

**THE OSBORN**  
**CITY OF RYE**  
**WESTCHESTER COUNTY, NEW YORK**

**ZONING TEXT AMENDMENT PETITION**  
**RESPONSE TO COMMENTS**

Prepared for Submission To:

**CITY OF RYE CITY COUNCIL**

September 2020

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September 28, 2020

Honorable Mayor Josh Cohn  
and members of the City Council  
City of Rye  
1050 Boston Post Road  
Rye, New York 10580

Re: The Osborn  
101 Theall Road  
Zoning Text Amendment

Dear Mayor Cohn and Members of the City Council:

This office represents the Miriam Osborn Memorial Home Association (“The Osborn”), the owner and operator of the above-referenced property (the “Property”), which is the home of The Osborn’s senior living development. The Osborn’s facilities include memory care and assisted living, skilled nursing care, independent living apartments, and various associated improvements, including community facilities, office space, food preparation areas, and other support facilities needed to properly operate.

The Property is located in the R-2 “One-Family” Zoning District, but is currently governed by a Declaration of Covenants and Restrictions that was put in place with the City of Rye as part of The Osborn’s 1992 redevelopment. In order to provide adequate flexibility and to properly adapt The Osborn campus to the rapidly changing senior living market, it has been determined that revisions to the City of Rye Zoning Ordinance (the “Zoning Ordinance”) are necessary to codify zoning standards for the Property, and to provide a much-needed update to standards adopted nearly 30 years ago. The Osborn is therefore seeking a Zoning Text Amendment (the “Amendment”) to establish a new “R-2 Senior Living” special exception use in the R-2 District, together with related bulk and dimensional requirements. This Amendment will provide a critical framework within which The Osborn can plan for its future. This Petition is now back before the Council after undergoing extensive review with the Planning Commission, which has issued a positive recommendation.

We last appeared before the Council at its May 13, 2020 meeting, at which the Council opened the public hearing, and The Osborn was able to hear various comments from the Council and the public. Over the last four months, The Osborn has worked to engage with neighbors and the community on this proposal. The Osborn sent out multiple mailers to neighbors, posted notices at myrye.com, and created a unique page on The Osborn's website to provide information ([www.theosborn.org/zoning](http://www.theosborn.org/zoning)). The Osborn has also hosted several webinars to offer additional information and allow for greater dialogue and has created a dedicated email address ([zoning@theosborn.org](mailto:zoning@theosborn.org)) to field questions relating to the Amendment. The Osborn's website includes access to all materials filed with the City as well as a link to the informational presentation made during the most recent webinar for anyone who was unable to attend. The Osborn has endeavored to continue this dialogue with its neighbors. As of this writing, all emails sent to the dedicated email address have been personally replied to, and The Osborn is planning site walks with interested individuals.

Additionally, we have endeavored to respond to each of the questions raised at the last public hearing, and are pleased to enclose herewith a comprehensive log of all public comments received on the record, including responses to all issues raised, prepared by Divney Tung Schwalbe. For reference purposes, the comments and responses have been grouped under the topic headings outlined in The Osborn's March 2020 Zoning Text Amendment Petition binder.

The Osborn, which first opened its doors in 1908, is one of Rye's bedrock institutions, and like Rye, The Osborn has grown and evolved over the last 112 years. Today, The Osborn is the second largest taxpayer in the City,<sup>1</sup> and plays an active role in the Rye community. Community groups including the Rye Chamber of Commerce, Rye YMCA, Rye Nature Center, Rye Little League, and the Rye Free Reading Room, collectively receive about \$50,000 annually in financial support from The Osborn. On-campus community events include the WellSpring speaker series, plays, dance troupes, concerts, holiday events, and more. The Osborn also provides more than \$3 million annually in free care to seniors who have outlived their resources.

Those familiar with The Osborn's history will recall the dire financial position it found itself in not long ago. It was the Pathway 2000 plan that brought The Osborn back to fiscal stability and allowed The Osborn to become the institution we know it to be today. The Pathway 2000 plan and associated Covenants and Restrictions were approved by the City in 1993, nearly three decades ago. Since then, standards in senior living have changed at a rapid pace, and the current zoning criteria imposed on The Osborn have become outdated. The recent COVID-19 pandemic has only emphasized the importance of high standards of care for residents and the ability to adapt to a changing environment. The Osborn faces an industry that is not only changing, but one that is increasingly competitive, with new senior living facilities being developed throughout Westchester and Fairfield Counties.

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<sup>1</sup> The Osborn pays approximately \$2.3 million in annual property taxes. Of this, approximately \$1.3 million goes to the Rye City School District, while The Osborn, as a senior living facility, generates no school children.

It is in light of these factors that the requested Amendment has been proposed. The Amendment is intended to create a practical zoning framework for The Osborn to develop plans and assure its continued viability. Once formal zoning is in place, The Osborn would then be able to generate specific plans for review and discussion, which would be subject to additional City approvals and public hearings.

The proposed Amendment has been revised multiple times based on the input of the Rye Planning Commission and City staff and is the product of numerous in-depth planning discussions. The resulting proposal before the Council has been drafted with significant consideration given to proper zoning controls, and the Amendment imposes substantive restrictions relating to building height, bulk, location, screening, and preservation of green space, which have been used to carefully balance The Osborn's need for greater flexibility.

For all these reasons, it is respectfully submitted that this Amendment will provide a sensible blueprint, properly codified in the Zoning Ordinance, that The Osborn can use to plan for its future. Kindly place this matter on the October 7<sup>th</sup> City Council agenda, so that we may continue to discuss this Amendment with the Council. Thank you for your continued help and consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "S. Wrabel". The signature is fluid and cursive, with the first letter "S" being particularly large and stylized.

Steven Wrabel

cc: Greg G. Usry  
Kristen Wilson, Esq.  
Matthew G. Anderson  
Stephanie Larsen, Esq.  
Divney Tung Schwalbe

# TABLE OF CONTENTS

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<u>TAB</u>	<u>CONTENT</u>	<u>PAGE</u>
1.	RESPONSE TO COMMENTS	
	<b>The Osborn In Rye</b>	
	Economic Benefits- Taxes .....	1
	Proposed Scope of Improvements .....	1
	Construction .....	2
	<b>Environmental Assessment</b>	
	1993 Declaration of Covenants and Restrictions .....	6
	Proposed Local Law Components .....	7
	Yard Setbacks .....	8
	Building Height .....	11
	Floor Area Ratio .....	12
	<i>Exhibit 1- Planning Commission Memo 12-10-2019</i> .....	14
	Trees .....	17
	Stormwater Management .....	18
	Views to Site .....	18
	Sanitary Sewer .....	21
	Natural Gas .....	21
	School District .....	22
	Circulation and Traffic .....	23
	General .....	28
2.	COMMENT LETTER LIST	
	COMMENT LETTER LOG	
3.	NUMBERED COMMENT LETTERS	
	PUBLIC HEARING TRANSCRIPTS	

# THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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COMMENT NUMBER	COMMENT/RESPONSE
	<p style="text-align: center;"><b><u>IV. THE OSBORN IN RYE</u></b></p> <p style="text-align: center;"><b><u>2.C Economic Benefits</u></b></p> <p style="text-align: center;"><b><u>Taxes</u></b></p>
101	What affect will the zoning request have on the amount of taxes, The Osborn would be paying to the City of Rye and the Rye City School District? - Jim Culyer, 40 Palisade Rd
2303	Significant increase in tax revenue paid to Rye aligned with a conventional commercial tax payor - John and Emily Powers, 23 Coolidge Ave
	The Rye City Assessor will review any future building/site improvements on the Osborn property and adjust its assessment values as appropriate, which would correspondingly adjust the associated taxes due.
1605	One thing that really bothers me is the fact that the Osborn community still pays reduced taxes. If this is important enough to them, perhaps they will agree to paying 100% of taxes. I feel like there needs to be a significant give back to the community if this is considered. - Leslie Ebers, 138 Osborn Rd
2702	Does the Osborn Home even pay property taxes to Rye? - Nina Draddy, No address given
3507	If their tax exempt status were to be revoked would they still be contemplating this unneeded, seemingly profit-driven decision to expand? - Jonathan and Jennifer Wismer, 15 Franklin Rd
	As described in its Zoning Text Amendment Petition at Tab IV.2, The Osborn is the second largest taxpayer in the City of Rye. In 2019 The Osborn generated approximately \$2.3 million in taxes, which were payable to the Rye City School District (\$1.36 million), the City of Rye (\$.38 million), and Westchester County (\$.56 million).
	<p style="text-align: center;"><b><u>3.B. Proposed Scope of Improvements</u></b></p>
1201	Are they looking to build a 2nd building and where? Would that be covering the land that is at the corner of Osborn and Theall Road? - No name or address given
PH 103	She said it was impossible for neighbors to try and understand without a site plan. - Sue Drouin, 57 Morehead Dr
PH 902	They expressed concern over not having a plan with the proposed zoning changes. - Emily and John Powers, 23 Coolidge Ave
PH 501	She said that the presentation was much more comforting than she expected it to be. She said she has concerns about proposing a zoning change without a site plan, as the impacts are hard to understand. She said she would hope the Council would wait until

## THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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- the applicant has some sort of a plan.  
-Leslie Ebers, 138 Osborn Rd
- 3801 Growth does happen over time and reasonable change can happen IF the City Council, the Planning Commission and the Architectural Review Board pay extremely careful attention to the open charm and historical character that must be retained here. Can the buildings be kept low and historically styled?  
- Elaine Lerner, 59 Franklin Ave

The Osborn has petitioned the City of Rye to amend the City zoning ordinance to add a new “R-2 Senior Living” special exception use in the R-2 District. No specific buildings are being proposed at this time. One of the R-2 Senior Living zoning parameters proposed at Tab II, Exhibit A of the petition would increase the current minimum required building setback along Osborn Road from 160 feet to 240 feet, so no buildings would be permitted within 240 feet of the Osborn property line at the corner of Osborn and Theall Roads.

- 1603 Additionally, there will be an increase in needed parking. Having cars parked in a former green space is worse yet.  
- Leslie Ebers, 138 Osborn Rd

The Osborn has petitioned the City of Rye to amend the City zoning ordinance to add a new “R-2 Senior Living” special exception use in the R-2 District. No specific parking locations are being proposed at this time. Under the R-2 Senior Living zoning parameters proposed at Tab II, Exhibit A of the petition, parking would not be permitted within required yards adjoining or across the street from a single-family residence or school.

### Construction

- 301 Our public services, roads and infrastructure, families, environment, and the Osborn elementary school community are already stressed by this construction. In addition, the school will be undertaking major renovations soon and even more construction in this area is most unwelcome to the surrounding neighborhoods.  
- Sue Drouin, 57 Morehead Dr
- 1601 Now, it is proposed that the Osborn build closer on our side of the Theall Road/Osborn Road. I have a 6 and an 8 year old that walk to school at Osborn. I do not want them walking through an active construction site. Especially not a construction site that could be active for a decade or more  
- Leslie Ebers , 138 Osborn Rd
- 1901 The parking at 2.30-3.15pm on school days is terrible and adding construction to that area would cause huge congestion as well as danger to the young children on foot.  
- Caroline Houghton, 41 Claremont Ave
- 2001 First the construction over a 10 to 15 year next to an elementary school with young lungs inhaling dust and fumes everyday.  
- Jennifer Leahy, 192 Central Ave
- 2403 Construction over multiple years in such close proximity to an elementary school where children are outside playing throughout the day will not only have health effects, but also will be a consistent source of noise.

## THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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- Hellen Keller, 81 Osborn Rd
- 2502 First the construction over a 10 to 15 year next to an elementary school with young lungs inhaling dust and fumes everyday.
- Christine Sasse, 81 Bradford Ave
- 2701 It's too much congestion, traffic and dust, pollution surrounding Osborn school. The time period of construction is over way too long a period and piggy backed right into the St Regis project. It will paralyze traffic for years.
- Nina Draddy, No address given
- 3201 Osborn Road is a very busy road during the school day, filled with cars as parents drop off and pick up their children; any increased traffic would be untenable. The increased traffic from construction crews, staff and visitors would also put our children at risk. As proposed, the two playgrounds at Osborn School would back up to construction areas and multi-story buildings. This would significantly affect the school experience for these very young children.
- Sean and Catherin Plummer, 111 Osborn Rd

The Osborn has petitioned the City of Rye to amend the City zoning ordinance to add a new “R-2 Senior Living” special exception use in the R-2 District. No specific buildings or building locations are being proposed at this time. There is no change proposed to the 160-foot minimum building setback within the Osborn site adjoining the Osborn School and there are no changes proposed to Osborn campus entry or exit drives. Special permit and site plan approval applications will be submitted to the City of Rye for each building or site improvement project and will include descriptions of proposed construction operations.

- 403 How should one interpret such an application when even a question such as the projected timeframe of the project is indeterminate? Yet, in another place in the application it is listed as 10-15 years?
- Mary Ann and Craig Haines, 2 Coolidge Ave
- 410 Houses bordering the SW corner of The Osborn property are in the closest proximity to the proposed new builds and have the greatest potential for negative visual impact, decreased property value and effect on quality of life for a prolonged period of time. We would be subjected to continuous construction noise, traffic and disruption to our daily lives and routines. Approximately 2 years ago, the City undertook a project to replace sidewalks on the corner of Theall Rd, Osborn Rd, and Coolidge Ave. For an entire summer, we had construction materials stored on our property, noise related to construction, vehicles parked in no parking areas, destruction of our property, workers using our property as a lunch location and a port-a-potty stationed in front of our home. This greatly decreased our ability to enjoy our home and community. It is not an experience we would choose to repeat, in any capacity, particularly with the scale of the proposed construction compared to a much smaller project. The detrimental effect that a decade of construction would have on the neighborhood, the property values of our homes and quality of our lives is not reflected in the current proposal by The Osborn.
- Mary Anne and Craig Haines, 2 Coolidge Ave



## THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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As described in its Zoning Text Amendment Petition at Tab IV.3, The Osborn anticipates that its future improvements “would be proposed over a ten to fifteen-year period, with separate or combined special permit and site plan approval applications submitted to the City of Rye for each set of building and site improvements.” Construction would not be continuous during this period and would not result in any construction staging or material storage on adjoining properties.

- 405                   Answers to questions with respect to the noise levels generated by construction – for 10 to 15 years – were apparently indeterminate.
- 2003                   - Mary Ann and Craig Haines, 2 Coolidge Ave  
Noise from construction while our children are trying to concentrate and learn. Traffic is already a mess and dangerous for our community. Where would the construction workers park?? I am shocked Rye has allowed this to continue to happen with no regard for the tax payers. Who will be vetting the workers on the project to ensure no registered offenders are within the proximity to our children.
- Jennifer Leahy, 192 Central Ave

Current and future construction activities on The Osborn campus are and will be required to comply with applicable City of Rye Chapter 133 noise regulations.

- 402B                   There have been many near misses and accidents as a result of the construction workers parking on curbs, on hills, in ditches and anywhere they can find a spot. Local residents (Packard Ct, Old Post Road, etc) have taken to having signs/traffic cones erected on their streets to dissuade construction worker parking. If The Osborn project were allowed to proceed, where would these workers park for the next 10-15 years!?! Couple the current situation with the added parking, traffic and proximity to the Osborn School, it is a tragedy waiting to happen.
- Mary Ann and Craig Haines, 2 Coolidge Ave
- 802                   Has there been a proposed parking plan for construction vehicles?? Osborn Rd. and Theall Rd. are narrow streets and cannot accommodate a large construction crew. Coolidge, Harding and Florence and narrow residential streets and we certainly do not want construction workers on our streets.
- Karen Nolte, 31 Florence Ave
- 901                   Would you let us know where construction vehicles and project employee vehicles would park during the course of the project? We recall driving past the construction at the St. Regis and seeing numerous vehicles parked alongside Playland Access Drive. This is a hazardous situation that should not be replicated.
- Joe and Kim Rotondo, 5 Woods Ln
- 2504                   Noise from construction while our children are trying to concentrate and lean. Traffic is already a mess and dangerous for our community. Where would the construction workers park, the St Regis parking has been a mess they have parked everywhere along the street and have ripped up the grass and it looks absolutely horrible.
- Christine Sasse, 81 Bradford Ave
- 3502B                   There have been many near misses and accidents as a result of the construction workers parking on curbs, on hills, in ditches and anywhere they can find a spot. Local residents (Packard Ct, Old Post Road, etc) have taken to having signs/traffic cones erected on their streets to dissuade construction worker parking. If The Osborn project were allowed to proceed, where would these workers park for the next 10-15 years!?! Couple

## THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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the current situation with the added parking, traffic and proximity to the Osborn School, it is a tragedy waiting to happen.

- Jonathan and Jennifer Wismer, 15 Franklin Rd

The Osborn has petitioned the City of Rye to amend the City zoning ordinance to add a new “R-2 Senior Living” special exception use in the R-2 District. No specific buildings or building locations are being proposed at this time. Special permit and site plan approval applications will be submitted to the City of Rye for each building or site improvement project and will include descriptions of proposed construction operations. Per Osborn policy, no parking associated with any Osborn activities, including construction, is permitted on adjoining Rye streets.

402C

What happens when a construction vehicle overturns on the corner of Theall and Osborn as one did when exiting I95 onto Playland Access? What will be the projected traffic patterns should one or more of the bordering streets, such as Theall Rd or Old Post Rd, need to be shut down to accommodate a new sewer or water line? How will that impact local residents and the Osborn School?

