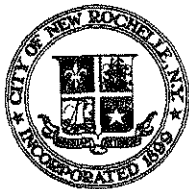


*City Clerk*



**CITY COUNCIL AGENDA  
CITY HALL, 515 NORTH AVENUE  
CITY OF NEW ROCHELLE  
COMMITTEE OF THE WHOLE SESSION  
TUESDAY, MARCH 12, 2013  
3:45 P. M.**

---

---

**3:45 P. M.**

AGENDA REVIEW

**7:30 P. M.:**

**PUBLIC HEARING(S) THIS EVENING:**

**List of Public Hearing(s) is as follows –**

PROPOSED REALLOCATION OF PRIOR YEAR  
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS

PROPOSED PERMIT TO OPERATE A CABARET  
RE: 8 SOUTH DIVISION STREET CORP.  
D/B/A/ ZABIDURY RESTAURANT LOUNGE AND CABARET

PROPOSED PERMIT TO OPERATE A CABARET  
RE: WESTCHESTER FRIENDS MANAGEMENT LLC,  
D/B/A ALVIN & FRIENDS, 12-14 MEMORIAL HIGHWAY

DRAFT ENVIRONMENTAL IMPACT STATEMENT  
RE: ECHO BAY CENTER WATERFRONT REDEVELOPMENT PROJECT

**CITIZENS TO BE HEARD**

INDEX  
COMMITTEE OF THE WHOLE AGENDA  
TUESDAY, MARCH 12, 2013

<u>SUBJECT</u>	<u>ITEM NO.</u>	<u>PAGE NO.</u>
COMMENDATIONS	1	2
PROPOSED AMENDMENT TO 2008-2012 CONSOLIDATED PLAN AND 2009-2012 ACTION PLANS FOR CDBG	2	2
APPLICATIONS-SPECIAL PERMIT FOR OPERATION OF CABARET 8 SOUTH DIVISION STREET CORPORATION	3	2
ALVIN & FRIENDS RESTAURANT	3	3
DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS) NOTICE OF COMPLETION ECHO BAY CENTER WATERFRONT REDEVELOPMENT	4	3
PROPOSED AUTHORIZATION FOR THE CITY MANAGER TO ACCEPT GRANT FUNDS FROM NEW YORK STATE	5	4
PROPOSED AGREEMENT WITH THE BUSINESS IMPROVEMENT DISTRICT (BID) – RE: OPERATION OF “GRAND MARKET”	6	4
PROPOSED AGREEMENT WITH “DOWN TO EARTH MARKETS”, INC., FOR OPERATION OF THE FARMERS’ MARKET	7	5
PROPOSED AMENDMENT TO ZONING CODE RE: ZONING TEXT CHANGES – IONA COLLEGE	8	5
PROPOSED ABANDONMENT OF ROADWAY RE: WEYMAN AVENUE DINER SITE	9	6
PROPOSED SETTLEMENT OF LAWSUIT(S)	10	6
PROPOSED EASEMENT – CVS NORTH AVENUE	11	6
PROPOSED TRANSFER OF CONTROL RE: FRANCHISE AGREEMENTS	12	7
PROPOSED AMENDMENT TO 2013 BUDGET RE: CARRYOVER GRANTS AND PROGRAMS	13	7

