION REBUILDING AMERICAN INFRASTRUCTURE WITH SUSTAINABILITY AND EQUITY (RAISE) GRANT PROGRAM RELATIVE TO THE NEW ROCHELLE TRANSIT CENTER REDESIGN.

WHEREAS, the U.S. Department of Transportation (USDOT) Rebuilding American Infrastructure with Sustainability and Equity (RAISE) program provides grants for surface transportation infrastructure projects with significant local or regional impact; and

WHEREAS, the maximum grant award amount is \$25,000,000, with a 20% local match requirement (totaling up to \$6,250,000), for a maximum project cost of \$31,250,000.

BE IT RESOLVED, that the City Manager is hereby authorized to execute and submit any required documentation for the USDOT RAISE grant program in connection with the New Rochelle Transit Center Redesign on behalf of the City, up to the grant limit of \$25,000,000.

City of New Rochelle Development

MEMORANDUM

TO: Honorable Mayor and City Council

THRU: Wilfredo Melendez, City Manager

FROM: Adam Salgado, Commissioner of Development

DATE: January 21, 2025

SUBJECT: PROPOSED APPROVAL OF GRANT APPLICATION BY THE ENERGY JUSTICE LAW & POLICY CENTER (EJLPC) TO NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (NYSDEC) FOR THE DISADVANTAGED COMMUNITY AIR POLLUTION MITIGATION OPPORTUNITY - Resolution authorizing the City Manager to submit a grant application by the Energy Justice Law & Policy Center (EJLPCC) to the New York State Department of Environmental Conservation (NYSDEC) for the Disadvantaged Community Air Pollution Mitigation Opportunity.

INTRODUCTION:

The New York State Department of Environmental Conservation (NYSDEC) Office of Environmental Justice recently announced funding for projects that will support ambient air pollution mitigation strategies, including the Disadvantaged Community Air Pollution Mitigation Opportunity. The deadline to apply for grant funding under this program is January 29, 2025. The maximum award amount is \$500,000 and the minimum award amount is \$250,000. Municipalities are not eligible to apply; however, they may support applications as a project partner to an eligible not-for-profit community-based organization. There is no match required for this grant.

BACKGROUND:

The Energy Justice Law and Policy Center (EJLPC), a NY State Climate Action Council member, secured New Rochelle's inclusion in the NYSDEC Community Air Monitoring Initiative in 2021, alongside Mount Vernon and Yonkers, making it one of just ten selected New York communities. In 2022, as an official initiative partner, EJLPC gained access to hyper-local air quality data and launched the Air of Truth program, which partners with New Rochelle High School for student environmental education and hosts public workshops on air quality data interpretation. These activities support the 2019 New York State Climate Leadership and Community Protection Act (CLCPA) and NYS Environmental Bond Act requirements for community engagement in Disadvantaged Communities (DACs).

During Fall 2024, NYSDEC hosted outreach events to give local residents the opportunity to learn about the Community Air Monitoring Initiative and its findings. This outreach led to interested New Rochelle residents seeking to learn how the City can effectively advance local air pollution mitigation efforts. The Disadvantaged Community Air Pollution Mitigation

Opportunity enables the EJLPC and the City to address the concerns of residents about adverse air quality, particularly in New Rochelle's certified DAC areas located along the I-95 (New England Thruway) corridor.

Accordingly, the EJLPC and the City have proposed the Mitigating Air Pollution for New Rochelle's Disadvantaged Communities Project, which will include the siting of air pollution monitoring equipment on City-owned properties. The project will focus on locations near I-95, including the West End, the future LINC corridor, Historic District, and Parkside areas, with public outreach, collaborative planning, and initial concept designs for effectuating municipal air pollution mitigation.

ISSUE:

Under the NYSDEC Disadvantaged Community Air Pollution Mitigation Opportunity, municipal endorsement is required for non-municipal projects located on municipal property. This endorsement must accompany the completed application.

RECOMMENDATION:

Staff recommends that the City Council adopt a resolution approving/endorsing EJLPC's application to NYSDEC for the Disadvantaged Community Air Pollution Mitigation Opportunity.

LEGISLATION

RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT APPLICATION BY THE ENERGY JUSTICE LAW & POLICY CENTER (EJLPC) TO NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (NYSDEC) RELATIVE TO THE DISADVANTAGED COMMUNITY AIR POLLUTION MITIGATION OPPORTUNITY.

WHEREAS the Energy Justice Law & Policy Center (EJLPC) is applying to the New York State Department of Environmental Conservation for a project grant under the NYSDEC Disadvantaged Community Air Pollution Mitigation Opportunity to be at sites located within the territorial jurisdiction of this Council; and

WHEREAS, as a requirement of this program, said EJLPC must obtain the approval/endorsement of the governing body of the municipality in which the project will be located; 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 application of EJLPC for a grant under the Round 12 Hudson River Estuary Program for a project known as Mitigating Air Pollution for New Rochelle's Disadvantaged Community located within this community, and to make such representation and execute such documentation as may be necessary and required to file and accept the grant , and to make such representation and execute such documentation as may be necessary and required to file and accept the 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: January 21, 2025

SUBJECT: PROPOSED AUTHORIZATION TO APPOINT AUXILIARY YOUTH MEMBERS TO THE CITY'S ECOLOGY AND NATURAL RESOURCES ADVISORY COMMITTEE (ENRAC) – Resolution Authorizing the City Manager to appoint Auxiliary Youth Members to the City's Ecology and Natural Resources Advisory Committee (ENRAC). Sponsored by Council Member Sara R. Kaye.

Background:

In 2019, the City Council established the Ecology and Natural Resources Advisory Committee (ENRAC) to provide guidance on issues related to the ecological health, sustainability, and natural beauty of New Rochelle. The enabling legislation allows for 18 board members serving three-year terms, though currently, only 15 seats are filled.

ENRAC serves as a vital advisory resource for environmental and sustainability initiatives and fulfills the role of the City's designated Climate Smart Communities (CSC) Task Force. Through this designation, ENRAC has supported the City in achieving Bronze CSC certification, which enhances New Rochelle's eligibility for various New York State grant programs.

Staff notes that incorporating youth representation on ENRAC would strengthen its ability to engage equitably with populations most vulnerable to climate change. The New Rochelle City School District (CSDNR) Green Schools Committee's active involvement in environmental and sustainability efforts provides an opportunity to engage local youth more directly in City initiatives.

Recommendation:

City staff recommends that the City Council designate up to three vacant positions on ENRAC as Auxiliary Youth Board Member seats. The proposed criteria for these positions are as follows:

1. Candidates must be residents of New Rochelle under the age 20.
2. Candidates must receive endorsements from the CSDNR Green Schools Committee and the ENRAC board.
3. Auxiliary Youth Board Members will serve one-year terms that can be renewed and be selected through a competitive application process.