- Mary Ann and Craig Haines, 2 Coolidge Ave

2305

Agreement to restrict the construction impact on Rye roads

- John and Emily Powers, 23 Coolidge Ave

2601

1) The vast increase in construction creating downward pressure on homeowner property values due to the substantial build-up of one story to five story buildings. Both the long-term construction and the finished structures will damage property values. 2) The multi-year surge in construction related traffic, similar to what is seen around the corner at the St. Regis construction site on Playland Access road. This construction alone is already extremely dangerous during school drop-off and pick-up times. Elementary aged kids are forced to walk across streets barreling with massive construction vehicles indifferently racing to get to and from the job site. Anyone whose driven by there is aware of the danger as are the Rye Police, who clearly feel the need to monitor it constantly.

- Hope Vaughn, 2 Florence Ave

2802

We are concerned that the increased traffic of service vehicles, construction vehicles and new Osborn residents would impact the flow and safety of the area. Having witnessed the new construction around the St. Regis complex and the construction vehicles littered along the street there, we feel that this is a valid concern and would like to hear more about how the Miriam Osborn Memorial Home proposes to keep our children and families safe during construction and beyond.

- Aileen and Rob Brown, 57 Osborn Rd

3502C

What happens when a construction vehicle overturns on the corner of Theall and Osborn as one did when exiting I95 onto Playland Access? What will be the projected traffic patterns should one or more of the bordering streets, such as Theall Rd or Old Post Rd, need to be shut down to accommodate a new sewer or water line? How will that impact local residents and the Osborn School?

- Jonathan and Jennifer Wismer, 15 Franklin Rd

3505

Houses bordering the SW corner of The Osborn property are in the closest proximity to the proposed new builds and have the greatest potential for negative visual impact, decreased property value and effect on quality of life for a prolonged period of time. We would be subjected to continuous construction noise, traffic and disruption to our daily lives and routines. The detrimental effect that a decade of construction would have on

the neighborhood, the property values of our homes and quality of our lives is not reflected in the current proposal by The Osborn. The proposal states that the change in zoning (and resultant building) on The Osborn site “would not have any adverse impact on” ... the “City of Rye”. We beg to differ. For the foreseeable future, the residents of the City of Rye would have to endure the noise of construction, the traffic, potential damage to the environment, a decrease in our quality of living and the resultant decrease in our safety, property values, and aesthetic of the neighborhood.

- Jonathan and Jennifer Wismer, 15 Franklin Rd

The Osborn has petitioned the City of Rye to amend the City zoning ordinance to add a new “R-2 Senior Living” special exception use in the R-2 District. No specific buildings or building locations are being proposed at this time. There are no changes proposed or anticipated to Osborn campus entry or exit drives. Special permit and site plan approval applications will be submitted to the City of Rye for each building or site improvement project and will include descriptions of proposed construction operations, anticipated construction traffic and any proposed or required mitigation measures to minimize impacts on adjoining roads or properties.

### V. ENVIRONMENTAL ASSESSMENT

#### I.B. 1993 Declaration of Covenants and Restrictions

2302

Furthermore, the citizens of Rye are not being adequately compensated for the proposed alteration to previously negotiated agreements, which were designed to allow The Osborn to control its land use within several thoughtful restrictions. If the Osborn needs to change its operations, those changes should be self-funding and within the confines of the 1993 agreement. While I understand that the market for certain senior living services may have changed, and that certain Osborn buildings may be dated, the solution is for The Osborn to face its challenges within the current land use agreements. Solving the key problem put forward by The Osborn, that the marketplace has materially changed, can be addressed without a 50% increase in developed square footage. The Osborn does not need to sell off its campus beauty to solve an operating problem that is potentially overstated.

- John and Emily Powers, 23 Coolidge Ave

In his letter accompanying the Zoning Text Amendment Petition at Tab I, The Osborn’s President and CEO Matt Anderson notes that “*The Osborn was formed upon the death of Miriam A. Osborn in 1892... to establish a home to care for aged gentlewomen in needy circumstances.*” He then describes changes to the campus and its operations over the first 100 years that led to the Pathway 2000 comprehensive plan and The Osborn’s transition from a nursing home to a full continuing care retirement community.

Mr. Anderson also provides The Osborn’s rationale for the zoning text amendment request: “*Since the 1993 Covenants and Restrictions were established and the “Pathway 2000” project was completed, both health care and senior living have changed dramatically. For The Osborn to continue to innovate, evolve, and*

## THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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*grow in the ever-changing competitive market, as well as meet the needs of seniors in the future, it must expand and update its core services, including newer Assisted Living facilities, additional memory care services, and independent living options with varied amenities. By allowing The Osborn to grow beyond its current restrictions, the City would assist The Osborn in positioning itself properly to succeed as a premier service provider and continue to be a significant taxpayer in Rye, as well as a good community partner.”*

PH 1701

Asked if there was some way to get a history for why it was created as a covenant in the first place.

- Councilwoman Sara Goddard

After discussions with the former City Planner Fred Zepf, it was determined that the City’s preferred method of handling necessary zoning changes for the Pathway 2000 plan was a private agreement, which resulted in the Declaration of Covenants and Restrictions. The Declaration was drafted with input from the Planning Department, Corporation Counsel, and Planning Commission.

### I.C. Proposed Local Law Components

2101

We are very concerned about the proposed zoning changes that would allow the footprint and height of Osborn buildings to increase significantly.

- Margaux and Paul Lisiak, 439 Park Ave

At its February 27, 2019 meeting, the Rye City Council referred The Osborn’s zoning text amendment petition to the Rye Planning Commission for review and recommendation. Following several work sessions with and re-submissions by the Applicant during 2019, the Planning Commission issued an advisory opinion memo to the City Council on December 10, 2019 stating in part:

*“The Commission engaged in extensive discussions over the past few months of its review of the petition regarding the proposed bulk and dimensional standards. These standards allow for an increase in the maximum permitted floor area ratio (FAR) from the current 0.30 FAR limit under the 1993 covenant and restriction to a proposed FAR of 0.45. The Commission recognizes that additional development helps advance the petitioner’s need to maintain this long-standing Rye institution in an increasingly competitive and evolving senior living market place...”*

*“A concern of the Commission is how the text amendment balances the need for additional development while also preserving to the extent practical the campus-like open space character of the Osborn Home property. The Commission was sensitive to the relationship of new development, existing topographic conditions and perimeter*

## THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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*property lines along Boston Post Road, Theall Road and Osborn Road. To that end the zoning petition first submitted to the City Council has changed significantly based on the comments and discussion of the Planning Commission.”*

The Planning Commission’s 12/10/19 memo is attached to this comment and response document as Exhibit 1. The currently proposed zoning text included at Tab II, Exhibit A of the petition does not change the building coverage (footprint) limitation set forth in the 1993 Declaration and increases the minimum setbacks from property lines for five-story buildings from those required by the 1993 Declaration.

PH 104

She said that there should be more conversation in the community, and asked why the applicant would be pushing for this zoning change now.

- Sue Drouin, 57 Morehead Dr

In his letter accompanying the Zoning Text Amendment Petition at Tab I, The Osborn’s President and CEO Matt Anderson provides The Osborn’s rationale for the zoning text amendment request: *“Since the 1993 Covenants and Restrictions were established and the “Pathway 2000” project was completed, both health care and senior living have changed dramatically. For The Osborn to continue to innovate, evolve, and grow in the ever-changing competitive market, as well as meet the needs of seniors in the future, it must expand and update its core services, including newer Assisted Living facilities, additional memory care services, and independent living options with varied amenities. By allowing The Osborn to grow beyond its current restrictions, the City would assist The Osborn in positioning itself properly to succeed as a premier service provider and continue to be a significant taxpayer in Rye, as well as a good community partner.”*

201

### Yard Setbacks

Allowing Independent Living Cottages and/or Hybrid Homes to be built with only a 100 foot set back along Theall Road nearly directly across from the Rye Manor will serve to destroy the bucolic nature of the current Osborn property landscape along Theall Road and could further serve to decrease residential property values in the surrounding area.

- Anne and James Slattery, 125 Osborn Rd

## THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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401 Similar to the concerns raised by the Planning Commission in their October 15, 2019 meeting, we have great concern about the proposed setback of only 100 feet along Theall Road. Currently, this highly trafficked road is offset only by the park like setting currently established on The Osborn site. With only a 100' setback along this thoroughfare, it would appear overbuilt and detract from the overall neighborhood. Although The Osborn has conceded to the Commission's recommendation of a 160' setback along Osborn Road, replacing the current one story cottages with 4-5 story apartment buildings would greatly affect the current visual – even from the street, as was noted by the Commission on October 29, 2019. It was postulated by The Osborn that because there are 'primarily office buildings' along Theall Rd it would be acceptable to have only a 100' setback in this area. It is not. The open, beautifully maintained, park-like setting of The Osborn is one of the reasons we chose to buy our home and makes this neighborhood unique. The proposal stated that the setback could contain storm water management, sidewalks and access drives, none of which improve the aesthetic of the community.

- Mary Ann and Craig Haines, 2 Coolidge Ave

503 Clearly extending the Osborn buildings any closer to Theall Road would be unwelcome for us. It appears that there will still be a strict minimum distance - 160 yards? - so that would help mitigate this but of course construction would be disruptive.

- Neil Middleton, 330 Theall Rd

1301 Adding 4-5 story buildings in that area, especially with a minimal set back will create many issues for the area.

- Bill Russo, 50 Coolidge Ave

2304 Substantially increased setbacks for anything over 2 stories

- John and Emily Powers, 23 Coolidge Ave

3501 We have great concern about the proposed setback of only 100 feet along Theall Road. Currently, this highly trafficked road is offset only by the park like setting currently established on The Osborn site. With only a 100' setback along this thoroughfare, it would appear overbuilt and detract from the overall neighborhood. Although The Osborn has conceded to the Commission's recommendation of a 160' setback along Osborn Road, replacing the current one story cottages with 4-5 story apartment buildings would greatly affect the current visual – even from the street, as was noted by the Commission on October 29, 2019. It was postulated by The Osborn that because there are 'primarily office buildings' along Theall Rd it would be acceptable to have only a 100' setback in this area. It is not. The open, beautifully maintained, park-like setting of The Osborn is one of the reasons we chose to buy our home and makes this neighborhood unique. The proposal stated that the setback could contain storm water management, sidewalks and access drives, none of which improve the aesthetic of the community.

- Jonathan and Jennifer Wismer, 15 Franklin Rd

The proposed zoning text included at Tab II, Exhibit A of the petition includes two requested changes to the minimum 160-foot yard setback applicable under the 1993 Declaration:

*“(f)(2) Where an R-2 Senior Living Facility is located across a non-State, non-County or non-federally-designated road from a one-family district, the minimum required setback from that road shall be 240 feet.”* This proposed change would increase the required building setback from 160 feet to 240 feet along The Osborn's Osborn Road frontage.

*“(f)(3) Where an R-2 Senior Living Facility adjoins or is located across the street*

## THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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*from a use other than a single-family residence or school, required yard setbacks may be reduced to no less than 100 feet, provided that the maximum permitted area of the encroachment of the structure into this reduced setback shall be no more than 30% of the total area between each yard line and the standard 160-foot setback.”*

Along Theall Road, the limited reduction in setback could be applied, subject to Planning Commission review, opposite the Rye Manor property (RA-5 district; minimum 25' front yard required) and the office properties (B-4 district; minimum 100' front yard required).

As the existing Osborn buildings along Theall Road are generally oriented on a grid set diagonal to the street, building corners rather than full facades are located closest to the street and have been landscaped so as to reduce their visual effect from the street. The Applicant anticipates that the Planning Commission would review any building extensions and landscaping proposed closer than 160 feet from Theall Road so as to maintain the existing landscape character of The Osborn campus when viewed from Theall Road.

3702

I also want to reiterate my concerns regarding the potential loss of the park like green space along the southwest corner of The Osborn's property at the corner of Osborn and Theall Roads. When we moved to Osborn Road in the spring of 2018 we were told by our real estate broker that the green space was owned by The Osborn and would be protected as green space per the zoning laws. While it is technically true that the current 160 ft setbacks allow buildings to be closer to Osborn Rd, the FAR cap would not allow it unless something was taken down. The Osborn is currently using .26 FAR versus the max FAR of .30 as set in the 1993 Declaration. We took comfort that the zoning laws would protect the green space. Since part of our decision to move to Osborn Road included the use of that green space, I can only assume that the loss of it would negatively affect our real estate value. Our family loves that green space and the thought of losing it truly saddens me. We throw a baseball with our kids over there, picnic under the trees and enjoy the open atmosphere on bike rides and walks. We have especially enjoyed the open space during the long days of quarantine. While it is true that the The Osborn could build closer to Osborn Rd given that there are no buildings close to the current 160 ft setback, the reality is that The Osborn is nearly maxed out on FAR and it seems highly unlikely that they would take down buildings to move them closer to Osborn Road without the increased FAR from this Zoning Amendment. The offer of an increased set back of 240 ft versus the currently 160 ft distorts the reality of the situation. The reality is that most of the garden cottages that are setback from Osborn Rd are closer to 400 or 450 ft back, so even at the increased give of a 240 setback as proposed in the zoning amendment, anything that is built along Osborn Rd would be much closer to the road than it currently is and would mean a loss of some of that beautiful green space. While the Osborn could currently build at 150, they haven't because there isn't FAR to do so, and even a 260 ft set back would feel like a loss versus the reality of the current 400/450 ft setbacks.

- Amanda Timchak, 61 Osborn Rd

As acknowledged by the commenter above, the “park like green space along the southwest corner of The Osborn's property” is “owned by The Osborn.” In contrast the commenter later states that “part of our decision to move to Osborn Road included the use of that green space” and that “[w]e throw a

## THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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baseball with our kids over there, picnic under the trees and enjoy the open atmosphere on bike rides and walks.” As described in its Zoning Text Amendment Petition at Tab V.2.A, the Osborn’s trees and landscape features are integral components of its campus plan. The Osborn’s commitment to retain its “park-like” character when viewed from adjoining areas is further evidenced by its proposed R-2 Senior Living Facility zoning provisions to increase the required yard setback along its Osborn Road boundary from 160 to 240 feet, and to require “appropriate landscaping so as to provide effective visual screening” across the street from single-family residences. The Osborn campus, however, will remain private property and not a public open space.

### Building Height

- 2002 Five story buildings reduce the natural light into our school. Five story buildings looking right over our children playing.  
- Jennifer Leahy, 192 Central Ave
- 2501 I believe the rezoning is to allow them to get rid of the height restriction for 5 story buildings.  
- Christine Sasse, 81 Bradford Ave
- 2503 Five story building reducing the natural light into our school. Five story buildings looking right over our children playing.  
- Christine Sasse, 81 Bradford Ave
- 3402 Finally, we believe that the 60-foot limit that is proposed is too high, and should be reduced.  
- Emily and Jon Borell, 5 LaSalle Ave
- 3509A Regarding the 4- vs 5- story proposal, The St. Regis which is only 3 stories on a hill and towers over Old Post Road is already being built  
- Jonathan and Jennifer Wismer, 15 Franklin Rd
- 3703 The elevation of the land at a 240 ft setback is much higher than it is at the approximately 400 ft mark where the garden cottages currently are, so we are talking about the potential of twice as high (or more) buildings being built on top of a hill much closer to the Street. That means loss of space, as well of loss of quality of life resulting from the loss of the park like feel.  
-Amanda Timchak, 61 Osborn Rd
- 3803 More 4 or 5 story buildings will leave little green space in the neighborhood.  
-Elaine Lerner, 59 Franklin Ave
- PH 601 Said that there is an elevation where the structures currently sit. It looks much taller from the road and that needs to be addressed further. The two story structures there right now actually look much bigger than two stories.  
- Catherine Plummer, 111 Osborn Rd

Per the 1993 Declaration, the maximum building height currently permitted on The Osborn property is 5 stories, 75 feet, with minimum yard setbacks of 160 feet. As noted in the Rye Planning Commission’s 12/10/19 advisory memo to the City Council, “the revised text amendment increases property line setbacks for five-story buildings.” The proposed zoning text included at Tab II, Exhibit A of the petition provides that

*“Building height shall not exceed four (4) stories or 60 feet. Where proposed*



## THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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*buildings are set back at least 240 feet from all property lines and wholly located within an area of said setback that can contain a horizontal square with 200-foot sides, the permitted maximum building height may be increased to five (5) stories and 75 feet.”*

As illustrated by the red dashed line on the zoning text amendment petition Exhibit V.1-4, the effect of this provision would be to reduce the permitted building height along the perimeter of the site to four stories. The current 5-story building height limit would only be permitted within the interior of the site, at a minimum distance of 240 feet from all boundaries except Osborn Road, where that minimum distance would be over 500 feet.

### **Floor Area Ratio**

2301

The Osborn can continue to thrive with the 0.30 FAR restriction that was put in place in 1993. There is no need to open-up this beautiful campus to a 50% increase in developed square footage to make way for 10 to 15 years of construction of five story buildings.

- John and Emily Powers, 23 Coolidge Ave

PH 901

Expressed concern about the site and discussed the increase of FAR.

