

CITY OF NEW ROCHELLE, NY

MINUTES OF CITY COUNCIL

Type: Committee of the Whole Session
Date: Tuesday, January 14, 2025 at 3:45 P.M.
Place: 1St Floor Council Conference Room

Martha Lopez	District 1 Council Member - Present
David Peters	District 3 Council Member - Present
Shane A. Osinloye	District 4 Council Member - Present
Sara R. Kaye	District 5 Council Member - Present
Matthew A Stern	District 6 Council Member - Present
Yadira Ramos-Herbert	Mayor - Present
Albert A. Tarantino Jr	District 2 Council Member - Absent

The meeting was called to order at 3:45 PM by Mayor Yadira Ramos-Herbert

PRESENTATION(S):

1. 3:45 P.M.-4:00 P.M.: CLIMATE VULNERABILITY ASSESSMENT DRAFT REPORT

Adam Salgado, Commissioner, Department of Development, accompanied by Seth Kaye, Deputy Commissioner of Development for Planning, introduced Gary Sorge FASLA, AICP, ENV SP, Vice President, Community Development, Stantec, Inc., who reviewed the Climate Vulnerability Assessment Draft Report. The review included purpose of vulnerability assessment; how assessment is used to increase resilience; climate vulnerability assessment/report structure; climate hazards; increasing temperatures and assets at highest risk to extreme heat; increasing precipitation; assets at highest risk to increased rainfall and inland flooding, flooding/aligning with ongoing city-wide initiatives; sea level rise, assets at highest risk to sea level rise; other climate hazards; priority recommendations; resilience hubs; use of report; and the City's opportunity and next steps. (See attached). The presentation was followed by discussion, questions and responses regarding the report.

Commissioner Salgado stated that the Department of Development will continue its study of climate vulnerability, the required response to climate-related emergencies, to work with consultants to establish an appropriate plan and procedures, evaluate related policies and to continue efforts as they relate to the award of grants already received through the New York State Department of Environmental Conservation. Reports will be provided in the future.

Additional discussion ensued.

Council Member Sara R. Kaye expressed appreciation for the comprehensive report and spoke of efforts to continue endeavors as they relate to improving the environment.

Council Member Matthew A. Stern spoke of the City's needs as they relate to emergencies. He cited the devastating fires in the City of Los Angeles, California: Emergency preparedness and contingency plans are essential.

Council Member Shane Osinloye spoke of the need for communication with the less fortunate members of the community regarding various programs, to provide information relative to the use of air conditioning and heating systems, street conditions, climate and readiness, provide discussions on equity and ways that people can create a greater livelihood. He recommended the use of maps where appropriate.

Council Member David Peters said that communication is essentials. He referred to locations, specifically cooling centers, which included the Hugh A. Doyle Senior Citizen Center, the New Rochelle Public Library, Hope Community Services, and the Boys' and Girls' Club. He commented that such centers are not located in areas housing the City's vulnerable population - and that his community is vulnerable. He added that equity is an issue and strongly urged that specific needs in his district be acknowledged and addressed.

Council Member Lopez acknowledged that a strategy for the creation of locations is needed.

Wilfredo Melendez, City Manager, acknowledged that an interim plan is required and is planned.

Mayor Ramos-Herbert requested that definitions of specific goals be defined and that the full report regarding storm system requirements and guidelines be provided.

2. **4:00 P.M.-4:15 P.M.: BARBARA DAVIS, CITY HISTORIAN**

Barbara Davis, City Historian, detailed her endeavors and accomplishments, reviewed projects, historic sites and designations, and her role in similar capacities Countywide. (See attached).

The Members of City Council expressed appreciation for the presentation.

AGENDA REVIEW

COMMENDATION(S):

PUBLIC HEARING HELD ON TUESDAY, DECEMBER 3, 2024:

3. **2025-1 - NEGATIVE DECLARATION FOR PROPOSED SPECIAL PERMIT RE: IONA UNIVERSITY** - 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 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. (Accompanies proposed authorization for Special Permit).

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Sara R. Kaye, District 5 Council Member
SECONDER:	Matthew A Stern, District 6 Council Member
AYES:	Lopez, Peters, Osinloye, Kaye, Stern, Ramos-Herbert

4. **2025-2 - PROPOSED RESOLUTION AUTHORIZING A SPECIAL PERMIT RE: IONA UNIVERSITY** - Resolution granting a special permit to 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. (Rev.) (Intro. 10/15/24; Public Hearing 11/12/24). (On 11/14/24, adjourned to 12/3/24; held 12/10/24).

Council Member Sara R. Kaye indicated her intention to protect the neighborhood and to deny any future changes that would affect the character of the neighborhood. She added that the conditions in the special permit protect the neighborhood.

Dawn Warren, Corporation Counsel, stated that although there are certain exceptions, in accordance with Section 331-91 of the Code, the Special Permit for expansion and merger may not, under certain conditions, be denied. Although future requests may be denied, any proposed changes or deviation from Iona's plan would require application for approval; and the City Council can deny future requests. Unlike the Special Permit request, any expansion or changes in use where there is a deviation from the initial plan may be denied by the City Council. All requests must meet the requirements of the Code.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Sara R. Kaye, District 5 Council Member
SECONDER:	Shane A. Osinloye, District 4 Council Member
AYES:	Lopez, Peters, Osinloye, Kaye, Stern, Ramos-Herbert

PUBLIC HEARING(S) THIS EVENING:

5. 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).

Public Hearing this evening.

Wilfredo Melendez, City Manager, reviewed the proposed legislation which will set parameters for the establishment of tobacco smoke shops and cannabis dispensaries.

RESULT:	HELD [UNANIMOUS]
	Next: 1/21/2025 6:15 PM
AYES:	Lopez, Peters, Osinloye, Kaye, Stern, Ramos-Herbert

DEPARTMENT OF BUILDINGS:

LAW DEPARTMENT:

6. 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.)

Dawn Warren, Corporation Counsel, explained that the proposed legislation is required to permit a written offer for the acquisition of the property. She reviewed the process.

Council Member Martha Lopez expressed the hope that the offer for the property will be accepted.

RESULT: MOVED TO CONSENT AGENDA [UNANIMOUS]

Next: 1/21/2025 6:15 PM

MOVER: Martha Lopez, District 1 Council Member

SECONDER: Shane A. Osinloye, District 4 Council Member

AYES: Lopez, Peters, Osinloye, Kaye, Stern, Ramos-Herbert

DEPARTMENT OF FINANCE:

7. **PROPOSED CHANGE IN SCHOOL TAX COLLECTION DATES - Resolution confirming the change in School Tax Collection dates.**

Marilyn Martinec, Deputy Commissioner, Department of Finance, reviewed the proposed plan for the New Rochelle School tax collection dates to be moved from October and April to September and March, beginning with the fiscal year 2025-2026, in order to meet City School District expenses in a timely fashion. Corey W. Reynolds, Ed.D., Superintendent of Schools, concurred. Edward Ritter, Commissioner, Department of Fiance, acknowledged that organizations and residents will be informed of the change in a timely fashion.

RESULT: MOVED TO CONSENT AGENDA [UNANIMOUS]

Next: 1/21/2025 6:15 PM

MOVER: David Peters, District 3 Council Member

SECONDER: Martha Lopez, District 1 Council Member

AYES: Lopez, Peters, Osinloye, Kaye, Stern, Ramos-Herbert

DEPARTMENT OF PUBLIC WORKS:

8. **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).**

Alvaro Alfonso-Larrain, P.E., Commissioner, Department of Public Works, explained the need to establish the handicapped parking space on Cliff Street, which is in close proximity to the Main Street home address located on a heavily traveled street.

RESULT: MOVED TO CONSENT AGENDA [UNANIMOUS]

Next: 1/21/2025 6:15 PM

MOVER: Martha Lopez, District 1 Council Member

SECONDER: Sara R. Kaye, District 5 Council Member

AYES: Lopez, Peters, Osinloye, Kaye, Stern, Ramos-Herbert

9. **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).**

Council Member David Peters, District No. 3, expressed appreciation regarding the proposed installation of a needed "Stop" sign at Lemke Place which will promote safety at the intersection.

RESULT:	MOVED TO CONSENT AGENDA [UNANIMOUS]
	Next: 1/21/2025 6:15 PM
MOVER:	David Peters, District 3 Council Member
SECONDER:	Sara R. Kaye, District 5 Council Member
AYES:	Lopez, Peters, Osinloye, Kaye, Stern, Ramos-Herbert

DEPARTMENT OF PARKS AND RECREATION:

POLICE DEPARTMENT:

10. **PROPOSED BUDGET AMENDMENT AND POSITION UPGRADE** - Ordinance approving a position upgrade in the Police Department.

Robert Gazzola, Police Commissioner, explained the recommendation for a proposed change in title in a position in the Police Department.