INDEX  
COMMITTEE OF THE WHOLE AGENDA  
TUESDAY, MARCH 12, 2013

<u>SUBJECT</u>	<u>ITEM NO.</u>	<u>PAGE NO.</u>
DONATION OF EQUIPMENT FROM THE NEW ROCHELLE POLICE FOUNDATION	14	8
PROPOSED RESCISSION OF LEGISLATION RE: NEW YORK YOUTH WORKS EMPLOYMENT PROGRAM YOUTH BUREAU	15	8
PROPOSED CREATION OF "FRIENDS OF NEW ROCHELLE PARKS AND RECREATION ADVISORY BOARD"	16	9
PROPOSED ABOLISHMENT OF PARKS AND RECREATION ADVISORY COMMITTEE	17	9
PROPOSED AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH THE "FRIENDS OF WESTCHESTER COUNTY PARKS"	18	10
PROPOSED INSTALLATION OF TEMPORARY SIGNS RE: NEW ROCHELLE OPERA COMPANY'S PRODUCTION OF "I PAGLIACCI"	19	10
PROPOSED AMENDMENT TO 2013 BUDGET RE: HUGUENOT PARK TWIN LAKES FOUNTAINS PROJECT	20	11
SHARED SERVICES GRANT WITH CITY OF MOUNT VERNON	21	11
PROPOSED SUPPORT OF CERTAIN STATE ASSEMBLY BILLS VACANT/FORECLOSED PROPERTIES; AND GUN POLICY	22	12
SUPPLEMENTAL ITEM(S)		12
UNFINISHED BUSINESS		13
NEW BUSINESS		13
DISCUSSION ITEMS		14

**COMMENDATION(S):**

1. Resolution commending the New Rochelle High School Basketball Team for their winning the 2013 Section 1 Basketball Championship.  
Requested by Council Member Rice

**PUBLIC HEARING(S) THIS EVENING:****List of Public Hearing(s) with related memos and proposed legislation**

RE: PROPOSED AMENDMENT TO 2008-2012 CONSOLIDATED PLAN AND THE 2009-2012 ACTION PLANS FOR THE CDBG PROGRAM

2. Communication dated January 24, 2013 from Joan McCallion, Acting Commissioner of Development, wherein it is requested that a date be set for a Public Hearing relative to the proposed amendment, forwarded with approval of Charles B. Strome, III, City Manager, noted thereon, and appropriate legislation for consideration.
  - 2.1. Ordinance amending Ordinance No. 196 of 2012, the Budget of the City of New Rochelle for 2013, relative to revisions of the 2008-2012 Consolidated Plan and the 2009-2012 Action Plans for the Community Development Block Grant ("CDBG") Program.

**APPLICATIONS – SPECIAL PERMIT FOR THE OPERATION OF CABARET****8 South Division Street Corporation:**

- 3.1 Communication dated February 6, 2012, from Bennie F. Giles, III, City Clerk, with attached application for a Special Permit, forwarded by Charles B. Strome, III, City Manager, with appropriate legislation for consideration.
  - 3.1.1. Planning Board Resolution No. 18 adopted on Tuesday, February 26, 2013, recommending that the City Council approve the requested Special permits.
- 3.2. 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 application of Zabidury Restaurant Lounge and Cabaret for a Special Permit pursuant to Section 331.113.2, Cabarets with Public Assembly Occupancy Limit Not to Exceed 250 Persons, of the Code of the City of New Rochelle, with respect to the Zabidury Restaurant Lounge and Cabaret located at 8 South Division Street.
  - 3.2.1. Resolution authorizing the granting of a Special Permit for a Cabaret License to Zabidury Restaurant Lounge and Cabaret located at 8 South Division Street.

**PUBLIC HEARING(S) THIS EVENING:**

**List of Public Hearing(s) with related memos and proposed legislation**

APPLICATIONS – SPECIAL PERMIT FOR THE OPERATION OF CABARET  
(Cont'd.)

Alvin & Friends Restaurant:

- 3.3. Communication dated February 6, 2012, from Bennie F. Giles, III, City Clerk, with attached application for a Special Permit, forwarded by Charles B. Strome, III, City Manager, with appropriate legislation for consideration.

3.3.1. (See Item 3.1.1.)

- 3.4. 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 application of Alvin and Friends Restaurant for a Special Permit pursuant to Section 331.113.2, Cabarets with Public Assembly Occupancy Limit Not to Exceed 250 Persons, of the Code of the City of New Rochelle, with respect to the Alvin and Friends Restaurant located at 12-14 Memorial Highway.

3.4.1. Resolution authorizing the granting of a Special Permit for a Cabaret License to Alvin & Friends Restaurant located at 12-14 Memorial Highway.

DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)  
NOTICE OF COMPLETION  
ECHO BAY CENTER WATERFRONT REDEVELOPMENT  
(Public Hearing only)

4. Communication dated January 25, 2013 from Joan McCallion, Acting Commissioner of Development, wherein it is recommended that the DEIS be declared complete and that a Public Hearing be directed, forwarded with approval of Charles B. Strome, III, City Manager, noted thereon, and appropriate legislation for consideration.