- Emily and John Powers, 23 Coolidge Ave

## THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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At its February 27, 2019 meeting, the Rye City Council referred The Osborn's zoning text amendment petition to the Rye Planning Commission for review and recommendation. Following several work sessions with and re-submissions by the Applicant during 2019, the Planning Commission issued an advisory opinion memo to the City Council on December 10, 2019 stating in part:

*“The Commission engaged in extensive discussions over the past few months of its review of the petition regarding the proposed bulk and dimensional standards. These standards allow for an increase in the maximum permitted floor area ratio (FAR) from the current 0.30 FAR limit under the 1993 covenant and restriction to a proposed FAR of 0.45. The Commission recognizes that additional development helps advance the petitioner's need to maintain this long-standing Rye institution in an increasingly competitive and evolving senior living market place...”*

*“A concern of the Commission is how the text amendment balances the need for additional development while also preserving to the extent practical the campus-like open space character of the Osborn Home property. The Commission was sensitive to the relationship of new development, existing topographic conditions and perimeter property lines along Boston Post Road, Theall Road and Osborn Road. To that end the zoning petition first submitted to the City Council has changed significantly based on the comments and discussion of the Planning Commission.”*

*“The revised petition provides new or modified standards for building height based on their setback relationship to property lines. The revised text amendment increases property line setbacks for five-story buildings and includes other standards regarding maximum site and building coverage and increased landscape buffer requirements. The Commission notes that four- and five-story buildings can create future opportunities that reduce building footprints and potentially increase open space. These regulatory measures seek to better preserve the open-space character of the site. It is recommended that the City Council review the comparative zoning table provided by the petitioner, the cross sections as viewed from adjacent streets and the aerial image of the site, which superimposes the proposed building setback boundaries. As development advance in the future these concerns will be again considered as part of a formal site plan application.”*

The Planning Commission's 12/10/19 memo is attached to this comment and response document as (Exhibit 1). In the Applicant's opinion, the currently proposed amendments have been formulated to achieve the balance of protections described by the Planning Commission above.

Nick Everett, Chairman  
Martha Monserrate, Vice Chair  
Andy Ball  
Laura Brett  
Richard Mecca  
Steven Secon  
Birgit Townley



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## **CITY OF RYE Planning Commission**

### **Memorandum**

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To: Rye City Council

From: Rye City Planning Commission

Date: December 10, 2019

Subject: **Zoning Text Amendments to Allow Senior Living Facilities (the Osborn Home)**

Pursuant to your request, this memorandum provides the Planning Commission's advisory opinion with respect to the petition of Miriam Osborn Memorial Home Association ("The Osborn") to amend the City Zoning Code to codify and modify standards for senior living facilities in the R-2 District. This memorandum was unanimously approved by the Planning Commission at its December 10, 2019 meeting.

### **Background**

The Osborn Home is located on a 55.79-acre property in the R-2, *One-Family Residence*, District. It is one of Rye's oldest institutions with many of its buildings pre-dating the standards and requirements of the City's Zoning Code. The leadership of the Osborn Home has represented that as a single-site entity increasingly competing against large well-capitalized senior care corporations, the long-term commercial viability of the business is not assured. Currently, the Osborn Home property is regulated as a special permit use in the R-2 District and more specifically by covenant and restrictions approved by the Planning Commission in connection with a major expansion of the facility in 1993.

The proposed zoning code amendment would accomplish two objectives: 1) it would formally codify the standards and requirements for "Senior Living Facility" in the City Zoning Code and allow for the existing 1993 covenant and restrictions to be rescinded; and 2) it would create/amend standards for development on the property to accommodate the anticipated future needs of the Osborn Home. The proposed zoning standards apply only to the Osborn Home property. No other property in the City's R-2 Districts meet the 50-acre minimum lot area requirement to be eligible for operating a senior living facility. *No changes to the City's Zoning Map are proposed.*

## **Zoning Text Amendments to Allow Senior Living Facilities (the Osborn Home)**

December 10, 2019

Page 2 of 3

### **Proposed Text Amendment**

The proposed text amendment specifies the permitted use and related accessory uses existing and/or proposed on the Osborn Home property. The text amendment also codifies the restriction that the property must be limited to persons age 55 and older (with a minor exclusion for four dwellings on the property occupied by staff and their families). The age-restriction is similar to that in the RA-6 District, which was adopted by the City Council in 2016 in connection with the re-zoning of the 120 Old Post Road property located immediately adjacent to the Osborn Home. The Planning Commission supports these text changes with respect to use in that they are more reflective and descriptive of the actual operation of the Osborn Home. The Commission does not find the use or the accessory amenities associated with senior living facilities objectionable.

The Commission engaged in extensive discussions over the past few months of its review of the petition regarding the proposed bulk and dimensional standards. These standards allow for an increase in the maximum permitted floor area ratio (FAR) from the current 0.30 FAR limit under the 1993 covenant and restriction to a proposed FAR of 0.45. The Commission recognizes that additional development helps advance the petitioner's need to maintain this long-standing Rye institution in an increasingly competitive and evolving senior living market place. The zoning amendment provides for a new development program that gives Osborn Home and the City a roadmap for the future.

A concern of the Commission is how the text amendment balances the need for additional development while also preserving to the extent practical the campus-like open space character of the Osborn Home property. The Commission was sensitive to the relationship of new development, existing topographic conditions and perimeter property lines along Boston Post Road, Theall Road and Osborn Road. To that end the zoning petition first submitted to the City Council has changed significantly based on the comments and discussion of the Planning Commission.

The revised petition provides new or modified standards for building height based on their setback relationship to property lines. The revised text amendment increases property line setbacks for five-story buildings and includes other standards regarding maximum site and building coverage and increased landscape buffer requirements. The Commission notes that four- and five-story buildings can create future opportunities that reduce building footprints and potentially increase open space. These regulatory measures seek to better preserve the open-space character of the site. It is recommended that the City Council review the comparative zoning table provided by the petitioner, the cross sections of proposed development as viewed from adjacent streets and the aerial image of the site, which superimposes the proposed building setback boundaries. As development advances in the future these concerns will be again considered as part of a formal site plan application.

## **Zoning Text Amendments to Allow Senior Living Facilities (the Osborn Home)**

December 10, 2019

Page 3 of 3

### **SEQRA**

It is recommended that the City Council carefully review the applicant's environmental assessment form (EAF) and carefully consider how future development may impact a number of potential concerns including, changes in water, sewer and utility demands, fiscal/tax impacts, changes in community service demands based on the anticipated needs of an expanded aged population, visual and community character concerns and traffic considerations.

## THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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### 2.A. Trees

- 504 Disturbing the fantastic trees in the Osborn Park area would be a real shame if that is what is proposed. These are very mature trees, impossible to replace in short order.
- Neil Middleton, 330 Theall Rd
- 2602 The loss of green space and trees for Osborn school.
- Hope Vaughn, 2 Florence Ave
- 3506 The trees that would be removed are historic specimens and are irreplaceable. The Osborn just announced and touts itself as an 'arboretum.' They had proposed replacing any tree with 2 new trees, and the reality is that even planting 10 for every one removed would destroy the character of the grounds, visible on 3 sides by its neighbors. What example does this set for our children? "It's okay to tear down the environment as long as it makes us money." This is interesting as a great portion of the education in Rye is dedicated to respecting the environment and being a voice for change. Tearing down these trees is hypocritical at best.
- Jonathan and Jennifer Wismer, 15 Franklin Rd

As described in detail in its petition at Tab V.2.A, "trees have always been integral elements of the Osborn campus plan." The interest in establishing and maintaining a landscaped site began with The Osborn's co-founder, John Sterling, in the early twentieth century and continues to be evidenced by the 2019 tree inventory and assessment commissioned by The Osborn and its 2019 designation as a Level 1 Arboretum by ArbNet. By these recent actions, The Osborn acknowledges the importance of its tree resources for its residents, visitors and surrounding community.

While certain existing trees may be proposed for removal as part of future improvement projects (as were trees within the vicinity of the Pathway 2000 buildings), site plans to be submitted for Planning Commission review will include replacement evergreen and deciduous trees to maintain the landscape character of the Osborn campus.

- 1101 I am highly against the building/construction of anything, that that would destroy the natural environment of nature and animals, extending from the corner of Osborn St and Theall Rd to the school and/or westmed buildings.
- No name or address given
- 1202 What about the preservation of nature and wildlife in that area?
- No name or address given

The Osborn has petitioned the City of Rye to amend the City zoning ordinance to add a new "R-2 Senior Living" special exception use in the R-2 District. No specific buildings are being proposed at this time. One of the R-2 Senior Living zoning parameters proposed at Tab II, Exhibit A of the petition would increase the current minimum required building setback along Osborn Road from 160 feet to 240 feet, so no buildings would be located within 240 feet of the Osborn property line at the corner of Osborn and Theall Roads.

## THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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As described in detail in its petition at Tab V.2.A, “trees have always been integral elements of the Osborn campus plan.” The park-like setting of The Osborn has been and will continue to be beneficial to both its people and its suburban wildlife. As evidenced by its 2019 commissioning of an extensive tree inventory and maintenance plan, The Osborn acknowledges the importance of its trees and associated habitat for its residents, visitors and surrounding community.

### 2.B. Stormwater Management

- 404 Living at the southwest corner of The Osborn property, we have witnessed the runoff of rainwater first hand as it rushes down Osborn Road, and onto our street. How will this be managed going forward? How will construction affect current runoff patterns? What assurances can be offered to neighboring home owners that their properties will not be negatively impacted? Where will the proposed ‘on-site stormwater management facility’ be located and how will it be managed? The Westchester County Planning Board Referral Review has made suggestions with respect to parking allowances onsite so as to minimize runoff and flooding in the area.
- 2604 - Mary Ann and Craig Haines, 2 Coolidge Ave  
Environmental challenges and increased storm water issues.
- PH 402 - Hope Vaughn, 2 Florence Ave  
He also expressed concern that the stormwater basin would remain intact.
- Neal Middleton, 330 Theall Rd

As described in the Zoning Text Amendment Petition at Tab IV.2.B, the southwest portion of The Osborn campus drains to an existing on-site stormwater basin that was constructed as part of the Pathway 2000 improvements. All future building proposals will include existing and proposed drainage analyses and provide for stormwater management plans that meet all applicable City of Rye and New York State stormwater quantity and quality treatment requirements.

### 2.C. Views to Site

- 202 Allowing Independent Living Cottages and/or Hybrid Homes to be built to a height of 4 stories on Osborn property nearest to Osborn Road will radically negatively impact the streetscape of Osborn Road and could very possibly negatively impact residential property values along Osborn Road.
- 409 - Anne and James Slattery, 125 Osborn Rd  
As mentioned previously, and as was brought forth by both the Planning Commission and the City Council, The Osborn is a beautiful, historic property which the City of Rye hoped to maintain as was evident in the 1993 ‘Declaration of Covenants and Restrictions’. While it is commendable of The Osborn to accept the Planning Commission’s recommendations on setbacks greater than 160’ in some areas of the property, the current structures are almost entirely within those limits now. The greatest proposed change to the current site is allowing 4-5 story structures where one

## THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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- story structures now exist and encroaching on Theall Rd. Despite the plan for ‘appropriate landscaping’ and ‘visual screening’, one cannot replace one story with four or five and expect a similar visual effect.
- 1001 - Mary Ann and Craig Haines, 2 Coolidge Ave  
The open green space and beautiful old trees on this corner are one of the draws to our quiet neighborhood. Our City’s Zoning laws are what they are in order to maintain and preserve the beauty of our City for all of our residents. Building a large facility in this corner will destroy this aesthetic and the peacefulness of our neighborhood. The unending construction at the St. Regis site on the Playland Access Road is a terrifying example of what could come should further large scale development be allowed on this site.
- 1303 - Rosalie Louw, 45 Osborn Rd  
Also, adding large buildings in the area (on top of the already in progress St. Regis project) will detract from the aesthetic and bucolic feel of Rye, which is one of it’s true selling points. Rye would begin to feel more like a city than the beautiful suburban neighborhood that we all love.
- 1602 - Bill Russo, 50 Coolidge Ave  
Green spaces are being lost and it has been lovely to see deer and other wildlife enjoying the space between the Osborn School and Theall Road. I am unable to see exactly where the buildings are suggested to be built. I would be just gutted to have them right up along Osborn Road.
- 2401 - Leslie Ebers, 138 Osborn Rd  
The existing cottages that are to be replaced were built with the intention of blending into the residential look and feel of the neighborhood. Multiple 4-5 story residential buildings certainly would not and would be looming over the elementary school’s playgrounds.
- 2803 - Helen Keller, 81 Osborn Rd  
In addition, we would appreciate the opportunity to learn more detail about the set-back and aesthetic plans as they relate to Osborn Road. It would be helpful if The Miriam Osborn Memorial Home could provide visuals showing the elevations of the buildings and landscaping they are proposing along Osborn Road. A poor design and too tight of an encroachment along Osborn Road could dramatically impact the property values of our homes.
- 3202 - Aileen and Rob Brown, 57 Osborn Rd  
Those of us who live on Osborn Road look out fondly at the green areas, at the many old oak trees and green grassy hills. To put a 4-5 story building at the top of these hills would tower over our quiet neighborhood. Furthermore, these new buildings would lack mature growth to provide 50+ feet of screening. Our views of trees and green would be replaced by increased traffic and multi-story buildings. The Osborn is also bordered by Theall Road and Boston Post Road, two very large, busy and non-residential roads that would accept a taller building without struggle.
- 3504 - Sean and Catherine Plummer, 111 Osborn Rd  
As mentioned previously, and as was brought forth by both the Planning Commission and the City Council, The Osborn is a beautiful, historic property which the City of Rye hoped to maintain as was evident in the 1993 ‘Declaration of Covenants and Restrictions’. While it is commendable of The Osborn to accept the Planning Commission’s recommendations on setbacks greater than 160’ in some areas of the property, the current structures are almost entirely within those limits now. The greatest proposed change to the current site is allowing 4-5 story structures where one story structures now exist and encroaching on Theall Rd. Despite the plan for ‘appropriate landscaping’ and ‘visual screening’, one cannot replace one story with four or five and expect a similar visual effect.
- Jonathan and Jennifer Wismer, 15 Franklin Rd



## THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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3805

Osborn property stated that they chose to purchase homes in Rye because of the open spaces. It is a real possibility that I might find myself facing some tall brick buildings in the future!

- Elaine Lerner, 59 Franklin Ave

As described in detail in its petition at Tab V.2.A, Trees, the landscaped character of the Osborn campus has been and remains an integral visual resource for its residents, visitors and the surrounding community. Per the 1993 Declaration, the maximum building height currently permitted on The Osborn property is 5 stories, 75 feet, within minimum yard setbacks of 160 feet. The proposed zoning text included at Tab II, Exhibit A of the petition includes three provisions that would limit the effect of future changes at The Osborn on existing views to the campus:

- Minimum yard setback for 5-story building height would be increased to 240 feet generally, and to over 500 feet from Osborn Road;
- Minimum yard setback along Osborn Road boundary for all buildings would be increased to 240 feet; and
- Landscaping would be specifically required in yards adjoining or across from single-family residences or schools

Tab V.2.C of the petition describes the effect of the first of these provisions on future views to the Osborn site. Existing photos of the campus taken from thirteen evenly spaced vantage points along its adjoining road frontages (Osborn Road, Post Road, Old Post Road, Theall Road) *“generally show manicured lawns with mature trees both along the perimeter and within the campus interior: partial views to buildings that are set back varied distances from the boundary and generally oriented diagonally to the streets and screened by trees; and occasional views to Osborn entry drives, interior roadways and parking.”*

The visual effects of increasing the minimum yard setback for future 5-story buildings is *“illustrated in an east-west cross-section through the Osborn campus as shown in Exhibits V.2-7 to V-2.10. From the vantage point of an observer at Boston Post Road on the east and Theall Road on the west, the sight line to the top of a 60’ tall building set 160 feet back from the boundary is lower than the sight line to the top of a 75’ tall building set 240 feet back from the boundary. This is reflective of the existing views to the Osborn buildings set within the center of the campus, as the combination of their distance from the outside observer and the landscaped buffer limits their effect within the overall viewscape.”*

406

Questions about potential light pollution were “TBD”.

- Mary Ann and Craig Haines, 2 Coolidge Ave

## THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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The Osborn has petitioned the City of Rye to amend the City zoning ordinance to add a new “R-2 Senior Living” special exception use in the R-2 District. No specific building or site improvements are being proposed at this time. All proposed site lighting will be included in future site plan applications to the Rye Planning Commission and will comply with all applicable City regulations.

PH 701

Asked the applicant how the plan to put in mature plantings that get to the proper height for screening.

- Sean Plummer, 111 Osborn Rd

While certain existing trees may be proposed for removal as part of future improvement projects (as were trees within the vicinity of the Pathway 2000 buildings), site plans to be submitted for Planning Commission review will include replacement evergreen and deciduous trees to maintain the landscape character of the Osborn campus and to provide the appropriate height for screening.

### 3.A. Sanitary Sewer

502

Disrupting / overloading the existing sanitary sewerage flows would also be extremely concerning for us i.e. could that effect our situation?

- Neil Middleton, 330 Theall Rd

PH 102

Said she was concerned about impacts of density and impacts on the infrastructure.

- Sue Drouin, 57 Morehead Dr

As described in its petition at Tab V.3.A, Sanitary Sewer, The Osborn’s “sanitary wastewater flows are conveyed into the City of Rye’s sanitary sewer system via four (4) existing service connections.” In coordination with the City Engineer’s office, The Osborn will be undertaking sewage flow monitoring near these existing connections to supplement information available from the City’s recent sanitary sewer evaluation survey so that future Osborn improvements “could be designed to avoid and minimize impact to the City’s sanitary subsystems by redirecting some portion of The Osborn’s existing flows to the Osborn Road subsystem or others where adequate capacity is determined” to be available.

### 3.C. Natural Gas

407

Questions about the storage of petroleum and ‘chemical products’ both above and below ground were “TBD”.

- Mary Ann and Craig Haines, 2 Coolidge Ave

As described in its petition at Tab V.3.C, Natural Gas, The Osborn’s older buildings are served by dual fuel boilers, utilizing both piped natural gas and

heating oil stored in above-ground tanks. Heat and hot water systems for the newer buildings – Sterling Park, the Pavilion and the cottages – are fueled by non-interruptible natural gas. Dependent on Con Edison’s ability to provide natural gas when The Osborn’s future improvements are proposed, above-ground heating oil storage tanks may be required and would be shown and described in future site plan applications to the Rye Planning Commission.