This recommendation aims to enhance ENRAC's capacity to address climate resiliency and sustainability while fostering greater youth engagement in environmental policy and decision-making.

LEGISLATION

RESOLUTION AUTHORIZING THE CITY
MANAGER TO APPOINT AUXILIARY YOUTH
MEMBERS TO THE CITY'S ECOLOGY AND
NATURAL RESOURCES ADVISORY COMMITTEE
(ENRAC).

WHEREAS, in 2019, the City Council established the Ecology and Natural Resources Advisory Committee (ENRAC) to provide guidance on issues related to the ecological health, sustainability, and natural beauty of New Rochelle; and

WHEREAS, the enabling legislation allows for 18 board members serving three-year terms, though currently, only 15 seats are filled; and

WHEREAS, ENRAC serves as a vital advisory resource for environmental and sustainability initiatives and fulfills the role of the City's designated Climate Smart Communities (CSC) Task Force; and

WHEREAS, it is recognized that incorporating youth representation on ENRAC would strengthen the committee's ability to engage equitably with populations most vulnerable to climate change; now therefore,

BE IT RESOLVED, that the Council of the City of New Rochelle hereby authorizes the City Manager to appoint three (3) Auxiliary Youth Members to ENRAC, subject to the following criteria:

1. Candidates must be residents of New Rochelle aged 16 to 20.
2. Candidates must receive endorsements from the New Rochelle City School District Green Schools Committee and ENRAC.
3. Auxiliary Youth Board Members will serve one-year terms and be selected through a competitive application process.

City of New Rochelle
City Manager

MEMORANDUM

TO: Honorable Mayor and City Council

THRU: Wilfredo Melendez, City Manager

FROM: Wilfredo Melendez, City Manager

DATE: January 21, 2025

SUBJECT: PROPOSED RESOLUTION APPROVING APPOINTMENTS TO THE NEW ROCHELLE BOARD OF ETHICS - Resolution approving the appointments of Wilbert Ortiz, Yehudah L. Buchweitz, and William Slade to the New Rochelle Board of Ethics by the City Manager.

Background:

The New Rochelle Board of Ethics was established under Section 33-8, Establishment of Board of Ethics, of Chapter 33, Code of Ethics, of the Code of the City of New Rochelle.

The Board of Ethics consists of three members who serve five-year terms of office, one such term expiring each year. Members are appointed by the City Manager subject to approval of the City Council. Only one member of the Board may be an officer or employee of the City of New Rochelle. In the event that a vacancy occurs prior to the expiration of the five-year term, such vacancy shall be filled for the balance of such term in the same manner as members are appointed to full terms.

No more than two members of the Board may be affiliated with the same political party. No member of the Board may hold an officer's position in any political party, except that such person may be a member of a county committee of a political party.

The City Clerk shall be the Clerk of the Board of Ethics.

Recommendation:

Staff recommends that the City Council adopt a resolution approving the following City Manager appointments:

- Wilbert Ortiz - Term Expiring January 31, 2026 (Remainder of Michelle Oliveros Term)
- Yehudah L. Buchweitz - Term Expiring January 31, 2030
- William Slade - Term Expiring January 31, 2029

LEGISLATION

RESOLUTION APPROVING THE APPOINTMENTS OF
WILBERT ORTIZ, YEHUDAH L. BUCHWEITZ, AND
WILLIAM SLADE TO THE BOARD OF ETHICS BY
THE CITY MANAGER.

BE IT RESOLVED that the Council of the City of New Rochelle hereby approves the following City Manager's appointments:

- Wilbert Ortiz - Term Expiring January 31, 2026
- Yehudah L. Buchweitz - Term Expiring January 31, 2030
- William Slade - Term Expiring January 31, 2029

City of New Rochelle
Parks & Recreation

MEMORANDUM

TO: Honorable Mayor and City Council
THRU: Wilfredo Melendez, City Manager
FROM: Vincent Parise, Parks and Recreation Commissioner
DATE: January 21, 2025
SUBJECT: PROPOSED ACCEPTANCE OF GRANT AWARD RE: MORE SWIMMING (NY SWIMS) GRANT - Resolution accepting the Dormitory Authority of the State of New York ("DASNY") for the New York Statewide Investment In More Swimming (NY SWIMS) Initiative Grant program and committing to a \$250,000 city match.

Background:

In late 2024, the City of New Rochelle was notified that it was being awarded its grant request through the Dormitory Authority of the State of New York's ("DASNY") New York Statewide Investment in More Swimming (NY SWIMS) Capital Grant Program in the amount of \$1,000,000 for the New Rochelle Lincoln Park Pool Renovation Project. The total project cost is estimated at \$1,250,000. The grant program requires a City match of \$250,000.

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 NY Swims grant award and authorize the City Manager to execute and submit all necessary documents related to the Lincoln Park Pool Renovation Project.

Funding:

Funding was adopted in the 2025 Capital Budget and included in MUNIS account 7020H.23000.25059.

LEGISLATION

RESOLUTION ACCEPTING A GRANT AWARD FROM THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK (“DASNY”) FOR THE NEW YORK STATEWIDE INVESTMENT IN MORE SWIMMING (NY SWIMS) INITIATIVE GRANT PROGRAM AND COMMITTING TO A \$250,000 CITY MATCH.

WHEREAS, in late 2024, the City was notified that it was being awarded its grant request through the Dormitory Authority of the State of New York’s (“DASNY”) New York Statewide Investment in More Swimming (NY SWIMS) capital grant program in the amount of \$1,000,000 for the New Rochelle Lincoln Park Pool Renovation Project; and

WHEREAS, the total project cost is estimated at \$1,250,000, and requires a City match of \$250,000; and

WHEREAS, funding was adopted in the 2025 Capital Budget and included in account 7020H.23000.25059; now, therefore,

BE IT RESOLVED, that the Council of the City of New Rochelle hereby accepts the \$1,000,000 grant award from DASNY NY SWIMS capital grant program and commits to provide a \$250,000 match; and

BE IT FURTHER RESOLVED, that 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 grant.

City of New Rochelle
City Manager

MEMORANDUM

TO: Honorable Mayor and City Council
THRU: Wilfredo Melendez, City Manager
FROM: Wilfredo Melendez, City Manager
DATE: January 21, 2025
SUBJECT: PROPOSED AMENDMENT TO THE CODE OF THE CITY OF NEW ROCHELLE RE: REGULATING SMOKING - Ordinance adding Chapter 252, Smoking, to the Code of the City of New Rochelle and repealing Chapter 293, Theatres, Section 224-5, Smoking, of Chapter 224, Parks and Section 312-18, Smoking Prohibited, of Chapter 312, Vehicles and Traffic, from the Code of the City of New Rochelle.