**DEPARTMENT OF DEVELOPMENT:**

*2nd REVISED PAGE*

**PROPOSED AUTHORIZATION FOR THE CITY MANAGER TO ACCEPT  
GRANT FUNDS FROM NEW YORK STATE**

---

5. *Communication dated March 4, 2013 from Luiz C. Aragon, Commissioner of Development, wherein he recommends that the City Council authorize the City Manager to negotiate and execute agreements (Incentive Proposals/IPs) for "priority project" funding by the Mid-Hudson Regional Council (MHRC) for SSMC/Landmark Healthcare Facilities, LLC for, (1) the development of a new Medical Offices and Ambulatory Service Building (MOB) and the construction of a new on-campus parking structure, and (2) CNR/Forest City Residential, Inc., for the Echo Bay Waterfront Redevelopment Project, forwarded with approval of Charles B. Strome, III, City Manager, noted thereon, and appropriate legislation for consideration. (Rev.)*

**5.1. Resolution authorizing the City Manager to negotiate and execute agreements with the Empire State Development Corporation, Sound Shore Medical Center and Forest City Residential, Inc., with respect to the Empire State Development Consolidated applications.**

**5.2. Resolution authorizing the City Manager to negotiate and execute agreements to accept New York State Empire State Development Consolidated funding for Sound Shore Medical Development and Echo Bay Waterfront Redevelopment.**

**PROPOSED AGREEMENT WITH THE BUSINESS IMPROVEMENT DISTRICT  
(B.I.D.)  
RE: OPERATION OF "GRAND MARKET"**

---

- 6 **Communication dated March 8, 2013 from Charles B. Strome, III, City Manager, wherein he recommends that the City Council approve authorization to enter into a license agreement with the B.I.D. for the operation of a Grand Market at Library Green, under certain terms, forwarded with approval of Charles B. Strome, III, City Manager, noted thereon, and appropriate legislation for consideration.**

**6.1. Resolution authorizing the City Manager to enter into an agreement with the Business Improvement District for the operation of a Grand Market at Library Green.**

**DEPARTMENT OF DEVELOPMENT: (Cont'd.)**

**REVISED PAGE**

**PROPOSED AGREEMENT WITH DOWN TO EARTH MARKETS, INC., FOR THE  
OPERATION OF THE FARMERS' MARKET**

---

7. **Communication dated March 8, 2013 from Luiz C. Aragon, Commissioner of Development, wherein it is recommended that the City Manager be authorized to enter into a three-year agreement with Down to Earth Markets, Inc., for the management and operation of the market at a location within the boundaries of Huguenot Park/Twin Lakes along North Avenue, under certain terms and conditions, forwarded with approval of Charles B. Strome, III, City Manager, noted thereon, and appropriate legislation for consideration.**
  - 7.1. **Resolution authorizing the City Manager to enter into a license agreement with Zeltsman Associates, Inc., d/b/a Down to Earth Markets (formerly Community Markets) for the New Rochelle Farmers Market at Huguenot Park/Twin Lakes along North Avenue.**

**PROPOSED AMENDMENT TO ZONING CODE  
RE: ZONING TEXT CHANGES – IONA COLLEGE  
(Intro. 3/12/13; Public Hearing )**

8. **Communication dated March 1, 2013 from Luiz C. Aragon, Commissioner of Development, wherein he recommends that the Zoning Ordinance (North Avenue – NA) be amended to reflect the recommendations in the final report of the Community College Planning Committee, forwarded with approval of Charles B. Strome, III, City Manager, noted thereon, and appropriate legislation for consideration.**
  - 8.1. **Resolution declaring Lead Agency status relative to the proposed ordinance amending various Sections of Chapter 331, Zoning, of the New Rochelle Zoning Code.**
  - 8.2. **Ordinance amending various Sections of Chapter 331, Zoning, of the New Rochelle Zoning Code.**
    - 8.2.1. **Resolution directing Public Hearing on**