**4.A. School District**

301                   Our public services, roads and infrastructure, families, environment, and the Osborn elementary school community are already stressed by this construction. In addition, the school will be undertaking major renovations soon and even more construction in this area is most unwelcome to the surrounding neighborhoods.  
                          - Sue Drouin, 57 Morehead Dr

The Osborn has petitioned the City of Rye to amend the City zoning ordinance to add a new “R-2 Senior Living” special exception use in the R-2 District. No specific buildings or building locations are being proposed at this time. Special permit and site plan approval applications will be submitted to the City of Rye for each building or site improvement project and will include descriptions of proposed construction operations, anticipated construction traffic and any proposed or required mitigation measures to minimize impacts on adjoining roads or properties. The Osborn is unaware of the scope or timing of the referenced Osborn School renovations.

2306                   Easement or other solutions to address the Osborn School parking and drop-off problems  
                          - John and Emily Powers, 23 Coolidge Ave

2603                   Inadequate setbacks and school land necessary off of Boston Post Road for an adequate parking lot for safe pick-up/drop-off zone.  
                          - Hope Vaughn, 2 Florence Ave

3508                   Inadequate setbacks and school land necessary off of Boston Post Road for an adequate parking lot for safe pick-up/drop-off zone.  
                          - Jonathan and Jennifer Wismer, 15 Franklin Rd

The Osborn has petitioned the City of Rye to amend the City zoning ordinance to add a new “R-2 Senior Living” special exception use in the R-2 District. No specific buildings or building locations are being proposed at this time. There are no changes proposed to Osborn campus entry or exit drives, which are situated at significant distances from parking or pick-up/drop-off locations for the Osborn School. It is therefore not anticipated that the proposed zoning text amendment will have any effects on Osborn School parking or pick-up/drop-off conditions.

## THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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### 4.C. Circulation and Traffic

- 402A The current traffic situation in the area is untenable. Despite the Council's willingness previously to recognize the need to change the parking rules in the area, for which we are grateful and safer, traffic remains a huge issue. This is especially true at times of school pick up and drop off at Osborn. Enforcement of the current parking restrictions is less than adequate and leads to many cars stopped/standing/parked in clearly marked areas where none are allowed. At the best of times, traffic can flow in only one direction along the southern end of Theall Rd or along Osborn Rd at 3pm. This situation is made much worse by the current construction on Playland Access Rd (St. Regis Site). For those of us living in the area, coming/going from/to I95 or Playland Parkway is dangerous. Dropping off our children at RMS/RHS routes us past this area every day (in normal times).
- Mary Ann and Craig Haines, 2 Coolidge Ave
- 601A This particular area of Rye is centrally home to the Osborn School and the busy three-way intersection of Theall, Coolidge and Osborn Roads. We are concerned that such a vast project would impact the safety of the students as they make their way to and from school, with many walking/biking. Furthermore, the tight confines of such an intersection are already stressed and heavily traversed by cars and cannot handle further traffic and construction.
- Nez and Sabrije Mustafic, 145 Osborn Rd
- 701 As you know, Theall Road, Osborn Road and Coolidge Avenue are heavily congested during school pick up and drop off times. This construction will be a terrible traffic and safety issue for the children and families who are walking and driving.
- William and Jodi Childs, 14 Coolidge Ave
- 801 The traffic situation in my neighborhood has become unbearable during the school year. Between the hours of 2pm-4pm on school days, I have difficulty getting home due to all the congestion. With the flow of traffic from Osborn School already presenting a problem, The Osborn's proposed expansion project should not be permitted. Although my children are no longer students at Osborn School, I am concerned for the safety of the students. The flow of traffic on Osborn Rd is already horrendous. If this project is permitted, all of those headed for Harrison will divert their trip toward the residential Glen Oaks Drive.
- Karen Nolte, 31 Florence Ave
- 1001 Traffic on Osborn Road is already a safety concern particularly during school hours and dropoff/pick up times when parents park wait along the side of Osborn Road because there is no other place to park. We live directly across the street from the school, and it is nearly impossible to safely pull in and out of our driveway - let alone ensure that our children safely cross the street. There is no sidewalk on our side of the street and so crossing into this line of parked cars is the only option. Quite a harrowing one at that. In the short run, I shudder to think what this will be like if construction crews are also finishing their days in the middle of the afternoon while school is letting out - not to mention the addition of heavy construction vehicles to the mix. In the longer run after construction, additional structures on this corner will undoubtedly mean increased traffic on Osborn Road between Theall and Boston Post Road.
- Rosalie Louw, 45 Osborn Rd
- 1302 First and foremost, the added traffic during and after construction would be untenable. There is already way too much traffic in the area, especially during school drop off and pick up. Adding to this not only impacts the area environmentally, but it affects the safety of the kids in the neighborhood. Osborn Road and Theall Road are already unsafe for kids in the area. Adding to the traffic flow with these changes would make it extremely unsafe.
- Bill Russo, 50 Coolidge Ave

## THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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- 1304 Congestion in the area (traffic, parking, etc) is already at a pressure point and adding to this will only make it worse. There are already tons of cars zipping by my home on Coolidge Ave as people think of this as a passthrough. Adding to this volume makes it unsafe for my family and adversely affect property values. I have already have a neighbor leave the block because he feels it is unsafe for his young children. What will added traffic do to that?
- Bill Russo, 50 Coolidge Ave
- 2402 Congestion in the area (traffic, parking, etc) is already at a pressure point and adding to this will only make it worse. There are already tons of cars zipping by my home on Coolidge Ave as people think of this as a passthrough. Adding to this volume makes it unsafe for my family and adversely affect property values. I have already have a neighbor leave the block because he feels it is unsafe for his young children. What will added traffic do to that?
- Helen Keller, 81 Osborn Rd
- 2901 We already have a huge problem with traffic (and illegal parking) on Osborn Rd during school days for the past 10 years that we've been living at this address -- people parking indiscriminately, making sharp and speedy turns unsafely and parking in our cul-de-sac driveways (cul-de-sac for 1-9 Osborn), blocking residents and so on.
- Meera and Anupam Agarwal, 1 Osborn Rd
- 3001 Adding senior living near the Osborn School area near Theall Road and Osborn Road would be extremely disruptive to the community. This area is already congested with school children walking everyday to school, parents parking to pick kids up, and community members walking to the train or to work at the Osborn Senior Living Center.
- Kendall Truman, No address given
- 3502A The current traffic situation in the area in untenable. Despite the Council's willingness previously to recognize the need to change the parking rules in the area, for which we are grateful and safer, traffic remains a huge issue. This is especially true at times of school pick up and drop off at Osborn. Enforcement of the current parking restrictions is less than adequate and leads to many cars stopped/standing/parked in clearly marked areas where none are allowed. At the best of times, traffic can flow in only one direction along the southern end of Theall Rd or along Osborn Rd at 3pm. This situation is made much worse by the current construction on Playland Access Rd (St. Regis Site). For those of us living in the area, coming/going from/to I95 or Playland Parkway is dangerous. Dropping off our children at RMS/RHS routes us past this area every day (in normal times).
- Jonathan and Jennifer Wismer, 15 Franklin Rd
- 3601 We are very concerned about the traffic and school safety impact of this zoning change and would request that any approval considerations be postponed until public hearings are permitted.
- Katelin Berkowitz, 18 Harding Dr
- 3701 My family lives directly across Osborn Road from the school at 61 Osborn Road. There is no sidewalk on the southern side of Osborn Road, so my children, and the many other Osborn School students who live along Osborn Road, have no choice but to cross Osborn Road without the assistance of a Crossing Guard to get to school. I've raised this issue with our principal who shares our concerns, and with various City agencies. In addition to the many Osborn Road students who cross here there are additionally many children who live in the Glen Oaks neighborhood who may be able to access the crossing guard, but instead choose to take their shortest route to school. That means many more families crossing at the same unsafe place my children cross. I'm not condoning this choice, but the reality of the situation is that there are many students and their caregivers who cross at Osborn Road every day.

## THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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There are four main factors cause the safety concern for students cross at Osborn Road. They are: 1. Parking on the north side of the street, which is always full at school pickup time 2. The school parking lot exit is here, and cars that turn of the school parking lot to get onto Osborn Rd who have limited visibility because of the parked cars 3. Many people ignore the No Parking sign to the west of the school exit on Osborn Rd, creating a situation where kids have to be into the street to be able to look left and right for traffic. 4. There seems to be a generally high level of anxiety about getting to the school parking lot in time for pickup, so cars drive way too quickly through the school zone.

It is an accident waiting to happen. I've heard that a person was hit here a few years ago. I also watched a 4th grader narrowly avoid being hit here after school this fall. He was traumatized to say the least, but luckily not harmed physically.

This pedestrian safety issue is a concern completely aside from The Osborn Zoning amendment and I think it should be addressed as a stand alone issue, but it would be exacerbated by adding additional traffic and a construction zone into this area. I've also heard talk of a potential easement to the school to mitigate disaster that is pickup at Osborn School. While that may certainly help many families who drive to school, that seems to have the potential to double down on this very unsafe crossing situation.

I hope that the safety of the school children and their ability to get to and from school without harm is at the top of the list of concerns that The Osborn has should this or some version of this Zoning Amendment be passed and construction does occur.

-Amanda Timchak, 61 Osborn Rd

The Osborn has petitioned the City of Rye to amend the City zoning ordinance to add a new “R-2 Senior Living” special exception use in the R-2 District. No specific buildings or building locations are being proposed at this time. There are no changes proposed to Osborn campus entry or exit drives, which are situated at significant distances from parking or pick-up/drop-off locations for the Osborn School.

As described in its petition at Tab V.4.C, Circulation and Traffic, the vehicular traffic to and from The Osborn campus occurs primarily outside of area peak hours (weekdays 8 to 9 am and 5 to 6 pm) due to the age of its residents and shift-change times of its staff. It is therefore not anticipated that the proposed zoning text amendment or the future addition of independent living and assisted living units as presented will have any effects on Osborn School parking or pick-up/drop-off conditions or on area traffic circulation patterns.

## THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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- 408 As previously discussed, current enforcement of parking rules and regulations in the communities surrounding this proposed site is less than adequate. What protections will be in place for residents of the surrounding neighborhoods that they will be safe driving in the area? That their children will be safe walking to and from school? That children at school will not be subjected to unacceptable levels of noise pollution? That cars will not be parked in restricted areas, or even on The Osborn property detracting from the visual appeal that it now holds?
- Mary Ann and Craig Haines, 2 Coolidge Ave
- The Osborn has petitioned the City of Rye to amend the City zoning ordinance to add a new “R-2 Senior Living” special exception use in the R-2 District. No specific buildings or building locations are being proposed at this time. There are no changes proposed to Osborn campus entry or exit drives. Per Osborn policies, no parking associated with any Osborn activities is permitted on adjoining Rye streets and no vehicles not associated with Osborn residents, staff or visitors are permitted to park on its campus.
- 501 I could not ascertain whether any access from the Retirement Home onto Theall Road or Osborn Road is planned. If so, I think that would be extremely problematic. The stretches of road close to that intersection are already extremely busy at certain times of the day, largely of course because of the drop off zone for Osborn Elementary School, but also because it is a thoroughfare to Harrison railway station, a cut-through to the Westmed Medical center and to the I-95. I think there is already an accident waiting to happen for the many schoolchildren in then area, and any further traffic here would be extremely concerning. Osborn Road is quite narrow and when kids are being dropped off it becomes quite dangerous.
- Neil Middleton, 330 Theall Rd
- 1604 I certainly cannot stand the thought of there being new entrances either. IF it does pass, I beg of you to require only using the current entrances that exist for the Osborn community. Including during the construction process.
- Leslie Ebers, 138 Osborn Rd
- The Osborn has petitioned the City of Rye to amend the City zoning ordinance to add a new “R-2 Senior Living” special exception use in the R-2 District. No specific buildings or building locations are being proposed at this time. There are no changes proposed to Osborn campus entry or exit drives, which are situated at significant distances from parking or pick-up/drop-off locations for the Osborn School.
- 601B Furthermore, we still don’t know the full impact of the St. Regis project and the effect of an expected increase in vehicular and foot traffic.
- Nez and Sabrije Mustafic, 145 Osborn Rd
- 3509B [W]e have not begun to grapple with traffic problems of a fully-occupied St. Regis!
- Jonathan and Jennifer Wismer, 15 Franklin Rd
- PH 1101 Said that there had been traffic and parking issues, along with other unknowns bought by the St. Regis. With those issues and the Osborn School construction, the development here is of great concern. Mr. Childs expressed concern about the impact on the neighborhood.
- William Childs, 14 Coolidge Ave

## THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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In its January 10, 2017 resolution granting site plan approval to the now-named St. Regis Residences, the Rye Planning Commission noted that *“The Planning Commission (as did the City Council in its review of the zoning petition) considered multiple potential traffic improvements, but none were deemed required since the proposed development generates less peak hour traffic than the full occupancy of the existing office building on the property.”*

2801 Throughout our time here, we have witnessed the busy and congested traffic patterns of Osborn Road and Boston Post Road during school and post-school hours. We recognize that Osborn Road, Theall Road and Boston Post Road serve as access points for many children and families traveling to/from Osborn School and Rye High School and Middle School. With this said, our largest concern as it relates to the proposed project, would be for the safety of our local residents during and following the construction process.

- Aileen and Rob Brown, 57 Osborn Rd

3101 The traffic and safety of the children is already a major concern and changing the zoning to allow for a large development nearby will make the issue worse.

- Heather Rich, No address given

3503 As previously discussed, current enforcement of parking rules and regulations in the communities surrounding this proposed site is less than adequate. What protections will be in place for residents of the surrounding neighborhoods that they will be safe driving in the area? That their children will be safe walking to and from school? That children at school will not be subjected to unacceptable levels of noise pollution? That cars will not be parked in restricted areas, or even on The Osborn property detracting from the visual appeal that it now holds? That we will not be the unfortunate individuals subjected to a chemical spill and subsequent clean up? There are too many unanswered questions to ensure the safety of Rye residents and children attending the Osborn School

- Jonathan and Jennifer Wismer, 15 Franklin Rd

The Osborn has petitioned the City of Rye to amend the City zoning ordinance to add a new “R-2 Senior Living” special exception use in the R-2 District. No specific buildings or building locations are being proposed at this time. There are no changes proposed to Osborn campus entry or exit drives.

As described in its petition at Tab V.4.C, Circulation and Traffic, the vehicular traffic to and from The Osborn campus occurs primarily outside of area peak hours (weekdays 8 to 9 am and 5 to 6 pm) due to the age of its residents and shift-change times of its staff. Per Osborn policies, no parking associated with any Osborn activities is permitted on adjoining Rye streets and no vehicles not associated with Osborn residents, staff or visitors are permitted to park on its campus. It is therefore not anticipated that the proposed zoning text amendment or the future addition of independent living and assisted living units as presented will have any effects on area parking or traffic circulation patterns



## THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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- PH 201 She expressed concern over traffic issues. She also expressed concern over the potential development.  
- Daniela Arrendondo, No address given
- PH 301 She expressed concern over the pedestrian safety.  
- Amanda Timchak, 61 Osborn Rd
- PH 401 Expressed concern over the traffic and pedestrian safety.  
- Neal Middleton, 330 Theall Rd
- PH 1301 Expressed concern about traffic and pedestrian safety.  
-Natalie Auerbach, No address given
- PH 1401 Expressed concern over the impact to the neighborhood and pedestrian and traffic safety.  
- Christine Cote, Coolidge Ave  
Comments noted; please see traffic issue-specific responses above.