RESULT:	MOVED TO CONSENT AGENDA [UNANIMOUS]
	Next: 1/21/2025 6:15 PM
MOVER:	Martha Lopez, District 1 Council Member
SECONDER:	Shane A. Osinloye, District 4 Council Member
AYES:	Lopez, Peters, Osinloye, Kaye, Stern, Ramos-Herbert

FIRE DEPARTMENT:

DEPARTMENT OF HUMAN RESOURCES:

CITY MANAGER:

11. **2025-3 - PROPOSED LEAD AGENCY STATUS - PROPOSED AMENDMENT TO THE CODE OF THE CITY OF NEW ROCHELLE RE: PEDESTRIAN PLAZAS** - Resolution declaring Lead Agency Status relative to the proposed action adding Chapter 256, Public Pedestrian Plazas, to the Code of the City of New Rochelle.

City Manager Melendez recommended that the proposal, a quality of life issue, be favorably considered. The proposal will enable the designation of pedestrian plazas and provide the required rules.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Shane A. Osinloye, District 4 Council Member
SECONDER:	Martha Lopez, District 1 Council Member
AYES:	Lopez, Peters, Osinloye, Kaye, Stern, Ramos-Herbert

12. **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)

RESULT:	MOVED TO CONSENT AGENDA [UNANIMOUS]
	Next: 1/21/2025 6:15 PM
MOVER:	Shane A. Osinloye, District 4 Council Member
SECONDER:	Matthew A Stern, District 6 Council Member
AYES:	Lopez, Peters, Osinloye, Kaye, Stern, Ramos-Herbert

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.

City Manager Melendez explained that the proposed amendment will create a new section in the Code specifically regarding smoking.

RESULT: MOVED TO CONSENT AGENDA [UNANIMOUS]

Next: 1/21/2025 6:15 PM

MOVER: Shane A. Osinloye, District 4 Council Member

SECONDER: Martha Lopez, District 1 Council Member

AYES: Lopez, Peters, Osinloye, Kaye, Stern, Ramos-Herbert

DEPARTMENT OF DEVELOPMENT:

14. **PROPOSED AUTHORIZATION FOR THE SUBMISSION OF GRANT APPLICATION RE: NEW YORK STATE RESEARCH AND DEVELOPMENT AUTHORITY (NYSERDA) - CLEAN ENERGY COMMUNITY PROGRAM** - Resolution authorizing the City Manager to submit applications and necessary documentation to the New York State Energy Research and Development Authority (NYSERDA) Clean Energy Community Program relative to clean energy projects. (Held 12/3/24)

Previously adopted.

RESULT: WITHDRAWN

15. **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.

Commissioner Salgado explained the need to adopt the proposed legislation.

Council Member Osinloye commended the Administration for the proposal and intended improvement.

RESULT: MOVED TO CONSENT AGENDA [UNANIMOUS]

Next: 1/21/2025 6:15 PM

MOVER: Shane A. Osinloye, District 4 Council Member

SECONDER: Martha Lopez, District 1 Council Member

AYES: Lopez, Peters, Osinloye, Kaye, Stern, Ramos-Herbert

16. **2025-4 - PROPOSED APPROVAL OF GRANT APPLICATION BY THE ENERGY JUSTICE LAW & POLICY CENTER (EJLPC) RE: ENVIRONMENTAL EDUCATION CENTER PROGRAM** - Resolution authorizing the City Manager to submit a grant application by the Energy Justice Law & Policy Center (EJLPC) to the New York State Department of Environmental Conservation (NYSDEC) Office of Environmental Justice relative to the Community Education Center grant program.

Commissioner Salgado explained the intent and the proposed plan relative to the grant, as outlined in the memo.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Sara R. Kaye, District 5 Council Member
SECONDER:	Shane A. Osinloye, District 4 Council Member
AYES:	Lopez, Peters, Osinloye, Kaye, Stern, Ramos-Herbert

17. 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.

The Members of City Council complimented staff and expressed appreciation for the proposed program.

RESULT:	MOVED TO CONSENT AGENDA [UNANIMOUS]
	Next: 1/21/2025 6:15 PM
MOVER:	Sara R. Kaye, District 5 Council Member
SECONDER:	Shane A. Osinloye, District 4 Council Member
AYES:	Lopez, Peters, Osinloye, Kaye, Stern, Ramos-Herbert

18. 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.

Council Member Kaye addressed the proposal and the importance of participation by the City's youth who will also have voting rights.

Council Member Osinloye expressed appreciation to Council Member Kaye for her participation in this endeavor and for the proposed participation by the City's youth.

RESULT:	MOVED TO CONSENT AGENDA [UNANIMOUS]
	Next: 1/21/2025 6:15 PM
MOVER:	Sara R. Kaye, District 5 Council Member
SECONDER:	Matthew A Stern, District 6 Council Member
AYES:	Lopez, Peters, Osinloye, Kaye, Stern, Ramos-Herbert

SUPPLEMENTAL ITEM(S):

UNFINISHED BUSINESS:

NEW BUSINESS: January Regular Legislative Meeting, Tuesday, January 21, 2025, at 6:15 P.M.; February Committee of the Whole Session, Tuesday, February 11, 2025, at 3:45 P.M.; February Regular Legislative Meeting, Tuesday, February 18, 2025, at 6:15 P.M.

DISCUSSION ITEM(S):

EXECUTIVE SESSION:

Motion convene in Executive Session was moved by Council Member Kaye, seconded by Council Member Osinloye, and approved by Council Members Lopez, Peters, Osinloye, Kaye, Stern, and Mayor Ramos-Herbert. Subject(s): Board appointments.

City Council convened in Executive Session.

PUBLIC HEARINGS 7:00 PM (See list above)

PROPOSED AUTHORIZATION RE: SPECIAL PERMIT - IONA UNIVERSITY

Speakers:

Daniel Rodriguez, 11 Garden Street; Molly Franco, 40 E. Sidney Avenue, Mt. Vernon; Evelyn Izazaga, 18 May Street; Angelica Rangel, 21 Cottage Place; Linda M. Fosina, 57 Highview Avenue; Julia Fosina, 1255 North Avenue; Karen Williams, 50 LeCount Place; Vincent Malfetano, 9 Fairview Place; Myriam Decime, 11 Mt. Joy Place; Tiffin Isom, 333 Huguenot Street.

Misspelling/inaccuracies/errors may occur; address included if provided.

Correspondence was received from Linda Fosina.

CITIZENS TO BE HEARD

CITIZENS TO BE HEARD:

Speakers:

James O'Toole, 230 North Avenue; Jazyn Barros, 5 Franklin Avenue; Vincent Malfetano, 9 Fairview Place; John Patouhas, 625 North Avenue; Francis Molera, 245 Main Street, White Plains; Joe Andrews, 361 Main Street; Keith Harris, 717 Main Street; Myriam Decime, 11 Mt. Joy Place; Stephanie Allen, 361 Main Street; Rodney Byrum, 160 Remington Place; Unidentified Speaker.

Misspelling/Inaccuracies/Errors may occur; address included if provided.

ADJOURNMENT

The meeting was adjourned at 7:50 PM

Michelle Oliveros, City Clerk

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 14, 2025
SUBJECT: 3:45 P.M.-4:00 P.M.: CLIMATE VULNERABILITY ASSESSMENT DRAFT
REPORT

DISCUSSION ITEM

PRESENTATION OF CITY OF NEW ROCHELLE CLIMATE VULNERABILITY
ASSESSMENT DRAFT REPORT

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 14, 2025
SUBJECT: 4:00 P.M.-4:15 P.M.: BARBARA DAVIS, CITY HISTORIAN

DISCUSSION ITEM

City of New Rochelle
Law

MEMORANDUM

TO: Honorable Mayor and City Council
THRU: Wilfredo Melendez, City Manager
FROM: Dawn Warren, Corporation Counsel
DATE: January 14, 2025
SUBJECT: **NEGATIVE DECLARATION FOR PROPOSED SPECIAL PERMIT RE: IONA UNIVERSITY** - 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 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. (Accompanies proposed authorization for Special Permit).

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 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. (Accompanies proposed Special Permit 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 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.

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 14, 2025
SUBJECT: PROPOSED RESOLUTION AUTHORIZING A SPECIAL PERMIT RE: IONA UNIVERSITY - Resolution granting a special permit to 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. (Rev.) (Intro. 10/15/24; Public Hearing 11/12/24). (On 11/14/24, adjourned to 12/3/24; held 12/10/24).

Introduction:

The City has received a special permit application by Iona University (the “Applicant”), located at 715 North Avenue, in an R1-15 One Family Residence District and an R2-7.0 Two-Family Residence District. The Applicant is seeking a special permit from the City Council pursuant to Section 331-91 of the Zoning Ordinance to merge the properties located at 33 and 45 Beechmont Drive and 41 and 53 Montgomery Place, which properties are designated on the tax assessment map of the City as Section 3, Block 1015, Lots 14, 20, 65 and 71, respectively (collectively, the “Property”) with the property located at 715 North Avenue which is designated on the tax assessment map of the City as Section 3, Block 1005, Lot 1 (the “Main Campus”). This merger will facilitate the development of the “Upper Green Project” on the north-west side of the Main Campus. In accordance with Section 331-87(A)(1)(a) of the Zoning Ordinance, the City Council is the approving agency for special permits that involve the merger of lots which is considered an expansion of a university campus in residential districts under the Zoning Ordinance.