**DEPARTMENT OF DEVELOPMENT: (Cont'd.)****PROPOSED ABANDONMENT OF ROADWAY  
RE: WEYMAN AVENUE DINER SITE**

9. Communication dated February 28, 2013 from Luiz Aragon, Commissioner of Development, wherein he recommends that a Public Hearing be directed relative to the proposed abandonment of the roadway dividing Lots 45A and 50, including the addition of improvements to create the southbound receiving lane in order to facilitate the development of the proposed diner, forwarded with approval of Charles B. Strome, III, City Manager, noted thereon, and appropriate legislation for consideration.
  - 9.1. Resolution directing Public Hearing relative to abandoning the roadway between Main Street and Nardozzi Place (Main Street U.S. Route 1) and Weyman Avenue.

**LAW DEPARTMENT:****PROPOSED SETTLEMENT OF LAWSUIT(S)**

10. None.

**DEPARTMENT OF PUBLIC WORKS:****PROPOSED EASEMENT - CVS NORTH AVENUE  
(Held 2/12/13)**

11. Communication dated January 30, 2013 from Alexander Tergis, Commissioner of Public Works, wherein he recommends, based upon review with the Traffic Engineer, that the City Council approve the proposed project and site development plans for the CVS Pharmacy at 218-222 North Avenue, forwarded with approval of Charles B. Strome, III, City Manager, noted thereon, and appropriate legislation for consideration.
  - 11.1. Resolution authorizing the City Manager to grant an easement to CVS Albany, LLC over City-owned property in order to relocate the loading space from North Avenue to the City-owned access way immediately adjacent to the CVS store located at 218-222 North Avenue ("Proposed Project").



**DEPARTMENT OF PUBLIC WORKS: (Cont'd.)**

**REVISED PAGE**

PROPOSED TRANSFER OF CONTROL

RE: FRANCHISE AGREEMENTS –

FIBER OPTIC TELECOMMUNICATIONS SYSTEM

12. **Communication dated March 5, 2013 from Alexander Tergis, Commissioner of Public Works, wherein he recommends that consent be granted for the transfer of control of the franchise agreement for fiber optic telecommunications system from Sidera Networks, LLC to LTS Buyer, LLC and from NEON Optica/Yankee to LTS Buyer, LLC, and authorizing the City Manager to enter into assumption agreements, forwarded with approval of Charles B. Strome, III, City Manager, noted thereon, and appropriate legislation for consideration.**

**12.1. Resolution granting consent to the transfer of control of the franchise agreement held by Sidera Networks, LLC to LTS Buyer, LLC, and the transfer of control of the franchise agreement held by Neon Optica, Inc. to LTS Buyer, LLC, and the transfer of control of the franchise agreement held by Sidera Networks of Long Island, Inc. to LTS Buyer, LLC.**

**DEPARTMENT OF FINANCE:**

PROPOSED AMENDMENT TO 2013 BUDGET

RE: CARRYOVER GRANTS AND PROGRAMS

13. **Communication dated February 25, 2013 from Howard Rattner, Commissioner of Finance, wherein he recommends that the 2013 Budget be amended for a bookkeeping adjustment with no net fiscal impact, forwarded with approval of Charles B. Strome, III, City Manager, noted thereon, and appropriate legislation for consideration.**

**13.1. Ordinance amending Ordinance No. 196 of 2012, the Budget of the City of New Rochelle for 2013, relative to carryover grants and programs.**

**POLICE DEPARTMENT:**

**DONATION OF EQUIPMENT FROM THE  
NEW ROCHELLE POLICE FOUNDATION**

14. Communication dated February 19, 2013 from Patrick J. Carroll, Police Commissioner, wherein he recommends that the City Council formally accept the donation of equipment from the New Rochelle Police Foundation, forwarded with approval of Charles B. Strome, III, City Manager, noted thereon, and appropriate legislation for consideration.
  - 14.1. Resolution accepting a donation of equipment from the New Rochelle Police Foundation.