Background:

Historically the Code of the City of New Rochelle has not contained a Chapter that specifically addressed and regulated smoking in the City of New Rochelle. Although the Code does address certain smoking regulations, these regulations are spread out throughout the Code and are not easy to identify.

The purpose of this action is to create a new Chapter in the City Code to consolidate all smoking related regulations into one Chapter; thus, making the code much more user friendly and easier to enforce.

Recommendation:

Staff recommends that City Council approve the draft legislation.

LEGISLATION

ORDINANCE ADDING CHAPTER 252, SMOKING, TO THE CODE OF THE CITY OF NEW ROCHELLE AND REPEALING CHAPTER 293, THEATRES, SECTION 224-5, SMOKING, OF CHAPTER 224, PARKS, AND SECTION 312-18, SMOKING PROHIBITED, OF CHAPTER 312, VEHICLES AND TRAFFIC, FROM THE CODE OF THE CITY OF NEW ROCHELLE.

BE IT ORDAINED by the City of New Rochelle:

Section 1. The Code of the City of New Rochelle, Chapter 252, Smoking, is hereby added to the Code of the City of New Rochelle as follows:

Chapter 252 Smoking.

§ 252-1 Definitions.

The words and phrases set forth below have the following meanings when used in this chapter:

Smoking

The burning of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco, or cannabis or cannabinoid hemp as such terms are defined in Section 3 of the New York State Cannabis Law, including the use of an electronic smoking device that delivers vapor which is inhaled by an individual user, and shall include any refill, cartridge and any other component of such a device, or any Electronic Nicotine Delivery System (ENDS).

Smokeless Tobacco

Any tobacco product that consists of cut, ground, powdered, or leaf tobacco and that is intended to be placed in the oral or nasal cavity, including but not limited to chewing tobacco, snuff, or snus. This also includes nicotine pouches.

§ 252-2 Restrictions.

A. The following shall be a violation of this chapter:

- 1) Smoking and/or using smokeless tobacco within any building or structure, including any main entrance to such facilities, owned or leased, and controlled by the City of New Rochelle.

- 2) Smoking and/or using smokeless tobacco within any vehicle owned, leased, or rented by the City of New Rochelle.
- 3) Smoking and/or smokeless tobacco anywhere within the confines of any public parks, beaches, pools, splashpads, playgrounds, trails, recreation centers, marinas, and athletic facilities owned or operated by the City of New Rochelle. The sidewalks immediately adjoining but not traversing public parks, beaches, pools, splashpads, playgrounds, trails, recreation centers, and athletic facilities are excluded from the smoking and vaping prohibition contained herein.
- 4) Smoking and/or using smokeless tobacco anywhere within any parking garage owned or operated by the City of New Rochelle.
- 5) Smoking and/or using smokeless tobacco anywhere with any pedestrian plaza owned or operated by the City of New Rochelle.
- 6) Smoking and/or using smokeless tobacco on or in any bus, shuttle, omnibus or coach within the limits of the City of New Rochelle.
- 7) Smoking by the licensed operator of a taxicab while such taxicab is carrying passengers.
- 8) Smoking and/or use of smokeless tobacco anywhere in theaters; however, nothing in this Chapter shall be interpreted to prohibit smoking by a performer as part of a theatrical production.

B. Smoking indoors in the City of New Rochelle shall be governed by Article 13-E of the New York State Public Health Law, which is also known as the "Clean Indoor Air Act."

§ 252-3 Penalties for Offenses.

Each violation of Section 252-2 shall be a violation punishable by a fine of not less than \$100. The penalty provided in this section shall be in lieu of all other penalties prescribed in this Code.

§ 252-4 Other applicable Laws

This chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws, rules or regulations.

Section 2. The Code of the City of New Rochelle, Chapter 293, Theaters, of the Code of the City of New Rochelle is hereby repealed as follows:

[Article I Smoking Restrictions]

[§ 293-1 Restrictions; exceptions.]

[A. It shall be unlawful to smoke tobacco in any form in any indoor facility which is open to the public as a theater used for exhibiting any motion picture, stage drama, musical recital, dance, lecture or similar performance; provided, however, that smoking by performers as part of a theatrical production shall not be prohibited.

[B. The provisions of this article shall not preclude smoking in rest rooms or in areas commonly referred to as a "lounge" or as a "lobby," if physically separated from the spectator area where seating is provided for spectator viewing, provided that such areas are designated as smoking areas.]

[§ 293-2 Posting of signs.]

[A. It shall be the duty of the owner or operator of any facility open to the public as a theater to post signs prohibiting smoking in all spectator areas where seating is provided for spectator viewing and to post signs designating such lounge, lobby or rest room areas where smoking is permitted pursuant to Section 293-1B above.]

[B. Such signs shall not be less than 24 inches by 12 inches in size, shall be conspicuously displayed and so located as to give adequate notice to theater patrons.]

[§ 293-3 Penalties for offenses.]

[An offense against the provisions of this article shall be punishable by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both.]

Section 3. The Code of the City of New Rochelle, Section 224-5 Smoking, of Chapter 224, Parks, of the Code of the City of New Rochelle is hereby repealed:

[§ 224-5 Smoking.]

[No person shall smoke, chew tobacco or engage in vaping of any kind within the public parks, beaches, pools, playgrounds and athletic facilities.]

Section 4. The Code of the City of New Rochelle, Section 312-18, Smoking Prohibited, of Chapter 312, Vehicles and Traffic, of the Code of the City of New Rochelle is hereby repealed:

[§ 312-18 Smoking prohibited.]

[Smoking or carrying any lighted cigar, cigarette or pipe on or in any bus, omnibus or coach within the limits of the City of New Rochelle is hereby prohibited.]

Matters underlined added.

Matters [bracketed] deleted.

City of New Rochelle
Law

MEMORANDUM

TO: Honorable Mayor and City Council

THRU: Wilfredo Melendez, City Manager

FROM: Dawn Warren, Corporation Counsel

DATE: January 21, 2025

SUBJECT: **NEGATIVE DECLARATION FOR PROPOSED AMENDMENT TO CHAPTER 331 ZONING CODE RE: TOBACCO SMOKE SHOPS & ADULT-USE CANNABIS DISPENSARIES AND ADULT-USE CANNABIS CONSUMPTION LOUNGES** - Resolution issuing a Negative Declaration of Environmental Significance under the regulations promulgated by the New York State Department of Environmental Conservation and directing compliance with same regarding the ordinance amending Section 331-4, Specific terms defined, Section 331-47, DMU Downtown Mixed Use District, Section 331-47, DMUR Downtown Mixed Use Urban Renewal 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 331-61, Additional regulations for nonresidence districts, Section 331-85.1 Fifth Avenue Overlay Zone (FA), Section 331-87 Approving agencies, Section 331-115.6 Smoke Shops, Section 331-115.7 Adult on-site cannabis consumption lounges with extended hours, Section 331-175.11A(2), Table of Uses of Chapter 331, Zoning, of the Code of the City of New Rochelle.