Review:

The Property, which consists of approximately 4.3 acres, has continuously been used as part of the Main Campus since its acquisition, which predates the current Zoning Ordinance, despite being identified as individual tax lots on the City’s tax assessment map. The Applicant acquired the Property: (i) at 33 Beechmont Drive in 1973 from the Christian Brothers’ Institute; (ii) at 45 Beechmont Drive in 1993; (iii) at 41 Montgomery Place in 1957; and (iv) at 53 Montgomery Place in 1973 from the Christian Brothers’ Institute. The Property is improved with university related buildings, including the Blessed Edmund Rice Chapel. A portion of the Property is currently used as a “facilities yard” where heavy landscaping equipment and brush are stored.

The Property is located within the walls/gates of the Main Campus, but the Applicant is seeking the formal merger of the Property into the Main Campus which is necessary for the proposed improvements to the Property with the “Upper Green Project.” As described by the Applicant and as shown on the plans which were submitted with the application, “the Upper Green Project consists of the creation of open green space designed to serve as an extension of the Blessed Edmund Rice Chapel and offer a serene and contemplative environment for students, faculty, and visitors. The space will feature sloped and flattened terrain, with accessible footpaths which will be lit with low level down-light bollard fixtures. A meditation grotto will be at the center of the design which will encourage members of the Campus community to disconnect from technology and engage with nature. The Upper Green Project also includes relocation of the existing facilities yard and demolition of the cottage at the rear of the property at 33 Beechmont Drive to create more green space.” If the special permit is granted, the “Upper Green Project” will also require site plan approval from the Planning Board.

An initial review of the proposal indicates that the request is in compliance with the application special permit provisions contained in Section 331-91(B) of the Zoning Ordinance as follows:

1. A campus site plan shall be required that includes a facility-wide site plan, and related narrative at a suitable level to detail to describe the specific land uses within the campus that are existing and a schedule for development for those uses that are proposed. The site plan shall include the graphic illustration of major buildings, internal roadways (including circulation pattern), parking areas, open spaces, recreational fields, dormitories, classrooms that includes a tabular calculation of building square footage, number of parking spaces and permanent open space.
2. The institution shall be chartered by the Board of Regents of the State of New York and shall be operated in accordance with the requirements of the New York State Education Department.
3. The minimum site area shall be in no case less than the minimum site area standards as recommended for public schools by the New York State Department of Education.
4. The total building coverage of all principal and accessory buildings shall not exceed 25% of the total campus area.
5. Outdoor playing fields shall be set back from neighboring streets and property lines by at least 50 feet and shall be screened from public view with fencing and/or buffer landscaping, all in accordance with Section 331-119(B) of the Zoning Ordinance.
6. The minimum number of off-street parking and loading spaces shall be provided in accordance with the requirements of Article XIV of the Zoning Ordinance.
7. Exterior lighting shall be so placed and shielded as to reflect the source of light away

from residential property and be limited to illuminating the subject property without spilling over across property boundaries.

8. If the proposed use is an expansion of the educational use, then the applicant must show the need to expand into a residential area rather than into a less restrictive business area. No special permit shall be granted by the City Council unless the applicant can demonstrate that there is no reasonable alternative to location or expansion of the site proposed.

During the course of the project review, the City was made aware of restrictive covenants contained in neighboring deeds of conveyance.

Council may impose conditions it deems necessary to protect the health, safety and public welfare of the neighboring residents and the City. Currently, an inter-departmental review by staff is underway, which may result in suggested conditions.

Recommendation:

Staff recommends that City Council take the following actions:

- 1) At the Regular Legislative Meeting on October 15, 2024, direct that a Public Hearing be scheduled for November 12, 2024 regarding the proposed special permit and refer same to the Planning Board, and the Westchester County Planning Board;
- 2) At the Regular Legislative Meeting on October 15, 2024, declare itself Lead Agency for the purposes of an environmental review pursuant to the State Environmental Quality Review Act (SEQRA). As proposed, this item is an Unlisted action under the provisions of the State Environmental Quality Review Act (SEQRA);
- 3) At a future meeting, adopt a Negative Declaration of environmental significance under SEQRA; and,
- 4) At a future meeting, approve this special permit application pending the outcome of the Public Hearing and responses from staff, the City's Planning Board, and the Westchester County Planning Board.

(Intro. 10/15/2024; Public Hearing 11/12/2024)

-Revised-

LEGISLATION

RESOLUTION GRANTING A SPECIAL PERMIT TO 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.
(Rev.)

WHEREAS, the City has received a special permit application from Iona University (the “Applicant”), located at 715 North Avenue, in an R1-15 One Family Residence District and an R2-7.0 Two-Family Residence District; and

WHEREAS, the Applicant is seeking a special permit from the City Council pursuant to Section 331-91 of the Zoning Ordinance to merge the lots located at 33 and 45 Beechmont Drive and 41 and 53 Montgomery Place (collectively referred to as the “Property”) with the lot that is part of the Main Campus of Iona University; and

WHEREAS, the Property, which consists of approximately 4.3 acres, has continuously been used as part of the Main Campus since its acquisition, which predates the current Zoning Ordinance, despite being identified as individual tax lots on the City’s tax assessment map; and

WHEREAS, the Property is improved with university related buildings, including the Blessed Edmund Rice Chapel and a portion of the Property is currently used as a “facilities yard” where heavy landscaping equipment and brush are stored; and

WHEREAS, the Property is located within the walls/gates of the Main Campus, but the Applicant is seeking the formal merger of the lots comprising the Property with the lot comprising the north-west side of the Main Campus which is necessary for implementation of the proposed “Upper Green Project”; and

WHEREAS, during the course of the project review, the City was made aware restrictive covenants contained in neighboring deeds of conveyance; and

WHEREAS, as contained in the application letter dated October 7, 2024 submitted by the Applicant and shown on the submitted plans, the Upper Green Project consists of the creation of open green space designed to serve as an extension of the Blessed Edmund Rice Chapel and to offer a serene and contemplative environment for students, faculty, and visitors, and also includes the relocation of the existing facilities yard and demolition of the cottage at the rear of the property at 33 Beechmont Drive to create more green space (the “Upper Green Project”) ; and

WHEREAS, the proposed Upper Green Project will also require site plan approval from the Planning Board; and

WHEREAS, the Bureau of Buildings has recommended that the special permit be granted as the application has been reviewed and it has been determined that it meets the salient features of the Zoning Code; now, therefore

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

This City Council hereby grants a Special Permit to Iona University in accordance with §331-91.B of the Zoning Ordinance of the City of New Rochelle subject to the following conditions:

1. The Upper Green Project shall be constructed in substantial accordance with submitted plans, and the resulting open green space shall be maintained exclusively for passive recreational use, as defined and in accordance with Chapter 331 of the Zoning Code.
2. The City has the discretion to approve or deny additional uses in the area of the Upper Project Green, and any additional uses proposed in the area of the Upper Green Project other than those uses shown on the submitted plans will require the prior approval of both the City Council and the Planning Board.

ATTACHMENTS:

1. Iona Special Permit Submission Materials without Plans
2. Environmental Assessment Form - Iona Application revised as of 11/26/24
3. Environmental Assessment Form - Iona Application revised as of 11-26-24 Fully Signed

**DELBELLO DONNELLAN WEINGARTEN
WISE & WIEDERKEHR, LLP**

4.a

Janet J. Giris
Partner
jjg@ddw-law.com

COUNSELLORS AT LAW
THE GATEWAY BUILDING
ONE NORTH LEXINGTON AVENUE
WHITE PLAINS, NEW YORK 10601
(914) 681-0200
FACSIMILE (914) 684-0288

Connecticut Office
1111 SUMMER STREET
STAMFORD, CT 06905
(203) 298-0000

October 8, 2024

By Hand Delivery

Honorable Yadira Ramos-Herbert, Mayor
and Members of the City Council
City Hall
515 North Avenue
New Rochelle, New York 10801

**Re: Application of Iona University for a Special Permit for a Merger of Lots on
the Existing Iona University Campus.**

Dear Mayor Ramos-Herbert and Members of the City Council:

This firm represents Iona University (the “Applicant”) in connection with its university campus located at 715 North Avenue, New Rochelle. On behalf of the Applicant and pursuant to Section 331-91 of the Zoning Ordinance of the City of New Rochelle (the “Zoning Ordinance”), we respectfully submit this application for a special permit to merge the properties located at 33 and 45 Beechmont Drive and 41 and 53 Montgomery Place, which properties are designated on the tax assessment map of the City as Section 3, Block 1015, Lots 14, 20, 65 and 71, respectively (collectively, the “Property”) with the property located at 715 North Avenue which is designated on the tax assessment map of the City as Section 3, Block 1005, Lot 1 (the “Main Campus”) to permit the improvement of the Property with the “Upper Green Project” described in more detail below.

Iona University and the History of the Property

The Applicant opened its doors in 1940 as a center for faith and learning and with a goal to open new paths to economic and social advancement for middle class men. Today, the Applicant is a diverse institution of nearly four thousand students with approximately 50 undergraduate programs and 40 graduate programs on two (2) campuses: a 45-acre main campus in New Rochelle and a second 28-acre campus in Bronxville. The Applicant is included regularly in reports and lists created by Colleges of Distinction, U.S. News & World Report and College Factual as a leader in the world of higher education.