**DEPARTMENT OF PARKS AND RECREATION:**

**PROPOSED RESCISSION OF LEGISLATION  
RE: NEW YORK YOUTH WORKS EMPLOYMENT PROGRAM -  
YOUTH BUREAU**

15. Communication dated March 1, 2013 from Kelly Johnson, Youth Bureau Director, wherein he recommends the rescission of Resolution No. 10 adopted in 2013 relative to the New York Youth Works Grant Award, as previously discussed, forwarded with approval of Charles B. Strome, III, City Manager, noted thereon, and appropriate legislation for consideration.
  - 15.1. Ordinance rescinding Ordinance No. 10 of 2013 and Ordinance No. 131 of 2012 pertaining to the New York Youth Works Grant Award and amending Ordinance No. 196 of 2012, the Budget of the City of New Rochelle for 2013.

**DEPARTMENT OF PARKS AND RECREATION: (Cont'd.)**

*2nd REVISED PAGE*

**PROPOSED AMENDMENT TO CODE OF THE CITY OF NEW ROCHELLE  
RE: "FRIENDS OF NEW ROCHELLE PARKS"**

16. Communication dated March 6, 2013 from William V. Zimmermann, Commissioner of Parks and Recreation, wherein he recommends that the existing Parks and Recreation Advisory Committee be abolished, that "Friends of New Rochelle Parks" organization be established, and that an agreement with "Friends of Westchester County Parks, Inc., be authorized, as outlined, forwarded with approval of Charles B. Strome, III, City Manager, noted thereon, and appropriate legislation for consideration.

*16.1. Ordinance repealing Article VII, Advisory Committee on Parks and Recreation, of Chapter 9, Boards, Commissions, Committees, Agencies and Councils, of the New Rochelle City Code and replacing it with a new Article VII, Friends of New Rochelle Parks Advisory Board.*

**PROPOSED ABOLISHMENT OF  
PARKS AND RECREATION ADVISORY COMMITTEE**

17. Communication (See Item 16)
  - 17.1. Resolution (See Item 16.1.)

**DEPARTMENT OF PARKS AND RECREATION: (Cont'd.)**

**REVISED PAGE**

**PROPOSED AUTHORIZATION TO ENTER INTO AN AGREEMENT  
WITH THE "FRIENDS OF WESTCHESTER COUNTY PARKS"**

18 **Communication (See Item 16).**

**18.1. Resolution (See Item 16.1.)**

**CITY MANAGER:**

**PROPOSED INSTALLATION OF TEMPORARY SIGNS  
RE: NEW ROCHELLE OPERA COMPANY'S PRODUCTION OF *I PAGLIACCI***

19. Communication dated February 27, 2013 from Charles B. Strome, III, City Manager, wherein he recommends that the request of the Municipal Art Commission for the installation of temporary signs at the corner of North Avenue and Quaker Ridge Road and at the corner of North Avenue and Huguenot Street be granted, forwarded with approval of Charles B. Strome, III, City Manager, noted thereon, and appropriate legislation for consideration.

19.1. Resolution authorizing the use of two (2) City traffic islands for the erection of temporary signs by the New Rochelle Opera Company announcing the production of the "I Pagliacci" Opera at the Ursuline Performing Arts Center on June 20, 21, 22, and 23, 2013.

**CITY MANAGER: (Cont'd.)**

**PROPOSED AMENDMENT TO 2013 BUDGET**

**RE: HUGUENOT PARK TWIN LAKES FOUNTAINS PROJECT**

20. Communication dated February 28, 2013 from Charles B. Strome, III, City Manager, wherein he recommends that the City Council accept \$15,000 from the City School District and that \$30,000 from the Parks and Recreation Impact Fee Fund be appropriated in order to re-install the fountains at subject location, forwarded with appropriate legislation for consideration.
  - 20.1. Ordinance authorizing the City Manager to enter into an agreement with the City School District of New Rochelle to purchase and install fountains at the Twin Lakes in front of New Rochelle High School, amending Ordinance No. 196 of 2012, the Budget of the City of New Rochelle for 2013 and appropriating funds in accordance thereto.