Resolution issuing a Negative Declaration of Environmental Significance under the regulations promulgated by the New York State Department of Environmental Conservation and directing compliance with same regarding the ordinance amending Section 331-4, Specific terms defined, Section 331-47, DMU Downtown Mixed Use District, Section 331-47, DMUR Downtown Mixed Use Urban Renewal 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 331-61, Additional regulations for nonresidence districts, Section 331-85.1 Fifth Avenue Overlay Zone (FA), Section 331-87 Approving agencies, Section 331-115.6 Smoke Shops, Section 331-115.7 Adult on-site cannabis consumption lounges with extended hours, Section 331-175.11A(2),

Table of Uses of Chapter 331, Zoning, of the Code of the City of New Rochelle. (Accompanies proposed Ordinance Amendment Legislation)

LEGISLATION

RESOLUTION ISSUING A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE UNDER THE REGULATIONS PROMULGATED BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION AND DIRECTING COMPLIANCE WITH SAME REGARDING THE ORDINANCE AMENDING SECTION 331-4, SPECIFIC TERMS DEFINED, SECTION 331-47, DMU DOWNTOWN MIXED USE DISTRICT, SECTION 331-47, DMUR DOWNTOWN MIXED USE URBAN RENEWAL 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 331-61, ADDITIONAL REGULATIONS FOR NONRESIDENCE DISTRICTS, SECTION 331-85.1 FIFTH AVENUE OVERLAY ZONE (FA), SECTION 331-87 APPROVING AGENCIES, SECTION 331-115.6 SMOKE SHOPS, SECTION 331-115.7 ADULT ON-SITE CANNABIS CONSUMPTION LOUNGES WITH EXTENDED HOURS, SECTION 331-175.11A(2), TABLE OF USES OF CHAPTER 331, ZONING, OF THE CODE OF THE CITY OF NEW ROCHELLE.

WHEREAS, this City Council declared itself to be the Lead Agency for the purposes of the environmental review of the Proposed Action authorizing a Special Permit for Iona University pursuant to Section 331-91.B, Establishment of New or Expansion of Existing Universities, Colleges and Private School Campuses in Residential Districts of Chapter 331, Zoning, of the Code of the City of New Rochelle. (“Proposed Action”); and

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

WHEREAS, this City Council, as Lead Agency, reviewed the Proposed Action and EAF prepared in conjunction therewith in accordance with the New York State Environmental Quality

Review Act; now, therefore,

BE IT RESOLVED that this Council, as Lead Agency, based on the above-described environmental review and the contents of the EAF, hereby determines that the Proposed Action will not have a significant effect on the environment and hereby issues a Negative Declaration of Environmental Significance. An environmental impact statement shall not be required.

City of New Rochelle

Buildings

MEMORANDUM

TO: Honorable Mayor and City Council

THRU: Wilfredo Melendez, City Manager

FROM: Paul Vacca, Commissioner of Buildings

DATE: January 21, 2025

SUBJECT: PROPOSED AMENDMENT TO CHAPTER 331 ZONING CODE RE: TOBACCO SMOKE SHOPS & ADULT-USE CANNABIS DISPENSARIES AND ADULT-USE CANNABIS CONSUMPTION LOUNGES - Ordinance amending Section 331-4, Specific terms defined, Section 331-47, DMU Downtown Mixed Use District, Section 331-47, DMUR Downtown Mixed Use Urban Renewal 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 331-61, Additional regulations for nonresidence districts, Section 331-85.1 Fifth Avenue Overlay Zone (FA), Section 331-87 Approving agencies, Section 331-115.6 Smoke Shops, Section 331-115.7 Adult on-site cannabis consumption lounges with extended hours, Section 331-175.11A(2), Table of Uses of Chapter 331, Zoning, of the Code of the City of New Rochelle. (Intro. 12/3/24; Public Hearing 1/14/25).

BACKGROUND:

On March 31, 2021, New York State legalized adult-use cannabis (also known as marijuana, or recreational marijuana) by passing the Marijuana Regulation & Taxation Act (MRTA). Under this legislation, the Office of Cannabis Management (OCM), a new state agency, was established. Cities, towns, and villages had the option of opting-out of allowing adult-use cannabis retail dispensaries or on-site consumption licenses from locating within their jurisdictions. Opt-out was required by December 31, 2021. The City of New Rochelle did not opt-out.

Since the Marijuana Regulation & Taxation Act (MRTA) was adopted, there has been a drastic increase in the number of smoke shops opening throughout the City. Many of these smoke shops opened as tobacco smoke shops, but have been found to be illegally selling cannabis products without a license from OCM. During the Summer of 2024, OCM's enforcement arm visited the City of New Rochelle and shuttered a number of smoke shops that were illegally selling

cannabis products. Around the same time, the City Council adopted a six-month moratorium on the opening of any new tobacco smoke shops in the City. The moratorium allowed the City to take a pause and develop legislation on how to treat both tobacco smoke shops and OCM licensed cannabis dispensaries.

It should be noted that the City's first legal cannabis dispensary opened in the last few months.

ISSUE:

As it relates to OCM licensed cannabis dispensaries, except for the opt-out provision described in the section above, all municipalities including counties, are preempted from adopting any law, rule, ordinance, regulation, or prohibition pertaining to the operation or licensure of adult-use cannabis, medical cannabis or cannabinoid hemp licenses. However, towns, cities and villages are permitted to pass local laws and regulations governing the time, place and manner of adult-use retail dispensaries and on-site consumption licenses, provided such laws and regulations do not make the operation of the license unreasonably impracticable. Under OCM regulations, licensed cannabis dispensaries cannot be located within 1,000 feet of another licensed dispensary, on the same road and within 500 feet of the entrance of a building occupied exclusively as a school as such term is defined in the NYS Education Law, and on the same road and within 200 feet of the entrance of a building occupied exclusively as a house of worship.

Over the past several months staff has worked to craft zoning regulations for both tobacco smoke shops and OCM licensed cannabis dispensaries. The attached legislation permits tobacco smoke shops, by special permit, and OCM licensed cannabis dispensaries in most zones that allow retail. Distancing requirements, similar to those prescribed by OCM, are proposed for tobacco smoke shops. Hours of operation for both types of establishments are linked to hours prescribed for liquor stores and bars by the New York State Liquor Authority.