The Property is located in the R1-15 One-Family Residence District and is approximately 4.3 acres in size. It has continuously been used as part of the Main Campus since its acquisition, which predates the current Zoning Ordinance, despite being identified as individual tax lots on the City's tax assessment map. The Applicant acquired the Property: (i) at 33 Beechmont Drive in 1973 from the Christian Brothers' Institute; (ii) at 45 Beechmont Drive in 1993; (iii) at 41 Montgomery Place in 1957; and (iv) at 53 Montgomery Place in 1973 from the Christian Brothers' Institute. The Property is improved with university related buildings, including the Blessed Edmund Rice Chapel. A portion of the Property is currently used as a "facilities yard" where heavy landscaping equipment and brush are stored.

Although the Property has been owned by the Applicant and is located within the walls/gates of the Main Campus, the Commissioner of Buildings has determined that a special permit is required to merge the four (4) above-referenced lots with the Main Campus in accordance with Section 331-91 of the Zoning Ordinance to facilitate the development of the "Upper Green Project". Section 331-91B of the Zoning Ordinance states that a special permit shall be required for "a new or the expansion of an existing university in residential districts. *Expansion shall include the merger of lots adjacent to the existing campus.*" [emphasis added].

The Application for Special Permit

The Applicant is currently seeking a special permit from the City Council pursuant to Section 331-91 of the Zoning Ordinance to merge the Property with the Main Campus. This merger will facilitate the development of the "Upper Green Project" on the north-west side of the Main Campus.

The "Upper Green Project" consists of the creation of open green space designed to serve as an extension of the Blessed Edmund Rice Chapel and offer a serene and contemplative environment for students, faculty, and visitors. The space will feature sloped and flattened terrain, with accessible footpaths which will be lit with low level down-light bollard fixtures. A meditation grotto will be at the center of the design which will encourage members of the Campus community to disconnect from technology and engage with nature. In addition, three (3) pickleball courts will be constructed in the northern area of the Property, which will be screened with existing and new landscaping. The Upper Green Project also includes relocation of the existing facilities yard and demolition of the cottage at the rear of the property at 33 Beechmont Drive to create more green space.

We respectfully submit that the application complies with the general special permit standards contained in Section 331-89 of the Zoning Ordinance and the specific special permit requirements contained in Section 331-91(B) of the Zoning Ordinance as follows:

1. *A campus site plan shall be required that includes a facility-wide site plan, and related narrative at a suitable level to detail to describe the specific land uses within the campus that are existing and a schedule for development for those uses that are proposed. The site plan shall include the graphic illustration of major buildings, internal roadways (including circulation patter), parking areas, open spaces, recreational fields, dormitories, classrooms that includes a tabular calculation of building square footage, number of*

parking spaces and permanent open space. The Applicant is not proposing any changes to the existing Main Campus other than the Upper Green Project. As previously stated, the Applicant has owned the Property for several decades and it is located within the physical boundaries of the Main Campus. The Applicant seeks to merge Property with the Main Campus to facilitate the Upper Green Project. Please refer to the enclosed maps indicating the Property's relation to the Campus.

2. The institution shall be chartered by the Board of Regents of the State of New York and shall be operated in accordance with the requirements of the New York State Education Department. Iona College recently changed its name to Iona University via a petition which was approved by the Board of Regents.
3. The minimum site area shall be in no case less than the minimum site area standards as recommended for public schools by the New York State Department of Education. The New York State Department of Education does not recommend minimum site area standards for colleges or universities. Iona University consists of approximately 45 acres. No change is proposed in connection with this application.
4. The total building coverage of all principal and accessory buildings shall not exceed 25% of the total campus area. The Applicant does not propose construction of any additional buildings as part of this application. In fact, the removal of the existing cottage building on the Property results in a decrease in the overall building coverage.
5. Outdoor playing fields shall be set back from neighboring streets and property lines by at least 50 feet and shall be screened from public view with fencing and/or buffer landscaping, all in accordance with Section 331-119(B) of the Zoning Ordinance. The proposed pickleball courts are set back 50 feet from the property line and will be screened by existing trees and new landscaping.
6. The minimum number of off-street parking and loading spaces shall be provided in accordance with the requirements of Article XIV of the Zoning Ordinance. The Applicant is not proposing any modifications to the existing parking areas on Main Campus, and the Upper Green Project does not result in any increased parking requirement or demand.
7. Exterior lighting shall be so placed and shielded as to reflect the source of light away from residential property and be limited to illuminating the subject property without spilling over across property boundaries. All proposed exterior lighting in the Upper Green Project will be location and shielded to avoid spillage to neighboring properties that are not part of the University.
8. If the proposed use is an expansion of the educational use, then the applicant must show the need to expand into a residential area rather than into a less restrictive business area. No special permit shall be granted by the City Council unless the applicant can demonstrate that there is no reasonable alternative to location or expansion of the site proposed. The proposed use is not an expansion of the educational use. The Property is already utilized by the Applicant for university-related operations, has been for many years.

The Applicant is only seeking to merge the lots to facilitate the development of the Upper Green Project.

Required Submissions

In accordance with the requirements of Section 331-91 of the Zoning Ordinance and the requirements of the City Council we respectfully submit the following:

1. City Council Referral from the Department of Buildings dated September 25, 2024;
2. Westchester County GIS Map of the Iona University Campus;
3. Iona University Campus Map;
4. A short Environmental Assessment Form;
5. A set of drawings consisting of the following sheets:

Drawing Number	Title	Prepared By	Dated or Last Revised
L-T	Title Sheet	Alloy Design Studio, Ltd.	1/30/2024
L-050	Contact Plan	Alloy Design Studio, Ltd.	1/30/2024
L-100	Removals Plan	Alloy Design Studio, Ltd.	1/30/2024
L-200	Materials Plan	Alloy Design Studio, Ltd.	1/30/2024
L-201	Materials Plan Enlargement	Alloy Design Studio, Ltd.	1/30/2024
L-300	Grading Plan	Alloy Design Studio, Ltd.	1/30/2024
L-301	Grading Plan Enlargement	Alloy Design Studio, Ltd.	1/30/2024
L-302	Grading Plan Enlargement	Alloy Design Studio, Ltd.	1/30/2024
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L-411	Lighting Plan	Alloy Design Studio, Ltd.	1/30/2024
L-500	Site Details	Alloy Design Studio, Ltd.	1/30/2024
L-501	Site Details	Alloy Design Studio, Ltd.	1/30/2024
L-502	Site Details	Alloy Design Studio, Ltd.	1/30/2024
L-503	Site Details	Alloy Design Studio, Ltd.	1/30/2024
L-504	Site Details	Alloy Design Studio, Ltd.	1/30/2024
L-505	Site Details	Alloy Design Studio, Ltd.	1/30/2024
A-100	Maintenance Shed Plans	Alloy Design Studio, Ltd.	1/30/2024
A-150	Maintenance Shed Elevations	Alloy Design Studio, Ltd.	1/30/2024
A-250	Maintenance Shed Sections	Alloy Design Studio, Ltd.	1/30/2024
A-500	Building Section and Architecture Details	Alloy Design Studio, Ltd.	1/30/2024
CG101	Overall Grading & Drainage Plan	Langan	5/2/2024
CG102	Quadrangle Grading Plan	Langan	5/2/2024

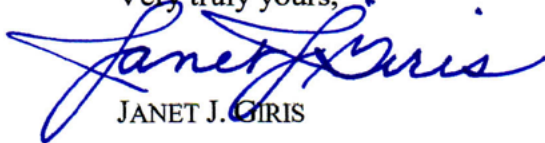
CE101	Erosion & Sediment Control Plan	Langan	5/2/2024
CS501	Details	Langan	5/2/2024
Z-1	Zoning Plan	Alloy Design Studio, Ltd.	1/30/2024

6. A check in the amount of \$500.00, representing the fee for the special permit.

Conclusion

We respectfully request that this matter be placed on the next available agenda of the City Council for purposes of commencing review of the application and scheduling a public hearing. In the interim, please do not hesitate to contact me if you have any questions or need additional information.

Thank you for your consideration.

Very truly yours,

JANET J. CIRIS

Enclosures

cc: Paul Vacca, Commissioner, Department of Buildings
Kevin Kain, Director of Planning & Sustainability
Michael J. Smeriglio, Vice President of Facilities and Campus Operations
Mark P. Weingarten, Esq.

Department of Buildings
515 North Avenue
New Rochelle, NY 10801
Phone: (914) 654 - 2035
Fax: (914) 654 - 2031



4.a
Paul Vacca, CEO
Commissioner of Buildings

NewRochelleNY.com/Building

City of New Rochelle New York

CITY COUNCIL REFERRAL

To: Sandy Curko
715 North Ave
New Rochelle, NY 10801

Application No.	0302-2024
Review Date	09/25/2024
Zoning	R1 - 15, R2 - 7.0
Job Location	715 North Ave
Parcel No.	3-1005-0001
Reviewed By	pvacca@newrochelleny.com

LOCATION: 715 North Ave

DESCRIPTION OF WORK:

Merger of lots to construct Iona Upper Green (passive recreational space), retaining walls, paths and 3 pickleball courts and additional landscaping, Lots to be merged are as follows:

- 1) 33 Beechmont Drive (3-1015-14),
- 2) 45 Beechmont Drive (3-1015-20)
- 3) 41 Montgomery Place (3-1015-65),
- 4) 53 Montgomery Place (3-1015-71)

and shall be merged with the main campus block and lot 715 North, Section 3, Block 1005, Lot 1.