### GENERAL

- 1701 There appear to be a litany of issues, including inadequate setbacks, the replacement of one story cottages with 4-5 story apartments, the inevitable impact on local traffic and the safety of our children, environmental challenges with stormwater and ultimately the negative implications for property values throughout our neighborhood.  
- Max and Maggie Guimond, 24 Coolidge Ave
- 1801 We are opposed to the suggested changes for various reasons, and wanted to log this notification.  
- Fraser van Rensburg, 115 Osborn Rd
- 2201 We want to maintain the beauty and integrity of the green space in the community and prevent increased traffic and construction over many years in an area where there is a school and traffic is already a major issue.  
- Gabriela Hricko Angelich, 45 Walker Ave
- 3301 I wanted to express my concern and displeasure with the proposal. I am not only concerned about the safety of the kids at Osborn but also the increased traffic and over population of our town.  
- Chris Burke, No address given
- 3401 We feel that this is a terrible proposal- one that is giving The Osborn a huge increase in the FAR in exchange for a small give to the community. As residents of the adjacent neighborhood, we are focused on maintaining the beauty and green-space in the community, as well as preventing increased traffic and construction over prolonged periods of time. The increased traffic burden is something that will directly affect us- not only increased traffic during construction, but of course, after the new buildings are occupied as well. In addition to those points, we have environmental concerns as well - chemical storage, water run off, noise and light pollution, etc.  
- Emily and Jon Borell, 5 LaSalle Ave
- 3509C Plans to increase development and occupancy in the immediate vicinity should be slowed. Our public services, roads and infrastructure, families, environment, and the Osborn elementary school community are already stressed by this construction. In addition, the school will be undertaking major renovations soon and even more construction in this area is most unwelcome to the surrounding neighborhoods  
- Jonathan and Jennifer Wismer, 15 Franklin Rd
- 3802 I am recalling a case in point of the questionable style of the now closed TD Bank in town which is so far from the appearance of the rest of the buildings in town. The St. Regis property in its original sales pitch was not as dense as it has turned out.  
-Elaine Lerner, 59 Franklin Ave

## THE OSBORN – RESPONSES TO PUBLIC HEARING COMMENTS

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- 3804 The Osborn project will change site lines for sure, and create issues with traffic, safety, and probably parking due to the increase in staff and visitor.  
-Elaine Lerner, 59 Franklin Ave
- 3806 The Osborn has been a good neighbor, and I, personally, do support it in many ways, however, I do not want to lose any property value due to its desire to save its bottom line.  
Those of us who have lived in Rye for decades remember the last zoning change-- The Osborn request came with a promise to not build anymore buildings after that project. And we believed it! What can be believed now?  
- Elaine Lerner, 59 Franklin Ave
- PH 101 She asked the council to wait to make a decision during this time. She expressed concern for the neighborhood character.  
-Sue Drouin, 57 Morehead Dr
- PH 202 Stated concern over the zoning change during the pandemic.  
- Daniela Arrendondo, No address given
- PH 801 Expressed concern over development and keeping to prior commitments. He asked the Council to go slow with the process.  
- Don McHugh, Coolidge Ave
- PH 1001 He asked for a delay to allow for public discourse and said that traffic here is an immense problem. He said he was concerned about the FAR and the future of the neighborhood.  
- Craig Haines, 2 Coolidge Ave
- PH 1201 Said she fully supports the Osborn, but is very concerned about giving away something for nothing. She said more information needs to be given with more public engagement before a decision is made.  
- Rosalie Louw, 45 Osborn Rd
- PH 1302 She said she was also concerned about aesthetics and the property values.  
- Natalie Auerbach, No address given
- PH 1501 Echoed the comments of neighbors and emphasized support for due process to voice opinions. He said he was concerned for the neighborhood.  
- Fraser VanRensburg, 115 Osborn Rd
- PH 1601 Expressed concern over traffic impacts and property values.  
- John Lovallo, 27 Hughes Ave
- 1401 There appear to be a litany of issues, including inadequate setbacks, the replacement of one story cottages with 4-5 story apartments, the inevitable impact on local traffic and the safety of our children, environmental challenges with stormwater and ultimately the negative implications for property values throughout our neighborhood.  
- John and Julia Lovallo, 27 Hughes Ave
- 1501 Please allow me more time to provide thorough and valid reasons for opposing this development.  
Please give residents enough time to OPPOSE development!!!! Environmentally and peacefully.  
- Barbara Beals, 300 Theall Rd

Comments noted; please see issue-specific responses in sections above.

## THE OSBORN COMMENT LETTER LIST

LETTER NO.	AUTHOR	ADDRESS	DATE OF LETTER
1	Jim Culyer	40 Palisade Rd	4-24-20
2	Anne and James Slattery	125 Osborn Rd	4-26-20
3	Sue Drouin	57 Morehead Drive	05-11-20
4	Mary Ann and Craig Hanes	2 Coolidge Ave	05-12-20
5	Neil Middleton	330 Theall Rd	05-10-20
6	Nez and Sabrije Mustafic	145 Osborn Rd	05-12-20
7	William and Jodi Childs	14 Coolidge Ave	05-12-20
8	Karen Nolte	31 Florence Ave	05-11-20
9	Joe and Kim Rotondo	5 Woods Lane	05-12-20
10	Rosalie Louw	45 Osborn Rd	05-11-20
11	No name given	No address given	05-12-20
12	No name given	No address given	05-12-20
13	Bill Russo	50 Coolidge Ave	05-12-20
14	John and Julia Lovallo	27 Hughes Ave	05-13-20
15	Barbara Beals	300 Theall Rd	05-13-20
16	Leslie Ebers	138 Osborn Rd	05-13-20
17	Max and Maggie Guimond	24 Coolidge Ave	05-13-20
18	Fraser van Rensburg	115 Osborn Rd	05-13-20
19	Caroline Houghton	41 Claremont Ave	05-13-20
20	Jennifer Leahy	192 Central Ave	05-13-20
21	Margaux and Paul Lisiak	439 Park Ave	05-13-20
22	Gabriela Hricko Angelich	45 Walker Ave	05-13-20
23	John and Emily Powers	23 Coolidge Ave	05-13-20
24	Helen Keller	81 Osborn Rd	05-13-20
25	Christine Sasse	81 Bradford Ave	05-13-20
26	Hope Vaughn	2 Florence Ave	05-13-20
27	Nina Draddy	No address given	05-13-20
28	Aileen and Rob Brown	57 Osborn Rd	05-13-20
29	Meera and Anupam Agarwal	1 Osborn Rd	05-13-20
30	Kendall Truman	No address given	05-13-20
31	Heather Rich	No address given	05-13-20
32	Sean and Catherine Plummer	111 Osborn Rd	05-13-20
33	Chris Burke	No address given	05-13-20
34	Emily and Jon Borell	5 LaSalle Ave	05-13-20
35	Jonathan and Jennifer Wismer	15 Franklin Rd	05-13-20
36	Katelin Berkowitz	18 Harding Drive	05-13-20
37	Amanda Timchak	61 Osborn Rd	06-03-20
38	Elaine Lerner	59 Franklin Ave	06-05-20

## THE OSBORN COMMENT LETTER LIST

PUBLIC HEARING 1 SPEAKER NO.	SPEAKER	ADDRESS	DATE OF HEARING
PH1-1	Sue Drouin	57 Morehead Drive	05-13-20
PH1-2	Daniela Arrendondo	No address given	05-13-20
PH1-3	Amanda Timchak	61 Osborn Rd	05-13-20
PH1-4	Neal Middleton	330 Theall Rd	05-13-20
PH1-5	Leslie Ebers	138 Osborn	05-13-20
PH1-6	Catherine Plummer	111 Osborn Rd	05-13-20
PH1-7	Sean Plummer	111 Osborn Rd	05-13-20
PH1-8	Don McHugh	Coolidge Ave	05-13-20
PH1-9	Emily and John Powers	23 Coolidge Ave	05-13-20
PH1-10	Craig Haines	2 Coolidge Ave	05-13-20
PH1-11	William Childs	No address given	05-13-20
PH1-12	Rosalie Louw	45 Osborn Rd	05-13-20
PH1-13	Natalie Auerbach	No address given	05-13-20
PH1-14	Christine Cote	Coolidge Ave	05-13-20
PH1-15	Fraser VanRensburg	No address given	05-13-20
PH1-16	John Lovallo	27 Hughes Ave	05-13-20
PH1-17	Councilwoman Sara Goddard	No address given	05-13-20

2020 Zoning Amendment Petition - Public Hearing Comments

Letter No.	Date	Author	Comment No.	Topic
1	4/24/2020	Jim Culyer	101	Taxes
2	4/26/20	Anne and James Slattery	201	Yard Setbacks
			202	Views to Site
3	5/11/2020	Sue Drouin	301	Construction
			302	School District
4	5/12/2020	Mary Ann and Craig Haines	401	Yard Setbacks
			402A	Circulation and Traffic
			402B	Construction
			402C	Construction
			403	Construction
			404	Stormwater Management
			405	Construction
			406	Views to Site
			407	Natural Gas
			408	Circulation and Traffic
			409	Views to Site
			410	Construction
5	5/10/2020	Neil Middleton	501	Circulation and Traffic
			502	Sanitary Sewer
			503	Yard Setbacks
			504	Trees
6	5/12/2020	Nez and Sabrije Mustafic	601A	Circulation and Traffic
			601B	Circulation and Traffic
7	5/12/2020	William and Jodi Childs	701	Circulation and Traffic
8	5/11/2020	Karen Nolte	801	Circulation and Traffic
			802	Construction
9	5/12/2020	Joe and Kim Rotondo	901	Construction
10	5/11/2020	Rosalie Louw	1001	Circulation and Traffic
			1002	Views to Site
11	5/12/2020	No Name Given	1101	Trees
12	5/12/2020	No Name Given	1201	Proposed Scope of Improvements
			1202	Trees
13	5/12/2020	Bill Russo	1301	Yard Setbacks
			1302	Circulation and Traffic
			1303	Views to Site
			1304	Circulation and Traffic
14	5/13/2020	John and Julia Lovallo	1401	General
15	5/13/2020	Barbara Beals	1501	General
16	5/13/2020	Leslie Ebers	1601	Construction
			1602	Views to Site
			1603	Proposed Scope of Improvements
			1604	Circulation and Traffic
			1605	Taxes
17	5/13/2020	Max and Maggie Guimond	1701	General
18	5/13/2020	Fraser van Rensburg	1801	General
19	5/13/2020	Caroline Houghton	1901	Construction

2020 Zoning Amendment Petition - Public Hearing Comments

Letter No.	Date	Author	Comment No.	Topic
20	5/13/2020	Jennifer Leahy- Same letter as 25	2001	Construction
			2002	Building Height
			2003	Construction
21	5/13/2020	Margaux and Paul Lisiak	2101	Proposed Local Law Components
22	5/13/2020	Gabriela Hricko Angelich	2201	General
23	5/13/2020	John and Emily Powers	2301	Floor Area Ratio
			2302	1993 Declaration of Covenants
			2303	Taxes
			2304	Yard Setbacks
			2305	Construction
			2306	School District
24	5/13/2020	Helen Keller	2401	Views to Site
			2402	Circulation and Traffic
			2403	Construction
25	5/13/2020	Christine Sasse- Same letter as 20	2501	Building Height
			2502	Construction
			2503	Building Height
			2504	Construction
26	5/13/2020	Hope Vaughn	2601	Construction
			2602	Trees
			2603	School District
			2604	Stormwater Management
27	5/13/2020	Nina Draddy	2701	Construction
			2702	Taxes
28	5/13/2020	Aileen and Rob Brown	2801	Circulation and Traffic
			2802	Construction
			2803	Views to Site
29	5/13/2020	Meera and Anupam Agarwal	2901	Circulation and Traffic
30	5/13/2020	Kendall Truman	3001	Circulation and Traffic
31	5/13/2020	Heather Rich	3101	Circulation and Traffic
32	5/13/2020	Sean and Catherine Plummer	3201	Construction
			3202	Views to Site
33	5/13/2020	Chis Burke	3301	General
34	5/13/2020	Emily and Jon Borell	3401	General
			3402	Building Height
35	5/13/2020	Jonathan and Jennifer Wismer	3501	Yard Setbacks
			3502A	Circulation and Traffic
			3502B	Construction
			3502C	Construction
			3503	Circulation and Traffic
			3504	Views to Site
			3505	Construction
			3506	Trees
			3507	Taxes
			3508	School District
			3509A	Building Height
			3509B	Circulation and Traffic
			3509C	General

2020 Zoning Amendment Petition - Public Hearing Comments

Letter No.	Date	Author	Comment No.	Topic
36	5/13/2020	Katelin Berkowitz	3601	Circulation and Traffic
37	6/3/2020	Amanda Timchak	3701	Circulation and Traffic
			3702	Yard Setbacks
			3703	Building Height
38	6/5/2020	Elaine Lerner	3801	Proposed Scope of Improvement
			3802	General
			3803	Building Height
			3804	General
			3805	Views to Site
			3806	General
PH1- 1	5/13/2020	Sue Drouin, Resident. 57 Morehead Drive	PH101	General
			PH102	Sanitary Sewer
			PH103	Proposed Scope of Improvements
			PH104	Proposed Local Law Components
PH1-2	5/13/2020	Daniela Arrendondo, Resident	PH201	Circulation and Traffic
			PH202	General
PH1-3	5/13/2020	Amanda Timchak, Resident. 61 Osborn Rd	PH301	Circulation and Traffic
PH1-4	5/13/2020	Neal Middleton, Resident. 330 Theall Rd	PH401	Circulation and Traffic
			PH402	Stormwater
PH1-5	5/13/2020	Leslie Ebers, Resident. 138 Osborn Rd	PH501	Proposed Scope of Improvements
PH1-6	5/13/2020	Catherine Plummer, Resident. 111 Osborn Rd	PH 601	Building Height
PH1-7	5/13/2020	Sean Plummer, Resident. 111 Osborn Rd	PH 701	Views to Site
PH1-8	5/13/2020	Don MuHugh, Resident. Coolidge Ave	PH 801	General
PH1-9	5/13/2020	Emily and John Powers, Residents. 23 Coolidge Ave	PH901	Floor Area Ratio
			PH902	Proposed Scope of Improvements
PH1-10	5/13/2020	Craig Haines, Resident. 2 Coolidge Ave	PH1001	General
PH1-11	5/13/2020	William Childs, Resident.	PH1101	Circulation and Traffic
PH1-12	5/13/2020	Rosalie Louw, Resident. 45 Osborn Rd	PH1201	General
PH1-13	5/13/2020	Natalie Auerbach, Resident	PH1301	Circulation and Traffic
			PH1302	General
PH1-14	5/13/2020	Christine Cote, Resident. Coolidge Ave	PH1401	Circulation and Traffic
PH1-15	5/13/2020	Fraser VanRensburg, Resident.	PH1501	General
PH1-16	5/13/2020	John Lovallo, Resident. 27 Hughes Ave	PH1601	General
PH1-17	5/13/2020	Councilwoman Sara Goddard	PH1701	1993 Declaration of Covenants

# Letter No. 1

**From:** [Jim Culyer](#)  
**To:** [publichearingcomments](#)  
**Subject:** Osborn Zoning change  
**Date:** Friday, April 24, 2020 8:05:39 PM

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101

Question: What affect will the zoning request have on the amount of taxes, The Osborn would be paying to the City of Rye and the Rye City School District?

Thank you.

Jim Culyer  
40 Palisade Rd



Sent from my iPhone



**Letter No. 2**

**From:** [REDACTED]  
**To:** [publichearingcomments](#)  
**Subject:** Osborn Zoning Change (REVISED)  
**Date:** Sunday, April 26, 2020 2:08:18 PM

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We respectfully object to the Osborn Zoning Change for the following reasons:

- 201 | 1) Allowing Independent Living Cottages and/or Hybrid Homes to be built with only a 100 foot set back along Theall Road nearly directly across from the Rye Manor will serve to destroy the bucolic nature of the current Osborn property landscape along Theall Road and could further serve to decrease residential property values in the surrounding area.
- 202 | 2) Allowing Independent Living Cottages and/or Hybrid Homes to be built to a height of 4 stories on Osborn property nearest to Osborn Road will radically negatively impact the streetscape of Osborn Road and could very possibly negatively impact residential property values along Osborn Road.

Sincerely,

Anne and James Slattery  
125 Osborn Road  
[REDACTED]

Letter No. 3

From: [Redacted]  
[Redacted]  
Cc: [Redacted]  
Subject: Osborn Zoning Change  
Date: Monday, May 11, 2020 10:46:07 AM

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Dear Mayor Cohn and Council Members,

I noticed the item on the agenda regarding the requested zoning change at the Osborn Home. I strongly encourage you to defer a decision this impactful to the character and infrastructure of Rye until the idea is fully aired when normal business resumes.

The assurances made by Stephen Wrabel on mitigating the impact of 130 new residences were woefully insufficient, and demonstrate an utter disregard for the increased pressure on Rye's already stressed community in this locale. We have not even begun to grapple with the impact that a fully occupied St. Regis will have on this area of Rye.

301 | Our public services, roads and infrastructure, families, environment, and the Osborn elementary school community are already stressed by this construction. In addition, the school will be undertaking major renovations soon and even more construction in this area is most unwelcome to the surrounding neighborhoods.

While Gov. Cuomo's directive allows you to conduct virtual meetings, it is clearly unethical to move important decisions as this forward while such a hindrance to the public's knowledge exists.

Thanks for your time.

Sincerely,  
Sue Drouin  
57 Morehead Drive, Rye

From: [Redacted]  
To: [publichearingcomments](#); [Cohn, Josh](#)  
Cc: [Redacted]  
Subject: Osborn Zoning Change  
Date: Tuesday, May 12, 2020 11:18:25 AM

Mayor Cohn and Rye City Council Members,

We are writing to express our concerns regarding the proposed zoning change and subsequent building plan for The Osborn. Please consider our concerns as outlined below:

401

1. **Setbacks** – Similar to the concerns raised by the Planning Commission in their October 15, 2019 meeting, we have great concern about the proposed setback of only 100 feet along Theall Road. Currently, this highly trafficked road is offset only by the park like setting currently established on The Osborn site. With only a 100’ setback along this thoroughfare, it would appear overbuilt and detract from the overall neighborhood. Although The Osborn has conceded to the Commission’s recommendation of a 160’ setback along Osborn Road, replacing the current one story cottages with 4-5 story apartment buildings would greatly affect the current visual – even from the street, as was noted by the Commission on October 29, 2019. It was postulated by The Osborn that because there are ‘primarily office buildings’ along Theall Rd it would be acceptable to have only a 100’ setback in this area. It is not. The open, beautifully maintained, park-like setting of The Osborn is one of the reasons we chose to buy our home and makes this neighborhood unique. The proposal stated that the setback could contain storm water management, sidewalks and access drives, none of which improve the aesthetic of the community.

402

2. **Traffic** – The current traffic situation in the area is untenable. Despite the Council’s willingness previously to recognize the need to change the parking rules in the area, for which we are grateful and safer, traffic remains a huge issue. This is especially true at times of school pick up and drop off at Osborn. Enforcement of the current parking restrictions is less than adequate and leads to many cars stopped/standing/parked in clearly marked areas where none are allowed. At the best of times, traffic can flow in only one direction along the southern end of Theall Rd or along Osborn Rd at 3pm. This situation is made much worse by the current construction on Playland Access Rd (St. Regis Site). For those of us living in the area, coming/going from/to I95 or Playland Parkway is dangerous. Dropping off our children at RMS/RHS routes us past this area every day (in normal times). There have been many near misses and accidents as a result of the construction workers parking on curbs, on hills, in ditches and anywhere they can find a spot. Local residents (Packard Ct, Old Post Road, etc) have taken to having signs/traffic cones erected on their streets to dissuade construction worker parking. If The Osborn project were allowed to proceed, where would these workers park for the next 10-15 years!? Couple the current situation with the added parking, traffic and proximity to the Osborn School, it is a tragedy waiting to happen. What happens when a construction vehicle overturns on the corner of Theall and Osborn as one did when exiting I95 onto Playland Access? What will be the projected traffic patterns should one or more of the bordering streets, such as Theall Rd or Old Post Rd, need to be shut down to accommodate a new sewer or water line? How will that impact local residents and the Osborn School?