RECOMMENDATION: (Intro. 12/3/24; Public Hearing 1/14/25)

Staff recommends that City Council take the following actions:

1. Direct that a Public Hearing be scheduled for January 14, 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 331-47, DMUR DOWNTOWN MIXED USE URBAN RENEWAL 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 331-61, ADDITIONAL REGULATIONS FOR NONRESIDENCE DISTRICTS, SECTION 331-85.1 FIFTH AVENUE OVERLAY ZONE (FA), SECTION 331-87 APPROVING AGENCIES, SECTION 331-115.6 SMOKE SHOPS, SECTION 331-115.7 ADULT ON-SITE CANNABIS CONSUMPTION LOUNGES WITH EXTENDED HOURS, SECTION 331-175.11A(2), TABLE OF USES OF CHAPTER 331, ZONING, OF THE CODE OF THE CITY OF NEW ROCHELLE.

WHEREAS, on March 31, 2021, New York State legalized adult-use cannabis (also known as marijuana or recreational marijuana) by passing the Marijuana Regulation & Taxation Act (MRTA); and

WHEREAS, under the MRTA, the Office of Cannabis Management (OCM) was established and charged with overseeing adult-use cannabis and related industries in New York, as well as establishing regulations governing how and when a person or business may apply for and receive a license; and

WHEREAS, since the adoption of the MRTA, there has been a drastic increase in the number of tobacco smoke shops opening throughout the City, many of which have been found to be illegally selling cannabis products without a license from OCM; and

WHEREAS, on July 17, 2024, the City Council adopted a six-month moratorium on the opening of any new tobacco smoke shops in the City to allow staff to develop legislation on the treatment of both tobacco smoke shops and OCM-licensed cannabis dispensaries; and

WHEREAS, over the past several months, staff has worked diligently to craft zoning amendments that would permit tobacco smoke shops, by special permit, and OCM licensed cannabis dispensaries to operate in most zones that allow retail; and

WHEREAS, these zoning amendments are intended to regulate the operation of tobacco smoke shops and OCM-licensed cannabis dispensaries in a manner that ensures compliance with state laws, protects the public health, and supports the responsible growth of the cannabis industry within the City of New Rochelle; now therefore,

BE IT ORDAINED, by the City of the City of New Rochelle:

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

§ 331-4. Specific Terms Defined.

ADULT ON-SITE CANNABIS CONSUMPTION LOUNGE Premises licensed under the New York State Cannabis Law for the on-site consumption of cannabis.

ADULT-USE CANNABIS RETAIL DISPENSARY Premises licensed under the New York State Cannabis Law for the retail sale of cannabis-to-cannabis consumers

CANNABIS ESTABLISHMENT Premises used for the cultivation, processing, distribution, delivery, retail sale, or on-site consumption of cannabis in a manner that requires a license under the NYS Cannabis Law.

LIQUOR STORE HOURS The hours during which premises licensed by the State Liquor Authority to sell liquor and/or wine for off-premises consumption in Westchester County are allowed to be open pursuant to NYS Alcoholic Beverage Control Law § 105.

RESTAURANTS, BARS AND TAVERNS HOURS The hours during which premises licensed by the State Liquor Authority to sell alcoholic beverages at retail for on-premises consumption in Westchester County are allowed to operate in accordance with NYS Alcoholic Beverage Control Law § 106.

SMOKE SHOP A retailer whose main purpose is the sale of smoking and/or tobacco products, including, but not limited to cigars, pipe tobacco, and smoking accessories for off-premises consumption at a retail establishment that either devotes more than fifteen (15%) percent of its total floor area to smoking, drug, and/or tobacco paraphernalia. This includes electronic cigarettes and electronic vape devices.

§ 331-47 DMU Downtown Mixed Use District.

A. Permitted Principal Uses.

(15) Adult-use cannabis retail dispensary located entirely within the ground floor of an enclosed building, subject to Liquor Store Hours, and as licensed by the New York State Office of Cannabis Management.

(16) Adult on-site cannabis consumption lounges located entirely within the ground floor of an enclosed building, operating during Restaurant, Bar and Tavern Hours, but not later than 11:00 p.m., and as licensed by the New York State Office of Cannabis Management.

C. Uses allowed by special permit.

(21) Smoke shops as regulated in §331-115.6.

(22) Adult on-site cannabis consumption lounge, extended hours as regulated in §331-115.7.

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

A. Permitted principal uses.

(14) Adult-use cannabis retail dispensary located entirely within the ground floor of an enclosed building, subject to Liquor Store Hours, and as licensed by the New York State Office of Cannabis Management.

(15) Adult on-site cannabis consumption lounges located entirely within the ground floor of an enclosed building, operating during Restaurant, Bar and Tavern Hours, but not later than 11:00 p.m., and as licensed by the New York State Office of Cannabis Mana

C. Uses allowed by special permit.

(16) Smoke shops as regulated in §331-115.6.

(17) Adult on-site cannabis consumption lounge, extended hours as regulated in §331-115.7.

§ 331-54 MUFE Mixed Use Family Entertainment District.

A. Permitted principal uses.

(15) Adult-use cannabis retail dispensary located entirely within the ground floor of an enclosed building, subject to Liquor Store Hours, and as licensed by the New York State Office of Cannabis Management.

(16) Adult on-site cannabis consumption lounges located entirely within the ground floor of an enclosed building, operating during Restaurant, Bar and Tavern Hours, but not later than 11:00 p.m., and as licensed by the New York State Office of Cannabis Mana

C. Uses allowed by special permit.

(14) Smoke shops as regulated in §331-115.6.

(15) Adult on-site cannabis consumption lounge, extended hours as regulated in §331-115.7.

§ 331-54.1 North Avenue Zone.

A. Permitted principal uses.

(14) Adult-use cannabis retail dispensary located entirely within the ground floor of an enclosed building, subject to Liquor Store Hours, and as licensed by the New York State Office of Cannabis Management.

(15) Adult on-site cannabis consumption lounges located entirely within the ground floor of an enclosed building, operating during Restaurant, Bar and Tavern Hours, but not later than 11:00 p.m., and as licensed by the New York State Office of Cannabis Mana

C. Uses allowed by special permit.

(15) Smoke shops as regulated in §331-115.6.

(16) Adult on-site cannabis consumption lounge, extended hours as regulated in §331-115.7.

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

A. Permitted principal uses.

(15) Adult-use cannabis retail dispensary located entirely within the ground floor of an enclosed building, subject to Liquor Store Hours, and as licensed by the New York State Office of Cannabis Management.

(16) Adult on-site cannabis consumption lounges located entirely within the ground floor of an enclosed building, operating during Restaurant, Bar and Tavern Hours, but not later than 11:00 p.m., and as licensed by the New York State Office of Cannabis Mana

C. Uses allowed by special permit.

(4) Smoke shops as regulated in §331-115.6.

(5) Adult on-site cannabis consumption lounge, extended hours as regulated in §331-115.7.

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

A. Permitted principal uses.

(17) Adult-use cannabis retail dispensary located entirely within the ground floor of an enclosed building, subject to Liquor Store Hours, and as licensed by the New York State Office of Cannabis Management.