You are hereby notified that your application for Building Permit or Amendment to Building Permit has been reviewed for compliance with the requirements of the Zoning Ordinance, Chapter 331, Code of the City of New Rochelle and you must apply to City Council for a special permit to merge these lots.

Ordinance Code	Approval Type	Description
331-87A.(1)(a)	Special permit	Lot merger for expansion of existing university

You may file an application with the City Council pursuant to Article XII of Chapter 331 of the Zoning Ordinance.

All applications will be taken on a first come first serve basis. Your application for a building permit will be voided unless it is amended or a Planning Board application is received within 90 days from the date of this notice.

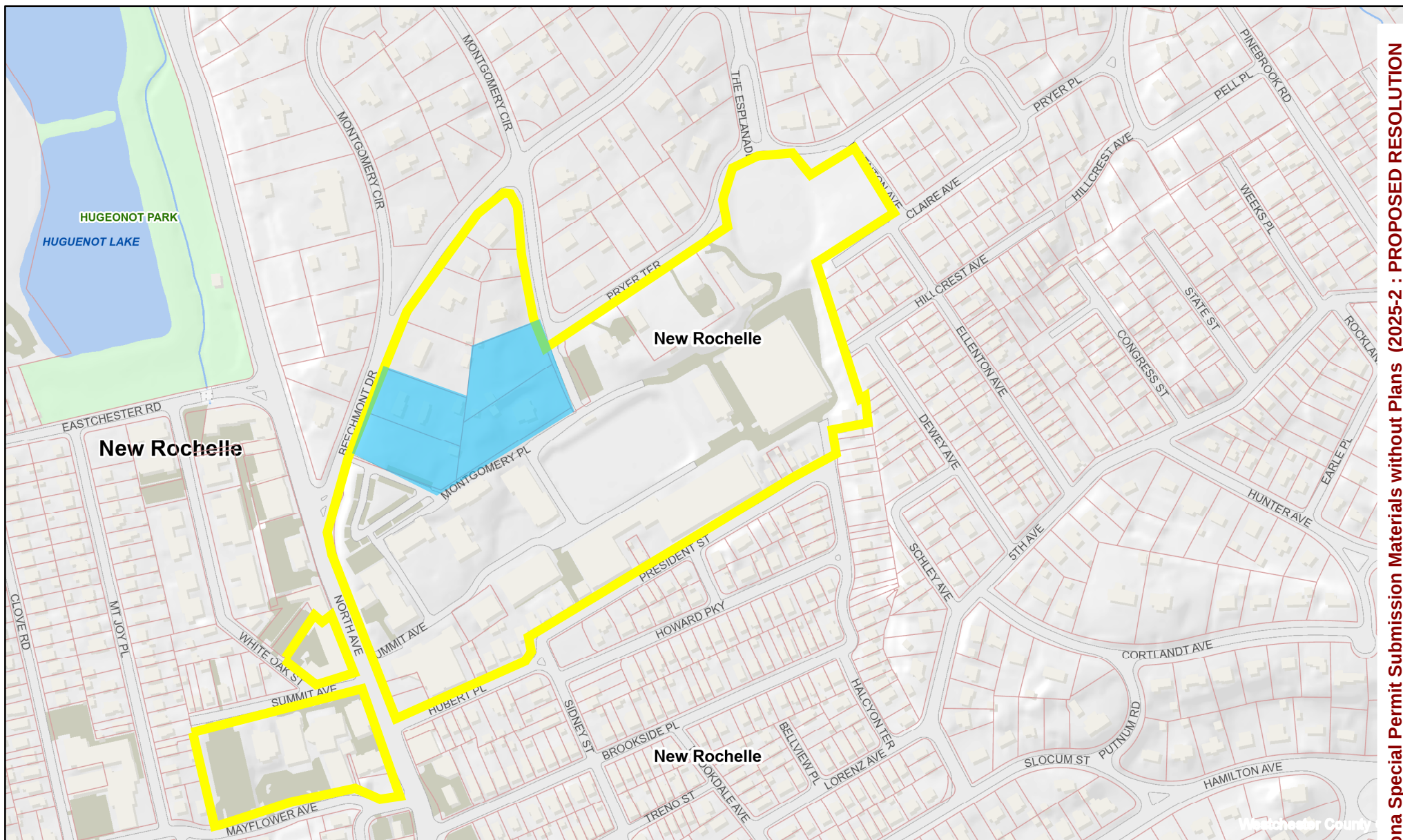
Area of Notification: 250'


pvacca@newrochelleny.com

Attachment: Iona Special Permit Submission Materials without Plans (2025-2 : PROPOSED RESOLUTION AUTHORIZING A SPECIAL PERMIT

Iona University Campus, New Rochelle

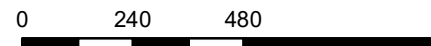
4.a



October 3, 2024

Tax parcel data was provided by local municipality. This map is generated as a public service to Westchester County residents for general information and planning purposes only, and should not be relied upon as a sole informational source. The County of Westchester hereby disclaims any liability from the use of this GIS mapping system by any person or entity. Tax parcel boundaries represent approximate property line location and should NOT be interpreted as or used in lieu of a survey or property boundary description. Property descriptions must be obtained from surveys or deeds. For more information please contact local municipality assessor's office.

1:5,000



Westchester County GIS

GIS Geographic Information System
<http://giswww.westchestergov.com>
Michaelian Office Building
148 Martine Avenue Rm 214
White Plains, New York

Packet Pg. 24

Attachment: Iona Special Permit Submission Materials without Plans (2025-2 : PROPOSED RESOLUTION



IONA
UNIVERSITY

CAMPUS MAP NEW ROCHELLE, NY

www.iona.edu



715 North Avenue, New Rochelle, N.Y. 10801

ACADEMICS/ ADMINISTRATION

Admissions	1
Amend Hall/Rudin Tutoring Center	15
Arrigoni Center	24
Arrigoni Library & Technology Center	27
Arts & Language House	13
Blessed Edmund Rice Chapel (Chapel Park)	36
Iona Campus Store	45
Center for Advising & Academic Services	7
Center for Student Engagement	5, 11
Cornelia Hall	2
Doorley Hall	3
Driscoll Hall	25
Education Houses	9
Egan Hall	23
English House	16
Facilities Management	39
Gael Ventures	32
Graduate Admissions	37
Health Services	33
History House	12
Hynes Institute for Entrepreneurship & Innovation	14
JoAnn Mazzella Murphy '98H Arts Center/Br. Kenneth F. Chapman Art Gallery	19

Joyce Advancement/DeSantis Alumni House	40
LaPenta School of Business	7
Mail Services	21
McSpedon Hall	1
Memorial Park	18
Montgomery House	38
Murphy Auditorium	29
Murphy Center	28
Murphy Green	43
Robert V. LaPenta Student Union	5
Ryan Library	17
Political Science House	35
Speech, Language & Hearing Clinic at Holy Family	26
Spellman Hall	14
St. John Fisher University	8

ATHLETICS

Donald E. Walsh Field (Rice Oval)	42
Hynes Athletics Center	10
Mazzella Field	6
Mulcahy Gym	44

HOUSING

Conese Hall	30
East Hall	4
Hales Hall	20
Loftus Hall	22

North Avenue Residence Hall	31
Rice Hall	41
DINING	
Starbucks	5
Vitanza Dining Commons	14



PARKING

- P1 Summit Avenue Lot
- P2 Murphy Lot
- P3 McSpedon Guest Lot
- P4 Columba Lot
- P5 Garage
- P6 Montgomery Lot



PUBLIC TRANSPORTATION



CAMPUS SAFETY



CHRISTIAN BROTHERS RESIDENCE

Short Environmental Assessment Form

Part 1 - Project Information

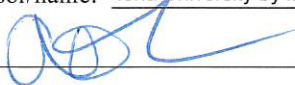
Instructions for Completing

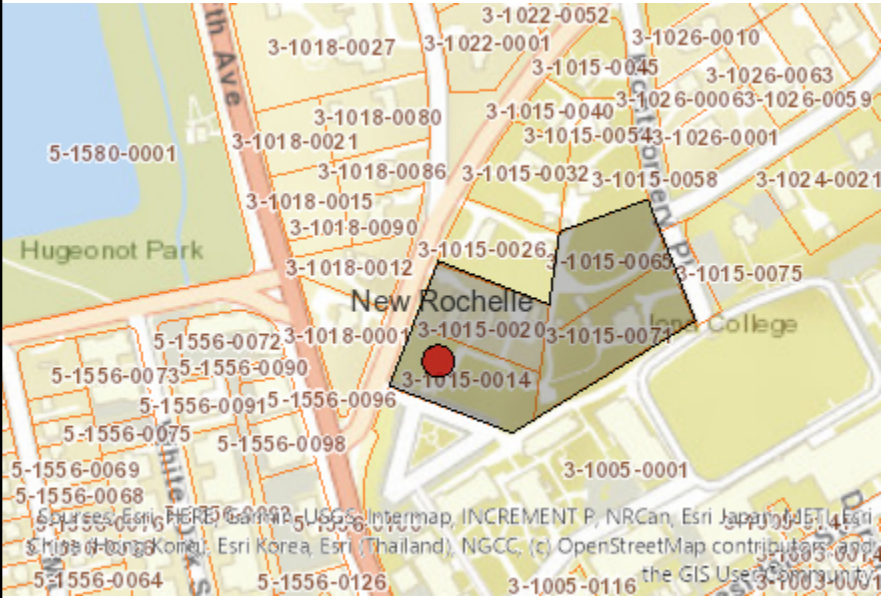
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:			Telephone:	
			E-Mail:	
Address:				
City/PO:		State:		Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO	YES
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.			☐	☐
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO	YES
If Yes, list agency(s) name and permit or approval:			☐	☐
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:				
5.	Urban	Rural (non-agriculture)	Industrial	Commercial
	☐ Forest	Agriculture	Aquatic	Residential (suburban)
	☐ Parkland			
	Other(Specify):			