403

3. **Environmental** – Many of the questions on the environmental assessment form submitted with The Osborn’s application to City Council were left blank or answered with ‘TBD’. How should one interpret such an application when even a question such as the projected timeframe of the project is indeterminate? Yet, in another place in the application it is listed

cont.

403

cont.

as 10-15 years? Living at the southwest corner of The Osborn property, we have witnessed the runoff of rainwater first hand as it rushes down Osborn Road, and onto our street. How will this be managed going forward? How will construction affect current runoff patterns? What assurances can be offered to neighboring home owners that their properties will not be negatively impacted? Where will the proposed 'on-site stormwater management facility' be located and how will it be managed? The Westchester County Planning Board Referral Review has made suggestions with respect to parking allowances onsite so as to minimize runoff and flooding in the area. Have these concerns been adequately addressed by The Osborn? Answers to questions with respect to the noise levels generated by construction – for 10 to 15 years – were apparently indeterminate. Questions about potential light pollution were "TBD". Questions about the storage of petroleum and 'chemical products' both above and below ground were "TBD". We would remind you that this proposed building site borders an elementary school, private homes, a medical facility and apartment complexes for seniors. This is unacceptable.

404

405

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407

4. **Safety** – As previously discussed, current enforcement of parking rules and regulations in the communities surrounding this proposed site is less than adequate. What protections will be in place for residents of the surrounding neighborhoods that they will be safe driving in the area? That their children will be safe walking to and from school? That children at school will not be subjected to unacceptable levels of noise pollution? That cars will not be parked in restricted areas, or even on The Osborn property detracting from the visual appeal that it now holds? That we will not be the unfortunate individuals subjected to a chemical spill and subsequent clean up? There are too many unanswered questions to ensure the safety of Rye residents and children attending the Osborn School.

408

5. **Appearance** – As mentioned previously, and as was brought forth by both the Planning Commission and the City Council, The Osborn is a beautiful, historic property which the City of Rye hoped to maintain as was evident in the 1993 'Declaration of Covenants and Restrictions'. While it is commendable of The Osborn to accept the Planning Commission's recommendations on setbacks greater than 160' in some areas of the property, the current structures are almost entirely within those limits now. The greatest proposed change to the current site is allowing 4-5 story structures where one story structures now exist and encroaching on Theall Rd. Despite the plan for 'appropriate landscaping' and 'visual screening', one cannot replace one story with four or five and expect a similar visual effect.

409

6. **Property Value/Quality of Living** – Houses bordering the SW corner of The Osborn property are in the closest proximity to the proposed new builds and have the greatest potential for negative visual impact, decreased property value and effect on quality of life for a prolonged period of time. We would be subjected to continuous construction noise, traffic and disruption to our daily lives and routines. Approximately 2 years ago, the City undertook a project to replace sidewalks on the corner of Theall Rd, Osborn Rd, and Coolidge Ave. For an entire summer, we had construction materials stored on our property, noise related to construction, vehicles parked in no parking areas, destruction of our property, workers using our property as a lunch location and a port-a-potty stationed in front of our home. This greatly decreased our ability to enjoy our home and community. It is not an experience we would choose to repeat, in any capacity, particularly with the scale of the proposed construction compared to a much smaller project. The detrimental effect that a decade of construction would have on the neighborhood, the property values of our homes and quality of our lives is not reflected in the current proposal by The Osborn.

410

The proposal states that the change in zoning (and resultant building) on The Osborn site "would not have any adverse impact on" ... the "City of Rye". We beg to differ. For the foreseeable future, the

**Letter No. 4**  
**cont.**

residents of the City of Rye would have to endure the noise of construction, the traffic, potential damage to the environment, a decrease in our quality of living and the resultant decrease in our safety, property values, and aesthetic of the neighborhood.

We respectfully request, Mr. Mayor, that The Osborn at a minimum adequately address our numerous areas of concern, not the least of which is the timing of this application coming before the City Council, or the minimal effort made to alert an entire neighborhood. The proposed changes are more wide-reaching than simply the bordering few properties who received a letter from the Rye City Clerk. It is our understanding that this petition was initially presented to the Planning Commission in the Fall of 2019, and it is coming forward for review at a time when many people have their lives and livelihoods to consider. We believe that it would suit the City of Rye, the Rye City School District and the public to defer any final decisions on this project to such time that it can be properly reviewed and discussed – in person – by all interested parties.

Thank you,

Mary Ann and Craig Haines

2 Coolidge Ave, Rye, NY

## Letter No. 5

**From:** [REDACTED]  
**To:** [publichearingcomments](#)  
**Subject:** R-2 Senior Living Facilities  
**Date:** Sunday, May 10, 2020 11:56:22 AM

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Dear Sir/Madam

Thank you for giving us the opportunity to comment on the proposed zoning changes at the Osborn Memorial Retirement Home.

We live at 330 Theall Road on the corner of Theall Road and Osborn Road and clearly are interested in the idea of further development.

Four main areas of concern spring to mind:-

- 501 a) I could not ascertain whether any access from the Retirement Home onto Theall Road or Osborn Road is planned. If so, I think that would be extremely problematic. The stretches of road close to that intersection are already extremely busy at certain times of the day, largely of course because of the drop off zone for Osborn Elementary School, but also because it is a thoroughfare to Harrison railway station, a cut-through to the Westmed Medical center and to the I-95. I think there is already an accident waiting to happen for the many schoolchildren in then area, and any further traffic here would be extremely concerning. Osborn Road is quite narrow and when kids are being dropped off it becomes quite dangerous.
- 502 b) Disrupting / overloading the existing sanitary sewerage flows would also be extremely concerning for us i.e. could that effect our situation?
- 503 c) Clearly extending the Osborn buildings any closer to Theall Road would be unwelcome for us. It appears that there will still be a strict minimum distance - 160 yards? - so that would help mitigate this but of course construction would be disruptive.
- 504 c) Disturbing the fantastic trees in the Osborn Park area would be a real shame if that is what is proposed. These are very mature trees, impossible to replace in short order.

We will attempt to join the meeting on May 13 to learn more.

Kind regards  
Neil Middleton

## Letter No. 6

**From:** [REDACTED]  
**To:** [publichearingcomments](#)  
**Cc:** [REDACTED]  
**Subject:** Osborn Zoning Change  
**Date:** Tuesday, May 12, 2020 5:47:49 PM

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Dear Mayor Cohn and Rye City Council Members,

We wanted to provide our comments to the Miriam Osborn Memorial Home Association's petition for a zoning code change.

We are very concerned by their petition and strongly advocate that you defer any decision until some appropriate time in the future when further details and the true ramifications of such an undertaking are clearer to all.

601

This particular area of Rye is centrally home to the Osborn School and the busy three-way intersection of Theall, Coolidge and Osborn Roads. We are concerned that such a vast project would impact the safety of the students as they make their way to and from school, with many walking/biking. Furthermore, the tight confines of such an intersection are already stressed and heavily traversed by cars and cannot handle further traffic and construction.

Furthermore, we still don't know the full impact of the St. Regis project and the effect of an expected increase in vehicular and foot traffic. This Osborn Home proposal is too vast and large to be supported as designed. We implore you to delay any decision until the City of Rye, the Rye City School District and more of the public have an opportunity to review and comment. Thank you very much for your consideration.

Nez & Sabrije Mustafic  
145 Osborn Road

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## Letter No. 7

**From:** [REDACTED]  
**To:** [publichearingcomments](#)  
**Cc:** [REDACTED]  
**Subject:** Osborn Zoning Change  
**Date:** Tuesday, May 12, 2020 9:15:08 PM

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Mayor Cohn and Rye City Council Members,

It has come to our attention the Osborn Home has requested a re-zone and build. We have many concerns in regards to construction and expansion in the Osborne School community.

701

As you know, Theall Road, Osborn Road and Coolidge Avenue are heavily congested during school pick up and drop off times. This construction will be a terrible traffic and safety issue for the children and families who are walking and driving.

The St. Regis Residences have not opened, and we have yet to feel the impact of this to our community. Couple this with the impending construction to take place at the Osborn School, and an already stressed locale will face heightened duress.

We moved our family to Coolidge Avenue just two years ago. We fear adding 130 new residences immediately across the street from our home will corrode the aesthetics that drew us to this location. This fear may also be realized in our home value if there is no longer a historic Rye appeal to our neighborhood.

We strongly encourage you to defer a decision that is crucial to our community until the idea is fully aired and can be properly addressed by all interested parties in person. Giving the Osborn a huge increase in FAR alone doesn't seem like a good proposal for the surrounding community. My family hopes to maintain the beauty and green-space in the community and prevent increased traffic and construction over prolonged periods of time.

If you would like to discuss further, please let us know. Thank you for your time.

William & Jodi Childs  
14 Coolidge Avenue



Letter No. 8

From: [REDACTED]  
To: [publichearingcomments](#)  
Subject: Osborn Zoning Change  
Date: Monday, May 11, 2020 8:41:34 PM

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Hello,

801

My name is Karen Nolte. I reside in the Glen Oaks section of Rye, on Florence Avenue. The traffic situation in my neighborhood has become unbearable during the school year. Between the hours of 2pm-4pm on school days, I have difficulty getting home due to all the congestion. With the flow of traffic from Osborn School already presenting a problem, The Osborn's proposed expansion project should not be permitted. Although my children are no longer students at Osborn School, I am concerned for the safety of the students. The flow of traffic on Osborn Rd is already horrendous. If this project is permitted, all of those headed for Harrison will divert their trip toward the residential Glen Oaks Drive. This is a recipe for disaster! I am against this project. Has there been a proposed parking plan for construction vehicles??

802

Osborn Rd. and Theall Rd. are narrow streets and cannot accommodate a large construction crew. Coolidge, Harding and Florence and narrow residential streets and we certainly do not want construction workers on our streets.

Thank you!

Karen Nolte  
31 Florence Avenue  
Rye NY 10580

## Letter No. 9

**From:** [REDACTED]  
**To:** [publichearingcomments](#)  
**Cc:** [REDACTED]  
**Subject:** Osborn Zoning Change  
**Date:** Tuesday, May 12, 2020 11:06:12 AM

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Dear Rye City Council,

Thank you for your service to Rye, particularly in these difficult times.

We are aware of the proposed construction at The Osborn and have concerns about parking, traffic and safety should this project commence. Would you let us know where construction vehicles and project employee vehicles would park during the course of the project? We recall driving past the construction at the St. Regis and seeing numerous vehicles parked alongside Playland Access Drive. This is a hazardous situation that should not be replicated.

901

Thank you and best regards,

Joe and Kim Rotondo  
5 Woods Lane, Rye

From: [REDACTED]  
Cc: [REDACTED]  
Subject: OSBORN ZONING CHANGE  
Date: Monday, May 11, 2020 6:24:05 PM

Dear Mayor Cohen and Councilmembers,

I am a concerned neighbor living at 45 Osborn Road with my family including two small children. I have read the proposed Zoning change put forth by The Miriam Osborn Memorial Home and feel strongly that the Council should **reject** this proposal. My concerns are as follow:

1001

1) Safety and Traffic both during construction and in the long run: Traffic on Osborn Road is already a safety concern particularly during school hours and dropoff/pick up times when parents park wait along the side of Osborn Road because there is no other place to park. We live directly across the street from the school, and it is nearly impossible to safely pull in and out of our driveway - let alone ensure that our children safely cross the street. There is no sidewalk on our side of the street and so crossing into this line of parked cars is the only option. Quite a harrowing one at that. In the short run, I shudder to think what this will be like if construction crews are also finishing their days in the middle of the afternoon while school is letting out - not to mention the addition of heavy construction vehicles to the mix. In the longer run after construction, additional structures on this corner will undoubtedly mean increased traffic on Osborn Road between Theall and Boston Post Road.

1002

2) Bucolic residential neighborhood and home values: The open green space and beautiful old trees on this corner are one of the draws to our quiet neighborhood. Our City's Zoning laws are what they are in order to maintain and preserve the beauty of our City for all of our residents. Building a large facility in this corner will destroy this aesthetic and the peacefulness of our neighborhood. The unending construction at the St. Regis site on the Playland Access Road is a terrifying example of what could come should further large scale development be allowed on this site.

This proposal, if permitted, would be devastating to our children and to the peace and safety of our neighborhood.

I implore you to deny the request.

Respectfully,

Rosalie Louw  
45 Osborn Road  
Rye, NY 10580

# Letter No. 11

**From:** [REDACTED]  
**To:** [publichearingcomments](#)  
**Subject:** OSBORN ZONING CHANGE  
**Date:** Tuesday, May 12, 2020 4:19:55 PM

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1101

I am highly **against** the building/construction of anything, that that would **destroy the natural environment** of nature and animals, extending from the corner of Osborn St and Theall Rd to the school and/or westmed buildings.

Letter No. 12

From: [REDACTED]  
To: [publichearingcomments](#); [publichearingcomments](#)  
Subject: OSBORN ZONING CHANGE  
Date: Tuesday, May 12, 2020 4:13:30 PM

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What are my options as a resident of rye regarding this proposal? What if you are a resident of a neighboring town? Does one have the right to vote yay or nay regarding building on this piece of land?

**1201** | What does this proposal mean? Are they looking to build a 2nd building and where? Would that be covering the land that is at the corner of Osborn and Theall Road?

**1202** | What about the preservation of nature and wildlife in that area?

Thank you

# Letter No. 13

**From:** [REDACTED]  
**To:** [publichearingcomments](#)  
**Subject:** Osborn Zoning Change  
**Date:** Tuesday, May 12, 2020 11:56:51 AM

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Hello Mayor and Committee

I am writing with my concerns over the potential zoning changes at The Miriam Osborn Memorial Home and the additional construction, traffic, noise and congestion that will result.

Approving this zoning change at this point without proper review and the chance for the neighborhood to properly address and comment on the proposed changes is irresponsible and feel as if this is being pushed through at a time when people are not completely aware of the changes. I live close by and am only recently hearing about these changes. There was not a concerted effort to alert the surrounding area to the changes. I have a good neighbor who has helped make me aware of the scope and potential issues of these changes.

**1301** | The proposed changes themselves are also concerning. Adding 4-5 story buildings in that area, especially with a minimal set back will create many issues for the area. First and foremost, the added traffic during and after construction would be untenable. There is already way too much traffic in the area, especially during school drop off and pick up. Adding to this not only impacts the area

**1302** | environmentally, but it affects the safety of the kids in the neighborhood. Osborn Road and Theall Road are already unsafe for kids in the area. Adding to the traffic flow with these changes would make it extremely unsafe.

**1303** | Also, adding large buildings in the area (on top of the already in progress St. Regis project) will detract from the aesthetic and bucolic feel of Rye, which is one of it's true selling points. Rye would begin to feel more like a city than the beautiful suburban neighborhood that we all love.

**1304** | Congestion in the area (traffic, parking, etc) is already at a pressure point and adding to this will only make it worse. There are already tons of cars zipping by my home on Coolidge Ave as people think of this as a passthrough. Adding to this volume makes it unsafe for my family and adversely affect property values. I have already have a neighbor leave the block because he feels it is unsafe for his young children. What will added traffic do to that?

Please consider all the residual effects of what is being proposed here and take the time to properly inform the area, review ALL impact and make a decision that is not just based on future tax revenue.

We rely on you to properly represent your constituents - the people of Rye - and not just kowtow to corporations and the chance to increase revenue.

Thank you  
Bill Russo  
50 Coolidge Ave,  
Rye NY

Letter No. 14

From: [Redacted]  
To: [publichearingcomments: Cohn, Josh](#)  
Cc: [Redacted]  
[Redacted] Change  
Date: Wednesday, May 13, 2020 12:31:38 AM  
Attachments: [image001.png](#)

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Mayor Cohn and Rye City Council Members,

1401

The proposed zoning change and subsequent building plan for The Osborn was just brought to our attention earlier this evening. While we find it alarming and disappointing that this proposal was seemingly handled in a covert manner, we are equally disturbed by its contents. There appear to be a litany of issues, including inadequate setbacks, the replacement of one story cottages with 4-5 story apartments, the inevitable impact on local traffic and the safety of our children, environmental challenges with stormwater and ultimately the negative implications for property values throughout our neighborhood.

We request an opportunity, post-social distancing mandates, to properly discuss this proposal in the context of an in-person meeting. We believe there will be overwhelming support from our neighborhood for a public hearing on this matter.

Thank you,

John and Julia Lovallo  
27 Hughes Avenue  
Rye, NY 10580

[Redacted signature block]



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[Redacted footer block]

## Letter No. 15

Wed 5/13/2020 4:18 PM

Barbara Beals  
300 Theall Road  
Rye, NY 10580

- 1501 | Please allow me more time to provide thorough and valid reasons for opposing this development.  
Please give residents enough time to OPPOSE development!!!! Environmentally and peacefully

Respectfully,  
Barbara Beals

## Letter No. 16

Wed 5/13/2020 4:02 PM

Hello. I am a neighbor of the Osborn community. I reside at 138 Osborn Road. I am devastated to learn of the Osborn's plans to build new multilevel buildings near to my home. I understand their concerns and that they foresee needing more space. However, we already have the county building in our backyard, the Osborn community as it currently is, and the St. Regis is still under construction. All three are designed for adult living communities.