(18) Adult on-site cannabis consumption lounges located entirely within the ground floor of an enclosed building, operating during Restaurant, Bar and Tavern Hours, but not later than 11:00 p.m., and as licensed by the New York State Office of Cannabis Mana

C. Uses allowed by special permit.

(12) Smoke shops as regulated in §331-115.6.

(13) Adult on-site cannabis consumption lounge, extended hours as regulated in §331-115.7.

§ 331-56 NB Neighborhood Business District.

A. Permitted principal uses.

(15) Adult-use cannabis retail dispensary located entirely within the ground floor of an enclosed building, subject to Liquor Store Hours, and as licensed by the New York State Office of Cannabis Management.

(16) Adult on-site cannabis consumption lounges located entirely within the ground floor of an enclosed building, operating during Restaurant, Bar and Tavern Hours, but not later than 11:00 p.m., and as licensed by the New York State Office of Cannabis Mana

C. Uses allowed by special permit.

(15) Smoke shops as regulated in §331-115.6.

(16) Adult on-site cannabis consumption lounge, extended hours as regulated in §331-115.7.

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

A. Permitted principal uses.

(15) Adult-use cannabis retail dispensary located entirely within the ground floor of an enclosed building, subject to Liquor Store Hours, and as licensed by the New York State Office of Cannabis Management.

(16) Adult on-site cannabis consumption lounges located entirely within the ground floor of an enclosed building, operating during Restaurant, Bar and Tavern Hours, but not later than 11:00 p.m., and as licensed by the New York State Office of Cannabis Mana

C. Uses allowed by special permit.

(14) Smoke shops as regulated in §331-115.6.

(15) Adult on-site cannabis consumption lounge, extended hours as regulated in §331-115.7.

§ 331-57 DB Downtown Business District.

A. Permitted principal uses.

(20) Adult-use cannabis retail dispensary located entirely within the ground floor of an enclosed building, subject to Liquor Store Hours, and as licensed by the New York State Office of Cannabis Management.

(21) Adult on-site cannabis consumption lounges located entirely within the ground floor of an enclosed building, operating during Restaurant, Bar and Tavern Hours, but not later than 11:00 p.m., and as licensed by the New York State Office of Cannabis Mana

C. Uses allowed by special permit.

(18) Smoke shops as regulated in §331-115.6.

(19) Adult on-site cannabis consumption lounge, extended hours as regulated in §331-115.7.

§ 331-58 LSR Large Scale Retail District.

A. Permitted principal uses.

(11) Adult-use cannabis retail dispensary located entirely within the ground floor of an enclosed building, subject to Liquor Store Hours, and as licensed by the New York State Office of Cannabis Management.

(12) Adult on-site cannabis consumption lounges located entirely within the ground floor of an enclosed building, operating during Restaurant, Bar and Tavern Hours, but not later than 11:00 p.m., and as licensed by the New York State Office of Cannabis Mana

C. Uses allowed by special permit.

(9) Smoke shops as regulated in §331-115.6.

(10) Adult on-site cannabis consumption lounge, extended hours as regulated in §331-115.7.

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

A. Permitted principal uses.

(16) Adult-use cannabis retail dispensary located entirely within the ground floor of an enclosed building, subject to Liquor Store Hours, and as licensed by the New York State Office of Cannabis Management.

(17) Adult on-site cannabis consumption lounges located entirely within the ground floor of an enclosed building, operating during Restaurant, Bar and Tavern Hours, but not later than 11:00 p.m., and as licensed by the New York State Office of Cannabis Mana

C. Uses allowed by special permit.

(8) Smoke shops as regulated in §331-115.6.

(9) Adult on-site cannabis consumption lounge, extended hours as regulated in §331-115.7.

331-61. Additional regulations for nonresidence districts.

[J. Retail tobacco, vape and similar nicotine products. Retail stores and shops primarily selling tobacco, vape and similar nicotine products shall not be located within 500 feet of the perimeter of any child day-care center, children's institution, playground, school premises or youth center.]

§ 331-85.1 Fifth Avenue Overlay Zone (FA).

C. Permitted uses on Fifth Avenue. In addition to those uses permitted by right in the underlying LI Light Industrial District, the following uses shall be permitted by right in the Fifth Avenue Overlay Zone, excluding self-storage facilities, provided they front on Fifth Avenue or are located within 200 feet of the intersections of Fifth Avenue with Portman Road or Valley Place, respectively:

(11) Adult-use cannabis retail dispensary located entirely within the ground floor of an enclosed building, subject to Liquor Store Hours, and as licensed by the New York State Office of Cannabis Management.

(12) Adult on-site cannabis consumption lounges located entirely within the ground floor of an enclosed building, operating during Restaurant, Bar and Tavern Hours, but not later than 11:00 p.m., and as licensed by the New York State Office of Cannabis Mana

D. Special permit uses. All the uses allowed as special permit uses in the underlying LI Light Industrial District shall be allowed as special permit uses in the Fifth Avenue Overlay Zone, with the addition of self-storage facilities, smoke shops as regulated in §331-115.6, and adult on-site cannabis consumption lounges with extended hours as regulated in §331-115.7.

§331-87 Approving agencies.

B. Planning Board

(kk) Smoke shops as regulated by §331-115.6.

(lll) On-site cannabis consumption lounges with extended hours as regulated by §331-115.7.

§331-115.6 Smoke Shops

A retailer that sells tobacco products must secure a retail dealer and vending machine registration under New York Tax Law, Section 480-a.13. To sell vapor products, a retailer must secure a vapor products dealer certificate of registration under New York Tax Law Section 1183.14. To sell tobacco products and vapor products, a retailer must secure both registrations, which are issued by the New York State Department of Taxation and Finance.

The Planning Board may approve a smoke shop where such use is permitted by special permit, subject to the following requirements:

- A. Smoke shops shall not be within 1,000 feet from another smoke shop, adult on-site cannabis consumption lounge, and/or adult-use cannabis retail dispensary.
- B. Smoke shops shall not be within 500 feet from a school, child care center, children's institution, playground and/or youth center.
- C. Smoke shops shall not be within 200 feet from a house of worship.
- D. Hours of operation shall comply with the State Liquor Authority standards for liquor stores.
- E. Located on ground floor of an enclosed building.
- F. Signage must comply with the standards set forth in §270 of the Code of the City of New Rochelle.

All distancing measurements shall be from primary entrance to primary entrance as per New York State Office of Cannabis Management.

§331-115.7 Adult on-site cannabis consumption lounges with extended hours

The Planning Board may approve adult on-site cannabis consumption lounges with extended hours where such use is permitted by special permit, subject to the following requirements:

- A. Allowable hours of operation are as permitted for restaurants, bars and taverns by the State Liquor Authority in Westchester County, and as permitted by the New York State Office of Cannabis Management.
- B. If it finds that such action is warranted by reason of the particular character of surrounding tenant spaces and properties.