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	
	☐	☐	
Iona College East Campus Survey - no alterations proposed to Eligible buildings	☐	☐	
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:	☐	☒
Stormwater runoff will connect to existing infrastructure.		
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 ☒
Brownfield Cleanup Program Site Code C360105 is located more than 0.3 miles from the Property.		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Iona University by its attorneys DDWWW</u> Date: <u>October 8, 2024</u> Signature: <u></u> Title: <u>Associate</u>		



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	Yes
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes

Attachment: Iona Special Permit Submission Materials without Plans (2025-2 : PROPOSED RESOLUTION AUTHORIZING A SPECIAL PERMIT

**DELBELLO DONNELLAN WEINGARTEN
WISE & WIEDERKEHR, LLP**

4.b

Janet J. Giris
Partner
jjg@ddw-law.com

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THE GATEWAY BUILDING
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(914) 681-0200
FACSIMILE (914) 684-0288

Connecticut Office
1111 SUMMER STREET
STAMFORD, CT 06905
(203) 298-0000

November 26, 2024

By Hand Delivery

Honorable Yadira Ramos-Herbert, Mayor
and Members of the City Council
City Hall
515 North Avenue
New Rochelle, New York 10801

**Re: Application of Iona University for a Special Permit for a Merger of Lots on
the Existing Iona University Campus.**

Dear Mayor Ramos-Herbert and Members of the City Council:

As you may remember, this firm represents Iona University (the “Applicant”) in connection with its application for a special permit to merge the properties located at 33 and 45 Beechmont Drive and 41 and 53 Montgomery Place, which properties are designated on the tax assessment map of the City as Section 3, Block 1015, Lots 14, 20, 65 and 71, respectively (collectively, the “Property”) with the property located at 715 North Avenue which is designated on the tax assessment map of the City as Section 3, Block 1005, Lot 1 (the “Main Campus”) to permit the improvement of the Property with the “Upper Green Project” described in our application to the City Council dated October 8, 2024. The matter is on the City Council’s agenda on December 3, 2024 for purposes of a public hearing.

Since we last met with the Council at its meeting on October 15, 2024, the Applicant has met on two separate occasions with the Beechmont Association to discuss its plans for the Upper Green Project and our associated application to the City Council. At those meetings, neighbors raised concerns about the proposed pickleball courts and the noise that could potentially be generated by use of those courts. To alleviate the concerns regarding the proposed pickleball courts, the Applicant has decided to eliminate the proposed pickleball courts from the Upper Green Project and has amended its plans accordingly.

Honorable Yadira Ramos-Herbert, Mayor
and Members of the City Council

November 26, 2024

Page 2

On behalf of the Applicant, and in support of our application, we respectfully submit a set of site plan drawings which has been revised to eliminate the previously proposed pickleball courts.¹ The revised set of plans consists of the following sheets²:

Drawing Number	Title	Prepared By	Dated or Last Revised
L-T	Title Sheet	Alloy Design Studio, Ltd.	11/22/2024
L-050	Contact Plan	Alloy Design Studio, Ltd.	11/22/2024
L-100	Removals Plan	Alloy Design Studio, Ltd.	11/22/2024
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A-250	Maintenance Shed Sections	Alloy Design Studio, Ltd.	11/22/2024
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CE101	Erosion & Sediment Control Plan	Langan	11/22/2024
CS501	Details	Langan	11/22/2024
SU-1	Site Plan, Details, Legends & Notes		11/22/2024
Z-1	Zoning Plan	Alloy Design Studio, Ltd.	11/22/2024

We note that the elimination of the pickleball courts has resulted in a significant decrease in impervious surface area and eliminates the requirement for underground storage of stormwater.

¹ As you know, if the City Council grants the requested special permit, the project will also require site plan approval from the Planning Board.

² By copy of this letter, a full-size set of site plan drawings has also been submitted to the Commissioner of the Bureau of Buildings.

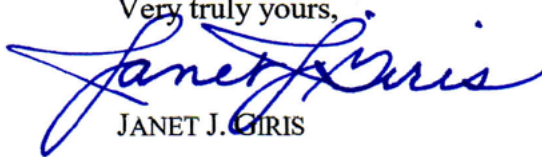
Honorable Yadira Ramos-Herbert, Mayor
and Members of the City Council

November 26, 2024
Page 3

We look forward to meeting with the City Council at the public hearing on December 3, 2024, and we are hopeful that the Council will approve the requested special permit at its meeting on December 10. In the interim, please feel free to contact me if you have any questions or if you would like any additional information.

Thank you for your consideration.

Very truly yours,



JANET J. GIRIS

Enclosures

cc: Dawn Warren, Esq. Corporation Counsel
Paul Vacca, Commissioner, Bureau of Buildings
Kevin Kain, Director of Planning & Sustainability
Michael J. Smeriglio, Vice President of Facilities and Campus Operations
Mark P. Weingarten, Esq.

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: Iona University Lot Merger			
Project Location (describe, and attach a location map): 33 & 45 Beechmont Drive & 41 & 53 Montgomery Place			
Brief Description of Proposed Action: The Applicant is seeking to merge four (4) properties located at 33 and 45 Beechmont Drive and 41 and 53 Montgomery Place historically used as college use into the main campus lot in order to facilitate the development of the "Upper Green" Project at the Iona University Campus in New Rochelle. The Property is currently improved with university related uses, including the Blessed Edmund Rice Chapel, a cottage, and a facilities yard. The Upper Green Project consists of the demolition of an existing cottage and other improvements, the relocation of the facilities yard, and the creation of additional large open green space designed to serve as an extension of the Blessed Edmund Rice Chapel. The Upper Green will offer a serene and contemplative environment for students, faculty and visitors. The space will feature sloped and flat terrain with accessible footpaths, and a meditation grotto at the center of the design. The previously proposed three (3) pickleball courts in the northern area of the property have been eliminated from the proposal. The merger of the four (4) properties with the the main campus lot requires a special permit from the City Council pursuant to Section 331-91 of the Zoning Code and site plan approval from the Planning Board.			
Name of Applicant or Sponsor: Iona University		Telephone: 914-633-2213 E-Mail: msmeriglio@iona.edu	
Address: 715 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: City Council & Planning Board; Department of Buildings; NYSDEC		NO ☐	YES ☒
3. a. Total acreage of the site of the proposed action?		4.3 acres	
b. Total acreage to be physically disturbed?		<4.3 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		±45 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. ☒ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☒ Other(Specify): Institutional (University) ☐ Parkland			