The St. Regis construction has been ongoing for quite some time, and it has caused MANY disruptions to traffic flow. They have made an utter disaster of the green area alongside Playland Access Drive, and countless times vehicles have parked so close to Old Post Road, that one cannot see oncoming traffic from the stop sign. Those buildings are huge and so close to the road. I miss the green space that once was.

- 1601 | Now, it is proposed that the Osborn build closer on our side of the Theall Road/Osborn Road. I have a 6 and an 8 year old that walk to school at Osborn. I do not want them walking through an active construction site. Especially not a construction site that could be active for a decade or more.

- 1602 | Green spaces are being lost and it has been lovely to see deer and other wildlife enjoying the space between the Osborn School and Theall Road. I am unable to see exactly where the buildings are suggested to be built. I would be just gutted to have them right up along Osborn Road. Additionally,

- 1603 | there will be an increase in needed parking.  
Having cars parked in a former green space is worse yet.

- 1604 | I certainly cannot stand the thought of there being new entrances either. IF it does pass, I beg of you to require only using the current entrances that exist for the Osborn community. Including during the construction process.

- 1605 | One thing that really bothers me is the fact that the Osborn community still pays reduced taxes. If this is important enough to them, perhaps they will agree to paying 100% of taxes. I feel like there needs to be a significant give back to the community if this is considered.



## Letter No. 16 cont.

I am so sad to see the Rye I moved to slipping away. While we have only been here 17 years, I cannot imagine how lifelong Rye residents must be feeling.

I am sure that it wasn't intentional, but because of everything being shut down, this feels very sneaky and like something is being slid through without full public knowledge. While I was lucky enough to receive a letter, I know not all my neighbors did.

When walking with my children, they are asking about what the big white sign means. When I explained, my 12 year old was upset. She pointed out that it is the home of feral cats and so much other wildlife.

I strongly suggest that they make improvements to current buildings rather than building large building that are not in keeping with the original plans of their community.

Thank you,  
Leslie Ebers

## Letter No. 17

Wed 5/13/2020 3:58 PM

1701 | I am writing as a concerned resident regarding the proposed Osborn zoning change. I believe further community discussion is needed to understand the proposal for setbacks, easements, construction, FAR and tax implications.

Thank you.

Max and Maggie Guimond

24 Coolidge Ave

## Letter No. 18

Wed 5/13/2020 3:43 PM

To whom it may concern,

1801 I am a new resident, as of 1 year ago, with a family of 6 - adjacent to the proposed zoning changes. We have been taken quite by surprise on this, having invested in a new home in the area in 2019. We are opposed to the suggested changes for various reasons, and wanted to log this notification.

Regards,

Fraser van Rensburg  
115 Osborn Road  
Rye, NY 10022

## Letter No. 19

Wed 5/13/2020 3:37 PM

Good afternoon,

I'm a concerned citizen with children at Osborn school and I'm only just learning about the Osborn zone change request. I would like the time to understand the future development plans before city council votes.

Under normal circumstances I would have heard about this on the school playground before or after school.

1901 The parking at 2.30-3.15pm on school days is terrible and adding construction to that area would cause huge congestion as well as danger to the young children on foot.

I appreciate I am only catching up on this now so I will read more before the 5.30pm zoom

Meeting.

Best,  
*Caroline Houghton*  
41 Claremont Avenue,  
Rye

## Letter No. 20

Wed 5/13/2020 3:35 PM

To the committee:

I wanted to express my deep concern about rezoning near Osborn Elementary School. There are so many adverse outcomes for our children and our school. First the construction over a 10 to 15 year next to an elementary school with young lungs inhaling dust and fumes everyday. Five story buildings reduce the natural light into our school. Five story buildings looking right over our children playing. Noise from construction while our children are trying to concentrate and learn. Traffic is already a mess and dangerous for our community. Where would the construction workers park?? I am shocked Rye has allowed this to continue to happen with no regard for the tax payers. Who will be vetting the workers on the project to ensure no registered offenders are within the proximity to our children. The list goes on and on. This needs to be vetted by the community, not rushed through during a time when many in our community are worried about bigger issues. We have dragged our feet on the turf field that would benefit our community this benefits no one but the bottom line of the Osborn. I am appalled that such a major decision is being made at this time, and that this information has not been made public to Osborn school parents. I cannot believe I just learned about this on a Facebook page. I'm beyond disappointed.

Jennifer Leahy  
192 Central Ave  
Rye NY

## Letter No. 21

Wed 5/13/2020 3:31 PM

Hello,

My husband and I live near the Osborn and our children attend Osborn School. We are very concerned about the proposed zoning changes that would allow the footprint and height of Osborn buildings to increase significantly.

Thank you,

Margaux and Paul Lisiak  
439 Park Ave  
Rye, NY 10580

**Letter No. 22**

Wed 5/13/2020 3:28 PM

To whom this may concern at the Rye City Council,

2201 I am an owner at 45 Walker Avenue in Rye, NY and the proposed zoning change for the Osborne and the construction that it will create are not acceptable and I am against it. We want to maintain the beauty and integrity of the green space in the community and prevent increased traffic and construction over many years in an area where there is a school and traffic is already a major issue.

I appreciate your attention to this matter.

Gabriela Hricko Angelich

**Letter No. 23**

Wed 5/13/2020 3:22 PM

May 13, 2020

**Re: Osborn Zoning Change**

Mayor Cohn and Council Members,

We are Rye residents on Coolidge Avenue with three children in the Osborn Schools. We encourage our elected officials to reject the proposed zoning changes for The Osborn. We are unconvinced that the relationship between The Osborn and the City of Rye, which has been memorialized in prior contractual agreements, deserves such a substantial change at the expense of The Osborn’s immediate neighbors and all citizens of Rye.

2301 The Osborn can continue to thrive with the 0.30 FAR restriction that was put in place in 1993. There is no need to open-up this beautiful campus to a 50% increase in developed square footage to make way for 10 to 15 years of construction of five story buildings. Furthermore, the citizens of Rye are not being adequately compensated for the proposed alteration to previously negotiated agreements, which were designed to allow The Osborn to control its land use within several thoughtful restrictions. If the Osborn needs to change its operations, those changes should be self-funding and within the confines of the

2302 1993 agreement. While I understand that the market for certain senior living services may have changed, and that certain Osborn buildings may be dated, the solution is for The Osborn to face its challenges within the current land use agreements. Solving the key problem put forward by The Osborn, that the marketplace has materially changed, can be addressed without a 50% increase in developed square footage. The Osborn does not need to sell off its campus beauty to solve an operating problem that is potentially overstated.

Furthermore, any proposal that so materially benefits The Osborn should include the following, at a minimum:

## Letter No. 23

cont.

- 2303 I** - Significant increase in tax revenue paid to Rye aligned with a conventional commercial tax payor
- 2304 I** - Substantially increased setbacks for anything over 2 stories
- 2305 I** - Agreement to restrict the construction impact on Rye roads
- 2306 I** - Easement or other solutions to address the Osborn School parking and drop-off problems

The 1993 agreement between The Osborn and Rye has worked well for the citizens of Rye and we are not persuaded that it would be beneficial to significantly increase development on The Osborn property at this time. The Osborn has thrived under the existing agreements and our neighborhoods, schools, and roads are in delicate balance with this large commercial neighbor.

We strongly encourage our elected officials to prevent the dramatic increase in commercial development at the center of our very beautiful community without adequately considering the one-sided nature of this proposal.

Sincerely,

John & Emily Powers  
23 Coolidge Avenue

## Letter No. 24

Wed 5/13/2020 3:20 PM

As a resident on Osborn Rd I am very concerned how the Osborn's proposed building plan will affect the neighborhood, traffic, and elementary school.

**2401** | The existing cottages that are to be replaced were built with the intention of blending into the residential look and feel of the neighborhood. Multiple 4-5 story residential buildings certainly would not and would be looming over the elementary school's playgrounds.

**2402** | The traffic on Osborn and Theall roads is already a nightmare. With on-street parking, there is not even enough width for two way traffic. It is a daily problem trying to get down these streets during school hours, not to mention dangerous for the children walking to and from school.

**2403** | Construction over multiple years in such close proximity to an elementary school where children are outside playing throughout the day will not only have health effects, but also will be a consistent source of noise.

For all these reasons I'm strongly opposed to this plan.

Thank you,  
Helen Keller  
81 Osborn Rd.  
Rye

## Letter No. 25

Wed 5/13/2020 3:18 PM

2501 I wanted to express my deep concern about rezoning near Osborn Elementary School. I believe the rezoning is to allow them to get rid of the height restriction for 5 story buildings. There are so many  
2502 adverse outcomes for our children and our school. First the construction over a 10 to 15 year next to an elementary school with young lungs inhaling dust and fumes everyday. Five story building reducing the  
2503 natural light into our school. Five story buildings looking right over our children playing. Noise from construction while our children are trying to concentrate and learn. Traffic is already a mess and  
2504 dangerous for our community. Where would the construction workers park, the St Regis parking has been a mess they have parked everywhere along the street and have ripped up the grass and it looks absolutely horrible. I am shocked Rye has allowed that to continue to happen with no regard for the tax payers. Who will be vetting the workers on the project to ensure no registered offenders are within the proximity to our children. The list goes on and on. This needs to be vetted by the community Not rushed through during a time when many in our community are worried about bigger issues. We have dragged our feet on the turf field that would benefit our community this benefits no one but the bottom line of the Osborn who only pays 50% tax rate.

Christine Sasse  
81 Bradford Ave  
Mother of Osborn Children

## Letter No. 26

Wed 5/13/2020 3:14 PM

Dear Mayor and Rye City Council Members,

As a homeowner and a parent of Osborn school children, I am strongly opposed to The Osborn increasing building structures, as per the petition to be discussed today 5/13 at 5:30.

I am concerned for the following reasons:

- 1) The vast increase in construction creating downward pressure on homeowner property values due to the substantial build-up of one story to five story buildings. Both the long-term construction and the finished structures will damage property values.
- 2) The multi-year surge in construction related traffic, similar to what is seen around the corner at the St. Regis construction site on Playland Access road. This construction alone is already extremely dangerous during school drop-off and pick-up times. Elementary aged kids are forced to walk across streets barreling with massive construction vehicles indifferently racing to get to and from the job site. Anyone whose driven by there is aware of the danger as are the Rye Police, who clearly feel the need to monitor it constantly.

## Letter No. 26 cont.

2602 | 3) The loss of green space and trees for Osborn school.

2603 | 4) Inadequate setbacks and school land necessary off of Boston Post Road for an adequate parking lot for safe pick-up/drop-off zone.

2604 | 5) Environmental challenges and increased storm water issues.

Finally, I believe this issue should be discussed post-social distancing mandates through in-person meetings. While this issue may have been on the calendar for some time, it does not reflect well to debate such a significant issue while the public is reasonably focused elsewhere and cannot adequately respond.

While I am sure unintended, it will likely be viewed by many in the community as being decided “in the dark of night” to the advantage of the large corporation over local homeowners.

I believe when fully discussed, you will have a ground swell of opposition and demands for offsets on behalf of our school children and homeowners.

Thank you,  
Hope Vaughn  
2 Florence Ave

## Letter No. 27

Wed 5/13/2020 3:08 PM

2701 | Totally against the construction of new buildings. It's too much congestion, traffic and dust, pollution surrounding Osborn school. The time period of construction is over way too long a period and piggy backed right into the St Regis project. It will paralyze traffic for years. Does the a Osborn Home even pay

2702 | property taxes to Rye?

Nina Draddy

## Letter No. 28

Wed 5/13/2020 2:54 PM

I am writing in regards to The Miriam Osborn Memorial Home's proposal that is being discussed at tonight's City Council meeting.

2801 We live at 57 Osborn Road and have been residents of Rye for 13 years. Throughout our time here, we have witnessed the busy and congested traffic patterns of Osborn Road and Boston Post Road during school and post-school hours. We recognize that Osborn Road, Theall Road and Boston Post Road serve as access points for many children and families traveling to/from Osborn School and Rye High School and Middle School. With this said, our largest concern as it relates to the proposed project, would be for the safety of our local residents during and following the construction process. We are concerned that the increased traffic of service vehicles, construction vehicles and new Osborn residents would impact the flow and safety of the area. Having witnessed the new construction around the St. Regis complex and the construction vehicles littered along the street there, we feel that this is a valid concern and would like to hear more about how the Miriam Osborn Memorial Home proposes to keep our children and families safe during construction and beyond.

2802 In addition, we would appreciate the opportunity to learn more detail about the set-back and aesthetic plans as they relate to Osborn Road. It would be helpful if The Miriam Osborn Memorial Home could provide visuals showing the elevations of the buildings and landscaping they are proposing along Osborn Road. A poor design and too tight of an encroachment along Osborn Road could dramatically impact the property values of our homes.

Thanks for your consideration,

Aileen & Rob Brown  
57 Osborn Road  
Rye, NY 10580

## Letter No. 29

Wed 5/13/2020 2:51 PM

Dear City Council Members,

Hope you're all safe and well. We are residents of Osborn Rd (Anupam and Meera Agarwal - 1 Osborn Road) and are shocked and concerned about the upcoming construction plans that The Osborn has proposed. We strongly oppose this proposal. The Osborn's proposal of building units (5 story buildings) close Osborn/Theall Roads will exacerbate the already bad traffic and the parking situation, making it even more unsafe for our children and community in general.

2801 We already have a huge problem with traffic (and illegal parking) on Osborn Rd during school days for the past 10 years that we've been living at this address -- people parking indiscriminately, making sharp and speedy turns unsafely and parking in our cul-de-sac driveways (cul-de-sac for 1-9 Osborn), blocking residents and so on.



## Letter No. 29 cont.

As a cul-de-sac, we have raised this issue of unsafe conditions for our children (and us) for many years, we had even requested a crosswalk as many of us residents have come really close to getting hit by rash drivers on Osborn Rd during school rush-hour. All that is still pending and so we in our cul-de-sac put up signs marked "private driveway" last year and unfortunately & not surprisingly, no one abides by these and continue to break rules and make the place very unsafe for all.

I urge you to deny this proposal and do the right thing for the residents. Please let us know if you have any questions.

Thanks & regards,

Meera & Anupam Agarwal  
1 Osborn Rd  
Rye NY

## Letter No. 30

Wed 5/13/2020 2:36 PM

Hello,

3101 | I'm writing to voice my concern of the intended construction from the Osborn. Adding senior living near the Osborn School area near Theall Road and Osborn Road would be extremely disruptive to the community. This area is already congested with school children walking everyday to school, parents parking to pick kids up, and community members walking to the train or to work at the Osborn Senior Living Center.

I would hate to see more cars, trucks, construction in this area. It is just too much.

Thank you,  
Kendall Truman  
Rye resident

## Letter No. 31

Wed 5/13/2020 8:18 AM

3101 | I am writing to strongly oppose the change in the zoning to allow for a building at Theall Road near Osborn Elementary School. The traffic and safety of the children is already a major concern and changing the zoning to allow for a large development nearby will make the issue worse.

I strongly oppose this request.

Thanks  
Heather Rich  
Rye Resident

Wed 5/13/2020 1:53 PM

May 13, 2020

Members of Planning Commission  
City of Rye  
1051 Boston Post Road  
Rye, NY 10580

Re: Osborn Zoning Change

Dear Members of the Planning Commission:

It has come to our attention that The Osborn is requesting a re-zoning that would allow them to expand their footprint and develop closer to the corner of Osborn Road and Theall Road. They are also proposing to build taller structures. My wife and I would like to express our opposition to this.

We live at 111 Osborn Road, where we raise our three boys (7 y.o., 5 y.o. and 3y.o.). Two of the three will be at Osborn School next year, and we will walk them to school up Osborn Road. We bought our home to be close to school and to be part of a neighborhood in Rye, filled with many young families. This Rye neighborhood will be dramatically changed by The Osborn's proposal.

The majority of local families with elementary school aged children walk their kids to school, and due to the deep lots off Osborn Road, the majority come from the Glen Oaks neighborhood through Coolidge Avenue and up Osborn Road. As we walk our children up Osborn Road, the green area at the back end of The Osborn's property is a peaceful background to the local elementary school, as well as one of the few green areas left in the neighborhood.

3201 Osborn Road is a very busy road during the school day, filled with cars as parents drop off and pick up their children; any increased traffic would be untenable. The increased traffic from construction crews, staff and visitors would also put our children at risk. As proposed, the two playgrounds at Osborn School would back up to construction areas and multi-story buildings. This would significantly affect the school experience for these very young children.

3202 Those of us who live on Osborn Road look out fondly at the green areas, at the many old oak trees and green grassy hills. To put a 4-5 story building at the top of these hills would tower over our quiet neighborhood. Furthermore, these new buildings would lack mature growth to provide 50+ feet of screening. Our views of trees and green would be replaced by increased traffic and multi-story buildings. The Osborn is also bordered by Theall Road and Boston Post Road, two very large, busy and non-residential roads that would accept a taller building without struggle.

We are further concerned that we are pushing the Osborn section of Rye, our home, our school, our neighborhood and community to nothing more than a mixed used development. With The Osborn, the industrial buildings that back up to Theall Road, WestMed and the new St Regis, the area is already struggling to remain a neighborhood. Rye is a town where generations are raised and community pride is strong. The Osborn section of Rye should not be treated differently than the rest of Rye. This area

## Letter No. 32 cont.

cannot be doomed to be full of multi-story buildings and parking lots devoid of grass, trees and the character and soul that Rye holds so dear.

We implore you to not allow for the expansion of The Osborn's footprint. We understand they have a demand to grow, we simply ask that be done within their existing footprint and in keeping the buildings that back up to Osborn Road at two levels maximum. This development as proposed would be in direct conflict of what makes Rye a great place to live and raise a family.

Thank you for your consideration.