§ 331-175.11A(2) Table of Uses

(Amend Retail section to include Adult-use cannabis retail dispensary as a permitted use and Smoke shops as a special permit use in DO-1 through DO-8)

Matters underlined added.

ATTACHMENTS:

- 1. Draft Code Amendment - Smoke Shop Zoning
- 2. Short Environmental Assessment Form Smoke Shops
- 3. WESTCHESTER COUNTY RESPONSE - SMOKE SHOPS AND CANNABIS DISPENSARIES PH 1 14 25

§ 331-4. Specific terms defined.

ADULT ON-SITE CANNABIS CONSUMPTION LOUNGE Premises licensed under the New York State Cannabis Law for the on-site consumption of cannabis.

ADULT-USE CANNABIS RETAIL DISPENSARY Premises licensed under the New York State Cannabis Law for the retail sale of cannabis-to-cannabis consumers

CANNABIS ESTABLISHMENT Premises used for the cultivation, processing, distribution, delivery, retail sale, or on-site consumption of cannabis in a manner that requires a license under the NYS Cannabis Law.

LIQUOR STORE HOURS The hours during which premises licensed by the State Liquor Authority to sell liquor and/or wine for off-premises consumption in Westchester County are allowed to be open pursuant to NYS Alcoholic Beverage Control Law § 105.

RESTAURANTS, BARS AND TAVERNS HOURS The hours during which premises licensed by the State Liquor Authority to sell alcoholic beverages at retail for on-premises consumption in Westchester County are allowed to operate in accordance with NYS Alcoholic Beverage Control Law § 106.

SMOKE SHOP A retailer whose main purpose is the sale of smoking and/or tobacco products, including, but not limited to cigars, pipe tobacco, and smoking accessories for off-premises consumption at a retail establishment that either devotes more than fifteen (15%) percent of its total floor area to smoking, drug, and/or tobacco paraphernalia. This includes electronic cigarettes and electronic vape devices.

§ 331-47 DMU Downtown Mixed Use District.

A. Permitted principal uses.

(15) Adult-use cannabis retail dispensary located entirely within the ground floor of an enclosed building, subject to Liquor Store Hours, and as licensed by the New York State Office of Cannabis Management.

(16) Adult on-site cannabis consumption lounges located entirely within the ground floor of an enclosed building, operating during Restaurant, Bar and Tavern Hours, but not later than 11:00 p.m., and as licensed by the New York State Office of Cannabis Management.

C. Uses allowed by special permit.

(21) Smoke shops as regulated in §331-115.6.

(22) Adult on-site cannabis consumption lounge, extended hours as regulated in §331-115.7.

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

A. Permitted principal uses.

(14) Adult-use cannabis retail dispensary located entirely within the ground floor of an enclosed building, subject to Liquor Store Hours, and as licensed by the New York State Office of Cannabis Management.

(15) Adult on-site cannabis consumption lounges located entirely within the ground floor of an enclosed building, operating during Restaurant, Bar and Tavern Hours, but not later than 11:00 p.m., and as licensed by the New York State Office of Cannabis Mana

C. Uses allowed by special permit.

(16) Smoke shops as regulated in §331-115.6.

(17) Adult on-site cannabis consumption lounge, extended hours as regulated in §331-115.7.

§ 331-54 MUFE Mixed Use Family Entertainment District.

A. Permitted principal uses.

(15) Adult-use cannabis retail dispensary located entirely within the ground floor of an enclosed building, subject to Liquor Store Hours, and as licensed by the New York State Office of Cannabis Management.

(16) Adult on-site cannabis consumption lounges located entirely within the ground floor of an enclosed building, operating during Restaurant, Bar and Tavern Hours, but not later than 11:00 p.m., and as licensed by the New York State Office of Cannabis Mana

C. Uses allowed by special permit.

(14) Smoke shops as regulated in §331-115.6.

(15) Adult on-site cannabis consumption lounge, extended hours as regulated in §331-115.7.

§ 331-54.1 North Avenue Zone.

A. Permitted principal uses.

(14) Adult-use cannabis retail dispensary located entirely within the ground floor of an enclosed building, subject to Liquor Store Hours, and as licensed by the New York State Office of Cannabis Management.

(15) Adult on-site cannabis consumption lounges located entirely within the ground floor of an enclosed building, operating during Restaurant, Bar and Tavern Hours, but not later than 11:00 p.m., and as licensed by the New York State Office of Cannabis Mana

C. Uses allowed by special permit.

(15) Smoke shops as regulated in §331-115.6.

(16) Adult on-site cannabis consumption lounge, extended hours as regulated in §331-115.7.

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

A. Permitted principal uses.

(15) Adult-use cannabis retail dispensary located entirely within the ground floor of an enclosed building, subject to Liquor Store Hours, and as licensed by the New York State Office of Cannabis Management.

(16) Adult on-site cannabis consumption lounges located entirely within the ground floor of an enclosed building, operating during Restaurant, Bar and Tavern Hours, but not later than 11:00 p.m., and as licensed by the New York State Office of Cannabis Mana

C. Uses allowed by special permit.

(4) Smoke shops as regulated in §331-115.6.

(5) Adult on-site cannabis consumption lounge, extended hours as regulated in §331-115.7.

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

A. Permitted principal uses.

(17) Adult-use cannabis retail dispensary located entirely within the ground floor of an enclosed building, subject to Liquor Store Hours, and as licensed by the New York State Office of Cannabis Management.

(18) Adult on-site cannabis consumption lounges located entirely within the ground floor of an enclosed building, operating during Restaurant, Bar and Tavern Hours, but not later than 11:00 p.m., and as licensed by the New York State Office of Cannabis Mana

C. Uses allowed by special permit.

(12) Smoke shops as regulated in §331-115.6.

(13) Adult on-site cannabis consumption lounge, extended hours as regulated in §331-115.7.

§ 331-56 NB Neighborhood Business District.

A. Permitted principal uses.

(15) Adult-use cannabis retail dispensary located entirely within the ground floor of an enclosed building, subject to Liquor Store Hours, and as licensed by the New York State Office of Cannabis Management.

(16) Adult on-site cannabis consumption lounges located entirely within the ground floor of an enclosed building, operating during Restaurant, Bar and Tavern Hours, but not later than 11:00 p.m., and as licensed by the New York State Office of Cannabis Mana

C. Uses allowed by special permit.

(15) Smoke shops as regulated in §331-115.6.

(16) Adult on-site cannabis consumption lounge, extended hours as regulated in §331-115.7.

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

A. Permitted principal uses.

(15) Adult-use cannabis retail dispensary located entirely within the ground floor of an enclosed building, subject to Liquor Store Hours, and as licensed by the New York State Office of Cannabis Management.