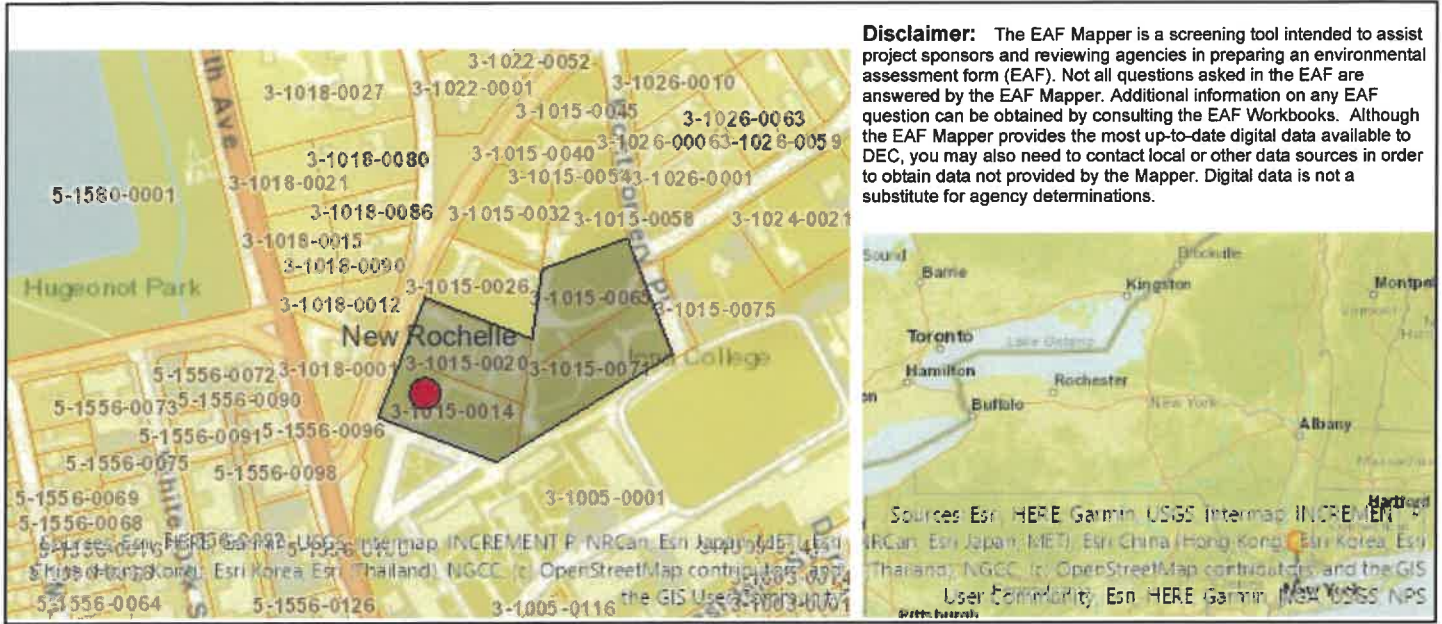
5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☒	☐
b. Consistent with the adopted comprehensive plan?	☐	☒	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☒	
7. Is the site of the proposed 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	
	☐	☒	
Buildings located at 45 Beechmont Drive and 53 Montgomery Place are Eligible; property is in Archaeological Assessment Iona College East Campus Survey - no alterations proposed to Eligible buildings	☐	☒	
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:	☐	☒
Stormwater runoff will connect to existing infrastructure. 		
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 ☒
Brownfield Cleanup Program Site Code C360105 is located more than 0.3 miles from the Property. 		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Iona University by its attorneys DDWWW</u>		Revised: November 26, 2024 Date: October 8, 2024
Signature: 	Title: <u>Associate</u>	

PRINT FORM

EAF Mapper Summary Report

Thursday, October 3, 2024 4:27 PM



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	Yes
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes

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

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 (SEAF), the proposal to merge the properties located at 33 and 45 Beechmont Drive and 41 and 53 Montgomery Place will have no adverse impact on the environment. The proposal by Iona University is to create a passive open space on their campus. Based on the existing conditions, there are protections in place to protect the community from any adverse impact that may arise in the future based on this merger.

☐	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 of New Rochelle City Council	11/27/2024
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

**DELBELLO DONNELLAN WEINGARTEN
WISE & WIEDERKEHR, LLP**

4.c

Janet J. Giris
Partner
jjg@ddw-law.com

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WHITE PLAINS, NEW YORK 10601
(914) 681-0200
FACSIMILE (914) 684-0288

Connecticut Office
1111 SUMMER STREET
STAMFORD, CT 06905
(203) 298-0000

November 26, 2024

By Hand Delivery

Honorable Yadira Ramos-Herbert, Mayor
and Members of the City Council
City Hall
515 North Avenue
New Rochelle, New York 10801

**Re: Application of Iona University for a Special Permit for a Merger of Lots on
the Existing Iona University Campus.**

Dear Mayor Ramos-Herbert and Members of the City Council:

As you may remember, this firm represents Iona University (the “Applicant”) in connection with its application for a special permit to merge the properties located at 33 and 45 Beechmont Drive and 41 and 53 Montgomery Place, which properties are designated on the tax assessment map of the City as Section 3, Block 1015, Lots 14, 20, 65 and 71, respectively (collectively, the “Property”) with the property located at 715 North Avenue which is designated on the tax assessment map of the City as Section 3, Block 1005, Lot 1 (the “Main Campus”) to permit the improvement of the Property with the “Upper Green Project” described in our application to the City Council dated October 8, 2024. The matter is on the City Council’s agenda on December 3, 2024 for purposes of a public hearing.

Since we last met with the Council at its meeting on October 15, 2024, the Applicant has met on two separate occasions with the Beechmont Association to discuss its plans for the Upper Green Project and our associated application to the City Council. At those meetings, neighbors raised concerns about the proposed pickleball courts and the noise that could potentially be generated by use of those courts. To alleviate the concerns regarding the proposed pickleball courts, the Applicant has decided to eliminate the proposed pickleball courts from the Upper Green Project and has amended its plans accordingly.

Honorable Yadira Ramos-Herbert, Mayor
and Members of the City Council

November 26, 2024
Page 2

On behalf of the Applicant, and in support of our application, we respectfully submit a set of site plan drawings which has been revised to eliminate the previously proposed pickleball courts.¹ The revised set of plans consists of the following sheets²:

Drawing Number	Title	Prepared By	Dated or Last Revised
L-T	Title Sheet	Alloy Design Studio, Ltd.	11/22/2024
L-050	Contact Plan	Alloy Design Studio, Ltd.	11/22/2024
L-100	Removals Plan	Alloy Design Studio, Ltd.	11/22/2024
L-200	Materials Plan	Alloy Design Studio, Ltd.	11/22/2024
L-201	Materials Plan Enlargement	Alloy Design Studio, Ltd.	11/22/2024
L-300	Grading Plan	Alloy Design Studio, Ltd.	11/22/2024
L-301	Grading Plan Enlargement	Alloy Design Studio, Ltd.	11/22/2024
L-302	Grading Plan Enlargement	Alloy Design Studio, Ltd.	11/22/2024
L-400	Planting Plan	Alloy Design Studio, Ltd.	11/22/2024
L-401	Planting Plan Enlargement	Alloy Design Studio, Ltd.	11/22/2024
L-410	Irrigation Plan	Alloy Design Studio, Ltd.	11/22/2024
L-411	Lighting Plan	Alloy Design Studio, Ltd.	11/22/2024
L-500	Site Details	Alloy Design Studio, Ltd.	11/22/2024
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SU-1	Site Plan, Details, Legends & Notes		11/22/2024
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We note that the elimination of the pickleball courts has resulted in a significant decrease in impervious surface area and eliminates the requirement for underground storage of stormwater.

¹ As you know, if the City Council grants the requested special permit, the project will also require site plan approval from the Planning Board.

² By copy of this letter, a full-size set of site plan drawings has also been submitted to the Commissioner of the Bureau of Buildings.

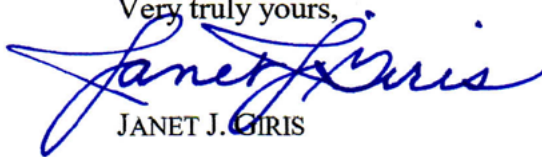
Honorable Yadira Ramos-Herbert, Mayor
and Members of the City Council

November 26, 2024
Page 3

We look forward to meeting with the City Council at the public hearing on December 3, 2024, and we are hopeful that the Council will approve the requested special permit at its meeting on December 10. In the interim, please feel free to contact me if you have any questions or if you would like any additional information.

Thank you for your consideration.

Very truly yours,



JANET J. GIRIS

Enclosures

cc: Dawn Warren, Esq. Corporation Counsel
Paul Vacca, Commissioner, Bureau of Buildings
Kevin Kain, Director of Planning & Sustainability
Michael J. Smeriglio, Vice President of Facilities and Campus Operations
Mark P. Weingarten, Esq.

Short Environmental Assessment Form

Part 1 - Project Information

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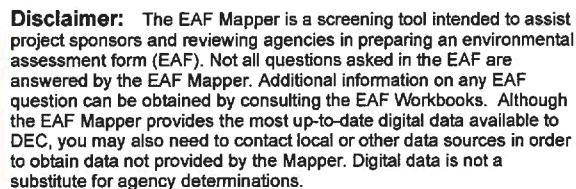
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Iona University Lot Merger			
Project Location (describe, and attach a location map): 33 & 45 Beechmont Drive & 41 & 53 Montgomery Place			
Brief Description of Proposed Action: The Applicant is seeking to merge four (4) properties located at 33 and 45 Beechmont Drive and 41 and 53 Montgomery Place historically used as college use into the main campus lot in order to facilitate the development of the "Upper Green" Project at the Iona University Campus in New Rochelle. The Property is currently improved with university related uses, including the Blessed Edmund Rice Chapel, a cottage, and a facilities yard. The Upper Green Project consists of the demolition of an existing cottage and other improvements, the relocation of the facilities yard, and the creation of additional large open green space designed to serve as an extension of the Blessed Edmund Rice Chapel. The Upper Green will offer a serene and contemplative environment for students, faculty and visitors. The space will feature sloped and flat terrain with accessible footpaths, and a meditation grotto at the center of the design. The previously proposed three (3) pickleball courts in the northern area of the property have been eliminated from the proposal. The merger of the four (4) properties with the the main campus lot requires a special permit from the City Council pursuant to Section 331-91 of the Zoning Code and site plan approval from the Planning Board.			
Name of Applicant or Sponsor: Iona University		Telephone: 914-633-2213 E-Mail: msmeriglio@iona.edu	
Address: 715 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: City Council & Planning Board; Department of Buildings; NYSDEC		NO ☐	YES ☒
3. a. Total acreage of the site of the proposed action?		4.3 acres	
b. Total acreage to be physically disturbed?		<4.3 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		±45 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. ☒ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☒ Other(Specify): Institutional (University) ☐ Parkland			

Attachment: Environmental Assessment Form - Iona Application revised as of 11-26-24 Fully Signed (2025-2 : PROPOSED RESOLUTION

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	
	☐	☒	
Buildings located at 45 Beechmont Drive and 53 Montgomery Place are Eligible; property is in Archaeological Assessment Iona College East Campus Survey - no alterations proposed to Eligible buildings	☐	☒	
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:	☐	☒
Stormwater runoff will connect to existing infrastructure. 		
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 ☒
Brownfield Cleanup Program Site Code C360105 is located more than 0.3 miles from the Property. 		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Iona University by its attorneys DDWWW</u>		Revised: November 26, 2024 Date: October 8, 2024
Signature: 	Title: <u>Associate</u>	



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	Yes
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes

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

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 (SEAF), the proposal to merge the properties located at 33 and 45 Beechmont Drive and 41 and 53 Montgomery Place will have no adverse impact on the environment. The proposal by Iona University is to create a passive open space on their campus. Based on the existing conditions, there are protections in place to protect the community from any adverse impact that may arise in the future based on this merger.