**SHARED SERVICES GRANT WITH THE CITY OF MOUNT VERNON**

21. Communication dated February 27, 2013 from Charles B. Strome, III, City Manager, wherein he recommends that legislation be adopted approving the City as a co-applicant with the City of Mount Vernon for a New York State Local Government Efficiency Grant, forwarded with approval of Charles B. Strome, III, City Manager, noted thereon, and appropriate legislation for consideration.
  - 21.1. Resolution endorsing the submission of an application of the New York State Local Government Efficiency Grant Program for the 2012-2013 year.

**CITY COUNCIL:**

**REVISED PAGE**

**PROPOSED SUPPORT OF CERTAIN STATE ASSEMBLY BILLS:**

**Vacant/Foreclosed Properties:**

- 22.1. Resolution on behalf of the New Rochelle City Council in support of New York State Assembly Bill No. A00824A (requiring a plaintiff in a mortgage foreclosure action to maintain the subject property in good faith) and in support of Assembly Bill No. A00088 (Senate Bill No. S03655) (requiring plaintiffs in mortgage foreclosure actions to provide contact information.  
Sponsored by Mayor Bramson

**Gun Policy:**

- 22.2. Resolution on behalf of the New Rochelle City Council in support of New York Governor Andrew M. Cuomo's Safe & Fair Gun Policy and the New York Secure Ammunition and Firearms Enforcement Act (NYSAFE) to mitigate gun violence in response to the tragedy in Newtown, Connecticut, on December 14, 2012.  
Sponsored by Mayor Bramson

**SUPPLEMENTAL ITEMS:**

**Suppl.**

**LEGISLATION IN SUPPORT OF THE CITY OF PEEKSKILL'S  
APPLICATION FOR A LOCAL GOVERNMENT EFFICIENCY GRANT  
RE: SHARED REDEVELOPMENT SERVICES PROGRAM OF THE  
MAYORS' DEVELOPMENT ROUND TABLE**

23. Resolution in support of an application being submitted by the City of Peekskill for a Local Government Efficiency Grant supporting the Shared Redevelopment Services Program of the Mayors' Development Round table.  
Sponsored by Mayor Bramson

UNFINISHED BUSINESS

NEW BUSINESS

MARCH, 2013

Regular Legislative Meeting, Tuesday, March 19, 2013, at 7:00 P. M.

APRIL, 2013

Committee of the Whole Session, Tuesday, April 9, 2013, at 3:45 P. M.

Regular Legislative Meeting, Tuesday, April 16, 2013, at 7:00 P. M.

**DISCUSSION ITEMS:***2<sup>nd</sup> REVISED PAGE*

- a. "Energize NY" Energy Loan Program  
Communication dated February 28, 2013 from Charles B. Strome, III, City Manager, relative to the proposed implementation of an energy efficiency and conservation loan program which would allow property owners to obtain loans to fund energy efficiency improvements provided they meet specific criteria.  
Requested by City Manager
- b. Propane Fuel PILOT  
Communication dated February 28, 2013 from Charles B. Strome, III, City Manager, wherein he recommends that a portion of the City's fleet be converted to alternative fuel as part of the City's Sustainability Plan, GreenNR, to permit the conversion of the City's vehicle fleet to a Green Fleet and, thereby, increase gas mileage.  
Requested City Manager
- c. Motion to Enter Into Executive Session  
Re: Collective Bargaining; Personnel, and Litigation  
Requested by City Manager

**Suppl.**

- d. *Armory*  
*Communication dated March 8, 2013 from Luiz C. Aragon, Commissioner of Development, relative to the Armory parcel, and wherein he outlines the Department's recommendation to attract innovative proposals, forwarded by Charles B. Strome, III, City Manager.*  
*Requested by City Manager*

**REQUESTED BY CITY COUNCIL:**

- a.a. Turn Off Your Lights for "Earth Hour" on Saturday, March 23, 2013, at 8:30 P.M.  
Memo dated February 21, 2013 from Ms. Susanna Levin, addressed to Mayor Noam Bramson, requesting the City's observance during "Earth Hour" at 8:30 P. M., on Saturday, March 23, 2013, in order to raise awareness of environmental challenges.  
Requested by Mayor Bramson

**Suppl.**

- b.b. **Sequester Impact**  
**Requested by Mayor Bramson**