(16) Adult on-site cannabis consumption lounges located entirely within the ground floor of an enclosed building, operating during Restaurant, Bar and Tavern Hours, but not later than 11:00 p.m., and as licensed by the New York State Office of Cannabis Mana

C. Uses allowed by special permit.

(14) Smoke shops as regulated in §331-115.6.

(15) Adult on-site cannabis consumption lounge, extended hours as regulated in §331-115.7.

§ 331-57 DB Downtown Business District.

A. Permitted principal uses.

(20) Adult-use cannabis retail dispensary located entirely within the ground floor of an enclosed building, subject to Liquor Store Hours, and as licensed by the New York State Office of Cannabis Management.

(21) Adult on-site cannabis consumption lounges located entirely within the ground floor of an enclosed building, operating during Restaurant, Bar and Tavern Hours, but not later than 11:00 p.m., and as licensed by the New York State Office of Cannabis Mana

C. Uses allowed by special permit.

(18) Smoke shops as regulated in §331-115.6.

(19) Adult on-site cannabis consumption lounge, extended hours as regulated in §331-115.7.

§ 331-58 LSR Large Scale Retail District.

A. Permitted principal uses.

(11) Adult-use cannabis retail dispensary located entirely within the ground floor of an enclosed building, subject to Liquor Store Hours, and as licensed by the New York State Office of Cannabis Management.

(12) Adult on-site cannabis consumption lounges located entirely within the ground floor of an enclosed building, operating during Restaurant, Bar and Tavern Hours, but not later than 11:00 p.m., and as licensed by the New York State Office of Cannabis Mana

C. Uses allowed by special permit.

(9) Smoke shops as regulated in §331-115.6.

(10) Adult on-site cannabis consumption lounge, extended hours as regulated in §331-115.7.

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

A. Permitted principal uses.

(16) Adult-use cannabis retail dispensary located entirely within the ground floor of an enclosed building, subject to Liquor Store Hours, and as licensed by the New York State Office of Cannabis Management.

(17) Adult on-site cannabis consumption lounges located entirely within the ground floor of an enclosed building, operating during Restaurant, Bar and Tavern Hours, but not later than 11:00 p.m., and as licensed by the New York State Office of Cannabis Mana

C. Uses allowed by special permit.

(8) Smoke shops as regulated in §331-115.6.

(9) Adult on-site cannabis consumption lounge, extended hours as regulated in §331-115.7.

331-61. Additional regulations for nonresidence districts.

~~J. Retail tobacco, vape and similar nicotine products. Retail stores and shops primarily selling tobacco, vape and similar nicotine products shall not be located within 500 feet of the perimeter of any child day-care center, children's institution, playground, school premises or youth center.~~

§ 331-85.1 Fifth Avenue Overlay Zone (FA).

C. Permitted uses on Fifth Avenue. In addition to those uses permitted by right in the underlying LI Light Industrial District, the following uses shall be permitted by right in the Fifth Avenue Overlay Zone, excluding self-storage facilities, provided they front on Fifth Avenue or are located within 200 feet of the intersections of Fifth Avenue with Portman Road or Valley Place, respectively:

(11) Adult-use cannabis retail dispensary located entirely within the ground floor of an enclosed building, subject to Liquor Store Hours, and as licensed by the New York State Office of Cannabis Management.

(12) Adult on-site cannabis consumption lounges located entirely within the ground floor of an enclosed building, operating during Restaurant, Bar and Tavern Hours, but not later than 11:00 p.m., and as licensed by the New York State Office of Cannabis Management

D. Special permit uses. All the uses allowed as special permit uses in the underlying LI Light Industrial District shall be allowed as special permit uses in the Fifth Avenue Overlay Zone, with the addition of self-storage facilities, smoke shops as regulated in §331-115.6, and adult on-site cannabis consumption lounges with extended hours as regulated in §331-115.7.

§331-87 Approving agencies.

B. Planning Board

(kk) Smoke shops as regulated by §331-115.6.

(lll) On-site cannabis consumption lounges with extended hours as regulated by §331-115.7.

§331-115.6 Smoke Shops

A retailer that sells tobacco products must secure a retail dealer and vending machine registration under New York Tax Law, Section 480-a.13. To sell vapor products, a retailer must secure a vapor products dealer certificate of registration under New York Tax Law Section 1183.14. To sell tobacco products and vapor products, a retailer must secure both registrations, which are issued by the New York State Department of Taxation and Finance.

The Planning Board may approve a smoke shop where such use is permitted by special permit, subject to the following requirements:

- A. Smoke shops shall not be within 1,000 feet from another smoke shop, adult on-site cannabis consumption lounge, and/or adult-use cannabis retail dispensary.
- B. Smoke shops shall not be within 500 feet from a school, child care center, children's institution, playground and/or youth center.
- C. Smoke shops shall not be within 200 feet from a house of worship.
- D. Hours of operation shall comply with the State Liquor Authority standards for liquor stores.
- E. Located on ground floor of an enclosed building.
- F. Signage must comply with the standards set forth in §270 of the Code of the City of New Rochelle.

All distancing measurements shall be from primary entrance to primary entrance as per New York State Office of Cannabis Management.

§331-115.7 Adult on-site cannabis consumption lounges with extended hours

The Planning Board may approve adult on-site cannabis consumption lounges with extended hours where such use is permitted by special permit, subject to the following requirements:

- A. Allowable hours of operation are as permitted for restaurants, bars and taverns by the State Liquor Authority in Westchester County, and as permitted by the New York State Office of Cannabis Management.
- B. If it finds that such action is warranted by reason of the particular character of surrounding tenant spaces and properties.

§ 331-175.11A(2) Table of Uses

(Amend Retail section to include Adult-use cannabis retail dispensary as a permitted use and Smoke shops as a special permit use in DO-1 through DO-8)

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: Smoke shop and cannabis regulation			
Project Location (describe, and attach a location map): City of New Rochelle			
Brief Description of Proposed Action: The City of New Rochelle is proposing amendments to the zoning code to enhance regulations for smoke shops and to add regulations for cannabis sales and onsite consumption. The regulations pertain solely to commercial districts within the city.			
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>11/25/24</u> Signature: <u><i>Kia Ki</i></u> Title: <u>Director of Planning & Sustainability</u>		

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?	☒	☐

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, the proposed code changes will have no adverse impact on the environment. The proposed changes related to the sales of tobacco and cannabis products, as well on-site consumption of cannabis will enhance quality of life in the city.

☐ 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

 Name of Lead Agency
 Wilfredo Melendez

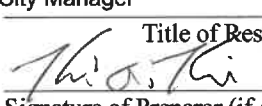
 Print or Type Name of Responsible Officer in Lead Agency


 Signature of Responsible Officer in Lead Agency

11/25/24

 Date
 City Manager

 Title of Responsible Officer


 Signature of Preparer (if different from Responsible Officer)

PRINT FORM