- ☐ 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 of New Rochelle City Council

11/27/2024

Name of Lead Agency

Date

Paul Vacca

Commissioner of Buildings

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

PRINT FORM

City of New Rochelle

Buildings

MEMORANDUM

TO: Honorable Mayor and City Council

THRU: Wilfredo Melendez, City Manager

FROM: Paul Vacca, Commissioner of Buildings

DATE: January 14, 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?	☒	☐

PRINT FORM

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

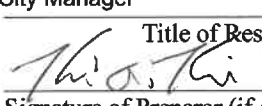
 Print or Type Name of Responsible Officer in Lead Agency


 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

City of New Rochelle

Law

MEMORANDUM

TO: Honorable Mayor and City Council

THRU: Wilfredo Melendez, City Manager

FROM: Dawn Warren, Corporation Counsel

DATE: January 14, 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 14, 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 14, 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



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 14, 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 14, 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
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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
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City of New Rochelle
City Manager

MEMORANDUM

TO: Honorable Mayor and City Council
THRU: Wilfredo Melendez, City Manager
FROM: Wilfredo Melendez, City Manager
DATE: January 14, 2025
SUBJECT: PROPOSED LEAD AGENCY STATUS - PROPOSED AMENDMENT TO
THE CODE OF THE CITY OF NEW ROCHELLE RE: PEDESTRIAN PLAZAS
- Resolution declaring Lead Agency Status relative to the proposed action adding
Chapter 256, Public Pedestrian Plazas, to the Code of the City of New Rochelle.

Resolution declaring Lead Agency Status relative to the proposed action adding Chapter 256,
Public Pedestrian Plazas, to the Code of the City of New Rochelle.

LEGISLATION

RESOLUTION DECLARING LEAD AGENCY STATUS
RELATIVE TO THE PROPOSED ORDINANCE ADDING
CHAPTER 256, PUBLIC PEDESTRIAN PLAZA, TO THE CODE
OF THE CITY OF NEW ROCHELLE.

WHEREAS, this City Council hereby wishes to declare itself to be the Lead Agency with respect to the environmental review of the proposed action adding Chapter 256, Public Pedestrian Plaza, to the Code of the City of New Rochelle; and

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

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

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

City of New Rochelle
City Manager

MEMORANDUM

TO: Honorable Mayor and City Council

THRU: Wilfredo Melendez, City Manager

FROM: Wilfredo Melendez, City Manager

DATE: January 14, 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?	NO ☐	YES ☐
If Yes,	☐	☐
a. Will storm water discharges flow to adjacent properties?	☐	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☐	☐
If Yes, briefly describe:		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO ☐	YES ☐
If Yes, explain the purpose and size of the impoundment:		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO ☐	YES ☐
If Yes, describe:		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO ☐	YES ☐
If Yes, describe:		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <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
City Manager

MEMORANDUM

TO: Honorable Mayor and City Council
THRU: Wilfredo Melendez, City Manager
FROM: Wilfredo Melendez, City Manager
DATE: January 14, 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
Development

MEMORANDUM

TO: Honorable Mayor and City Council
THRU: Wilfredo Melendez, City Manager
FROM: Adam Salgado, Commissioner of Development
DATE: January 14, 2025
SUBJECT: PROPOSED AUTHORIZATION FOR THE SUBMISSION OF GRANT APPLICATION RE: NEW YORK STATE RESEARCH AND DEVELOPMENT AUTHORITY (NYSERDA) - CLEAN ENERGY COMMUNITY PROGRAM - Resolution authorizing the City Manager to submit applications and necessary documentation to the New York State Energy Research and Development Authority (NYSERDA) Clean Energy Community Program relative to clean energy projects. (Held 12/3/24)

BACKGROUND

The City has been achieving actions and corresponding points through the New York State Energy Research and Development Authority (NYSERDA) Clean Energy Communities (CEC) program. These points translate into varying grant funds that the City may use to support clean energy projects.

ISSUE

Recently, the City was notified that it is eligible to receive \$665,000 in CEC funds, plus a 50% bonus (\$332,000) if CEC funds are utilized in a Disadvantaged Community, totaling \$997,000 in available funding. In order to take advantage of the available funding, NYSERDA has advised the City to submit an application while funding remains available.

RECOMMENDATION

Staff recommends that the City Council adopt a resolution authorizing the City Manager to prepare and submit a grant application, along with all necessary documentation, to the New York State Energy Research and Development Authority for the Clean Energy Communities Program.

LEGISLATION

RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT APPLICATIONS AND NECESSARY DOCUMENTATION TO THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY (NYSERDA) CLEAN ENERGY COMMUNITY PROGRAM RELATIVE TO CLEAN ENERGY PROJECTS.

WHEREAS, the City has been achieving actions and corresponding points through the New York State Energy Research and Development Authority (NYSERDA) Clean Energy Communities (CEC) program where these points translate into varying grant funds that the City may use to support clean energy projects; and

WHEREAS, recently, the City was notified that it is eligible to receive \$665,000 in CEC funds, plus a 50% bonus (\$332,000) if CEC funds are utilized in a Disadvantaged Community, totaling \$997,000 in available funding; now therefore

BE IT RESOLVED, that the City Manager is hereby authorized to submit applications and execute all necessary documentation to the New York State Energy Research and Development Authority for the Clean Energy Communities Program.

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 14, 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 14, 2025
SUBJECT: PROPOSED APPROVAL OF GRANT APPLICATION BY THE ENERGY JUSTICE LAW & POLICY CENTER (EJLPC) RE: ENVIRONMENTAL EDUCATION CENTER PROGRAM - Resolution authorizing the City Manager to submit a grant application by the Energy Justice Law & Policy Center (EJLPC) to the New York State Department of Environmental Conservation (NYSDEC) Office of Environmental Justice relative to the Community Education Center grant program.

INTRODUCTION:

The New York State Department of Environmental Conservation (NYSDEC) Office of Environmental Justice recently announced the funding opportunity for projects that will support the renovation of facilities to create Community Environmental Education Centers with the hope of inspiring exploration, discovery, and learning about the environment of local communities. The deadline to apply for funding under the program is January 22, 2025. The maximum award amount is \$3,000,000. Municipalities are not eligible to apply; however, they may serve as subgrantee as part of a bid by an eligible not-for-profit. There is no match required by this grant.

BACKGROUND:

Beginning in 2022, the City has supported the Eco-Ambassadors initiative under the Youth Bureau's Learn to Earn Summer Youth Employment Program that provides experiential learning opportunities related to ecology, sustainability, and climate change. In 2023, a partnership with the Energy Justice Law & Policy Center (EJLPC), a New Rochelle nonprofit, was created in an effort to enhance the Eco-Ambassadors initiative. In 2024, the Oakwood Pavilion at Five Islands Park was utilized for the Eco-Ambassadors program due to its availability during weekday hours and because of its proximity to the Long Island Sound.

Constructed in 1981, the Oakwood Pavilion has served as a venue for special events, youth and recreation programming, and private rentals. The success of the 2024 Eco-Ambassadors partnership with EJLPC has highlighted a need to improve the pavilion and provide additional environmental/community programming. With the release of this grant opportunity, and based on the success of the 2024 program, the City was approached by EJLPC to partner in the Community Environmental Education Centers grant application. The grant requires that the applicant be a not-for-profit corporation, community-based organization.

The Community Environmental Education Center grant program would support capital costs of renovation proposals directly related to a facility project, including contractual services, feasibility study, construction costs, and the purchase of equipment/furniture/fixtures. If EJLPC is awarded this grant, the City would be a subgrantee and an agreement between the City and EJLPC would be required for proposed improvements to and use of the Oakwood Pavilion at Five Islands Park.

ISSUE:

Under the Community Environmental Education Center grant program, 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 the NYSDEC for the Community Education Center Grant Program.

LEGISLATION

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

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 Community Environmental Education Center program to be located at the Oakwood Pavilion in Five Islands Park in the City of New Rochelle, a site 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 Five Islands Coastal Education & Community Center at Oakwood Pavilion 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 14, 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 14, 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.