Sincerely,

Sean and Catherine Plummer  
111 Osborn Road  
Rye, NY 10580

## Letter No. 33

Wed 5/13/2020 9:05 AM

To whom it may concern –

3301 I recently learned that The Osborn is contemplating or planning building a number of additional buildings and as a longtime resident of the town, I wanted to express my concern and displeasure with the proposal. I am not only concerned about the safety of the kids at Osborn but also the increased traffic and over population of our town. I strongly oppose this proposal as I know so many others do.

Thank you,

Chris Burke

**Letter No. 34**

Wed 5/13/2020 10:07 AM

To Whom it may Concern,

We are writing to oppose the Osborn zoning plan.

We feel that this is a terrible proposal- one that is giving The Osborn a huge increase in the FAR in exchange for a small give to the community.

3401

As residents of the adjacent neighborhood, we are focused on maintaining the beauty and green-space in the community, as well as preventing increased traffic and construction over prolonged periods of time. The increased traffic burden is something that will directly affect us- not only increased traffic during construction, but of course, after the new buildings are occupied as well.

In addition to those points, we have environmental concerns as well - chemical storage, water run off, noise and light pollution, etc.

3402

Finally, we believe that the 60-foot limit that is proposed is too high, and should be reduced.

Sincerely,  
Emily and Jon Borell  
5 LaSalle Ave.

**Letter No. 35**

Wed 5/13/2020 4:20 PM

Mayor Cohn and Rye City Council Members,

We are writing to express our concerns regarding the proposed zoning change and subsequent building plan for The Osborn. Let us start by saying we think The Osborn is a valuable part of our community and we purchased our home in the neighborhood based largely on the feel of the area. We thought having such a wonderful senior community was a benefit to our children. Our middle schooler is very active at The Osborn and we have seen those benefits firsthand. This is not an affront to the senior community at all. Actually, the history behind The Osborn is a beautiful one and one that should be remembered here as one might question the need/motives for expansion. Please take the time to read our opposition and thank you for your time:

3501

1. **Setbacks** – We have great concern about the proposed setback of only 100 feet along Theall Road. Currently, this highly trafficked road is offset only by the park like setting currently established on The Osborn site. With only a 100’ setback along this thoroughfare, it would appear overbuilt and detract from the overall neighborhood. Although The Osborn has conceded to the Commission’s recommendation of a 160’ setback along Osborn Road, replacing the current one story

3501  
cont.

cottages with 4-5 story apartment buildings would greatly affect the current visual – even from the street, as was noted by the Commission on October 29, 2019. It was postulated by The Osborn that because there are ‘primarily office buildings’ along Theall Rd it would be acceptable to have only a 100’ setback in this area. It is not. The open, beautifully maintained, park-like setting of The Osborn is one of the reasons we chose to buy our home and makes this neighborhood unique. The proposal stated that the setback could contain storm water management, sidewalks and access drives, none of which improve the aesthetic of the community.

3502A

**2. Traffic** – The current traffic situation in the area is untenable. Despite the Council’s willingness previously to recognize the need to change the parking rules in the area, for which we are grateful and safer, traffic remains a huge issue. This is especially true at times of school pick up and drop off at Osborn. Enforcement of the current parking restrictions is less than adequate and leads to many cars stopped/standing/parked in clearly marked areas where none are allowed. At the best of times, traffic can flow in only one direction along the southern end of Theall Rd or along Osborn Rd at 3pm. This situation is made much worse by the current construction on Playland Access Rd (St. Regis Site). For those of us living in the area, coming/going from/to I95 or Playland Parkway is dangerous. Dropping off our children at RMS/RHS routes us past this area every day (in normal times). There

3502B

have been many near misses and accidents as a result of the construction workers parking on curbs, on hills, in ditches and anywhere they can find a spot. Local residents (Packard Ct, Old Post Road, etc) have taken to having signs/traffic cones erected on their streets to dissuade construction worker parking. If The Osborn project were allowed to proceed, where would these workers park for the next 10-15 years!? Couple the current situation with the added parking, traffic and proximity to the Osborn School, it is a tragedy waiting to happen. What happens when a

3502C

construction vehicle overturns on the corner of Theall and Osborn as one did when exiting I95 onto Playland Access? What will be the projected traffic patterns should one or more of the bordering streets, such as Theall Rd or Old Post Rd, need to be shut down to accommodate a new sewer or water line? How will that impact local residents and the Osborn School?

**3. Environmental** – Many of the questions on the environmental assessment form submitted with The Osborn’s application to City Council were left blank or answered with ‘TBD’. How should one interpret such an application when even a question

such as the projected timeframe of the project is indeterminate? Yet, in another place in the application it is listed as 10-15 years? Living at the southwest corner of The Osborn property, we have witnessed the runoff of rainwater first hand as it rushes down Osborn Road, and onto our street. How will this be managed going forward? How will construction affect current runoff patterns? What assurances can be offered to neighboring home owners that their properties will not be negatively impacted? Where will the proposed 'on-site stormwater management facility' be located and how will it be managed? The Westchester County Planning Board Referral Review has made suggestions with respect to parking allowances onsite so as to minimize runoff and flooding in the area. Have these concerns been adequately addressed by The Osborn? Answers to questions with respect to the noise levels generated by construction – for 10 to 15 years – were apparently indeterminate. Questions about potential light pollution were "TBD". Questions about the storage of petroleum and 'chemical products' both above and below ground were "TBD". We would remind you that this proposed building site borders an elementary school, private homes, a medical facility and apartment complexes for seniors. This is unacceptable.

3503

4. **Safety** – As previously discussed, current enforcement of parking rules and regulations in the communities surrounding this proposed site is less than adequate. What protections will be in place for residents of the surrounding neighborhoods that they will be safe driving in the area? That their children will be safe walking to and from school? That children at school will not be subjected to unacceptable levels of noise pollution? That cars will not be parked in restricted areas, or even on The Osborn property detracting from the visual appeal that it now holds? That we will not be the unfortunate individuals subjected to a chemical spill and subsequent clean up? There are too many unanswered questions to ensure the safety of Rye residents and children attending the Osborn School.

3504

5. **Appearance** – As mentioned previously, and as was brought forth by both the Planning Commission and the City Council, The Osborn is a beautiful, historic property which the City of Rye hoped to maintain as was evident in the 1993 'Declaration of Covenants and Restrictions'. While it is commendable of The Osborn to accept the Planning Commission's

3504  
cont.

recommendations on setbacks greater than 160' in some areas of the property, the current structures are almost entirely within those limits now. The greatest proposed change to the current site is allowing 4-5 story structures where one story structures now exist and encroaching on Theall Rd. Despite the plan for 'appropriate landscaping' and 'visual screening', one cannot replace one story with four or five and expect a similar visual effect.

3505

6. **Property Value/Quality of Living** – Houses bordering the SW corner of The Osborn property are in the closest proximity to the proposed new builds and have the greatest potential for negative visual impact, decreased property value and effect on quality of life for a prolonged period of time. We would be subjected to continuous construction noise, traffic and disruption to our daily lives and routines. The detrimental effect that a decade of construction would have on the neighborhood, the property values of our homes and quality of our lives is not reflected in the current proposal by The Osborn. The proposal states that the change in zoning (and resultant building) on The Osborn site “would not have any adverse impact on” ... the “City of Rye”. We beg to differ. For the foreseeable future, the residents of the City of Rye would have to endure the noise of construction, the traffic, potential damage to the environment, a decrease in our quality of living and the resultant decrease in our safety, property values, and aesthetic of the neighborhood.

3506

**7. TREES:** The trees that would be removed are historic specimens and are irreplaceable. The Osborn just announced and touts itself as an 'arboretum.' They had proposed replacing any tree with 2 new trees, and the reality is that even planting 10 for every one removed would destroy the character of the grounds, visible on 3 sides by its neighbors. What example does this set for our children? “It’s okay to tear down the environment as long as it makes us money.” This is interesting as a great portion of the education in Rye is dedicated to respecting the environment and being a voice for change. Tearing down these trees is hypocritical at best.

3507

**8. TAXES:**

It seems the Osborn's business model has evolved from taking in 'destitute' widows, to targeting only very wealthy, healthy seniors, and because of that the City of Rye has already challenged their tax exempt status. If their tax exempt status were to be

3507 | revoked would they still be contemplating this unneeded, seemingly profit-driven  
cont. | decision to expand?

**9. EASEMENT:**

3508 | The community is not in agreement that an easement to build a road behind Osborn  
school close to classrooms and the outdoor classroom is a gift.

**10. DEVELOPMENT PLANS:**

3509A | Regarding the 4- vs 5- story proposal, The St. Regis which is only 3 stories on a hill  
and towers over Old Post Road is already being built and we have not begun to

3509B | grapple with traffic problems of a fully-occupied St. Regis! Plans to increase  
development and occupancy in the immediate vicinity should be slowed. Our public  
services, roads and infrastructure, families, environment, and the Osborn elementary

3509C | school community are already stressed by this construction. In addition, the school  
will be undertaking major renovations soon and even more construction in this area is  
most unwelcome to the surrounding neighborhoods.

**11. ANY PLANS DURING A PANDEMIC:**

It is unethical to move important decisions as this forward while there is a hindrance to the public's knowledge, free meetings between neighbors, stakeholders and our regulatory and review committees. The council should be doing only the most critical things during this time. Until then we can't allow for truly robust public discussion. It is truly shocking that anything of this magnitude should be considered at such a volatile time. You can be assured that lawsuits will arise if anything is passed during this time that affects so many people adversely.

Respectfully yours,  
Jonathan and Jennifer Wismer  
15 Franklin Rd.



## Letter No. 36

Wed 5/13/2020 4:21 PM

To Whom It May Concern:

3601 | My family are residents in the Glen Oaks neighborhood and are dismayed to hear of the Osborn zoning consideration, especially during this difficult time in which public conversations and presentations cannot be held. We are very concerned about the traffic and school safety impact of this zoning change and would request that any approval considerations be postponed until public hearings are permitted.

Thank you,  
Katelin Berkowitz  
18 Harding Drive

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**From:** Amanda Timchak [REDACTED]  
**Sent:** Wednesday, June 03, 2020 2:07 PM  
**To:** Cohn, Josh; [REDACTED]  
[REDACTED] publichearingcomments  
**Cc:** [REDACTED]  
**Subject:** The Osborn Zoning Amendment

Dear Mayor Cohn, City Council Members and Mr. Anderson,

I hope this email finds you well. I wanted to circle back about some concerns brought up during the public comments section of the May 13 City Council meeting regarding The Zoning Text Amendment proposed by the Osborn and submit them for consideration at the next City Council meeting regarding The Osborn Zoning Amendment, presumably June 10th.

**Safety of Students Crossing Osborn Road to Get to Osborn School**

I had spoken during the during the public comments regarding The Osborn Zoning Amendment. I wanted to followup with my attempt at a visual that shows the safety concern regarding pedestrian crossings at Osborn Rd for students coming and going to Osborn School. Please see the power point attached. I'm not a graphic designer by any means, but I do hope that this visual helps to illustrate my concerns. My family lives directly across Osborn Road from the school at 61 Osborn Road. There is no sidewalk on the southern side of Osborn

3701

cont.

Road, so my children, and the many other Osborn School students who live along Osborn Road, have no choice but to cross Osborn Road without the assistance of a Crossing Guard to get to school. I've raised this issue with our principal who shares our concerns, and with various City agencies. In addition to the many Osborn Road students who cross here there are additionally many children who live in the Glen Oaks neighborhood who may be able to access the crossing guard, but instead choose to take their shortest route to school. That means many more families crossing at the same unsafe place my children cross. I'm not condoning this choice, but the reality of the situation is that there are many students and their caregivers who cross at Osborn Road every day.

There are four main factors cause the safety concern for students cross at Osborn Road. They are:

1. Parking on the north side of the street, which is always full at school pickup time
2. The school parking lot exit is here, and cars that turn of the school parking lot to get onto Osborn Rd who have limited visibility because of the parked cars
3. Many people ignore the No Parking sign to the west of the school exit on Osborn Rd, creating a situation where kids have to be into the street to be able to look left and right for traffic.
4. There seems to be a generally high level of anxiety about getting to the school parking lot in time for pickup, so cars drive way too quickly through the school zone.

3701  
cont.

It is an accident waiting to happen. I've heard that a person was hit here a few years ago. I also watched a 4th grader narrowly avoid being hit here after school this fall. He was traumatized to say the least, but luckily not harmed physically.

This pedestrian safety issue is a concern completely aside from The Osborn Zoning amendment and I think it should be addressed as a stand alone issue, but it would be exacerbated by adding additional traffic and a construction zone into this area. I've also heard talk of a potential easement to the school to mitigate disaster that is pickup at Osborn School. While that may certainly help many families who drive to school, that seems to have the potential to double down on this very unsafe crossing situation.

I hope that the safety of the school children and their ability to get to and from school without harm is at the top of the list of concerns that The Osborn has should this or some version of this Zoning Amendment be passed and construction does occur.

### Osborn Road Setbacks

I also want to reiterate my concerns regarding the potential loss of the park like green space along the southwest corner of The Osborn's property at the corner of Osborn and Theall Roads. When we moved to Osborn Road in the spring of 2018 we were told by our real estate broker that the green space was owned by The Osborn and would be protected as green space per the zoning laws. While it is technically true that the current 160 ft setbacks allow buildings to be closer to Osborn Rd, the FAR cap would not allow it unless something was taken down. The Osborn is currently using .26 FAR versus the max FAR of .30 as set in the 1993 Declaration. We took comfort the the zoning laws would protect the green space. Since part of our decision to move to Osborn Road included the use of that green space, I can only assume that the loss of it would negatively affect our real estate value. Our family loves that green space and the thought of losing it truly saddens me. We throw a baseball with our kids over there, picnic under the trees and enjoy the open atmosphere on bike rides and walks. We have especially enjoyed the open space during the long days of quarantine. While it is true that the The Osborn *could* build closer to Osborn Rd given that there are no buildings close to the current 160 ft setback, the reality is that The Osborn is nearly maxed out on FAR and it seems highly unlikely that they would take down buildings to move them closer to Osborn Road without the increased FAR from this Zoning Amendment.

3702

cont.

3702  
cont.

The offer of an increased set back of 240 ft versus the currently 160 ft distorts the reality of the situation. The reality is that most of the garden cottages that are setback from Osborn Rd are closer to 400 or 450 ft back, so even at the increased give of a 240 setback as proposed in the zoning amendment, anything that is built along Osborn Rd would be much closer to the road than it currently is and would mean a loss of some of that beautiful green space. While the Osborn *could* currently build at 150, they haven't because there isn't FAR to do so, and even a 260 ft set back would feel like a loss versus the reality of the current 400/450 ft setbacks.

3703

The elevation of the land at a 240 ft setback is much higher than it is at the approximately 400 ft mark where the garden cottages currently are, so we are talking about the potential of **twice as high** (or more) buildings being **built on top of a hill much closer to the Street**. That means loss of space, as well of loss of quality of life resulting from the loss of the park like feel.

I appreciate The Osborn, along with their team of architects and lawyers, listening to the local residents' concerns. I hope that this discussion is expanded to include all of the parents of students at the Osborn School, because any future construction allowed by the successful passing of a Zoning Amendment would affect our broader school community, not just the residents who live along Osborn Road. Given the reality of the current times, a full fruitful discussion seems at best difficult, if not impossible. I hope that we can take the time as a community to fully be heard and addressed. And while I know that this process has been in motion for a long time, this is the first time many of us have been made aware and we are working hard to get up to speed and be engaged, while also navigating trying times at home caused by the pandemic. I respectfully hope that the Council will take the time to engage the broader community and hear all of our concerns, and that in due time a solution can be agreed upon that benefits The Osborn while not negatively affecting our community.

Kind Regards,  
Amanda Timchak  
61 Osborn Rd  
Rye NY 10580

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**Letter No. 38**

June 5, 2020

To: Rye City Council/ Senior Living Facilities

Re: City of Rye new zoning for The Osborn

From: Elaine Lerner

59 Franklin Ave., Rye

As a young Girl Scout from the Bronx, I was fortunate enough to visit Rye on a variety of occasions to ice skate or enjoy rides at Playland. It became a secret dream of mine to someday live in this community because of its general open atmosphere. It was by sheer coincidence that I did wind up living in this charming historic city. I believe in the oft said “keep Rye Rye”. I sincerely believe that passing the recent Osborn request for rezoning will lead to deleterious changes to the special character of Rye making it into just another town. Growth does happen over time and reasonable change can happen **IF** the City Council, the Planning Commission and the Architectural Review Board pay extremely careful attention to the open charm and historical character that **must** be retained here. Can the buildings be kept low and historically styled?

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I am recalling a case in point of the questionable style of the now closed TD Bank in town which is so far from the appearance of the rest of the buildings in town. The St. Regis property in its original sales pitch was not as dense as it has turned out. More 4 or 5 story buildings will leave little green space in the neighborhood.

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And now, I turn to the alerts, or lack thereof, as to what the Osborn wants to achieve with its request for rezoning which was not made transparent to the public. The Osborn project will change site lines for sure, and create issues with traffic, safety, and probably parking due to the increase in staff and visitors. Meeting notification signs were not displayed until the day before the May 13<sup>th</sup> meeting and only on 2 sides of the property. No signs have been displayed on the Boston Post Road side which is the side facing my home. At the May 13, 2020 City Council meeting, the residents living close to the Osborn property stated that they chose to purchase homes in Rye because of the open spaces. It is a real possibility that I might find myself facing some tall brick buildings in the future!

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The Osborn has been a good neighbor, and I, personally, do support it in many ways, however, I do not want to lose any property value due to its desire to save its bottom line.

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Those of us who have lived in Rye for decades remember the last zoning change-- The Osborn request came with a promise to not build anymore buildings after that project. And we believed it! What can be believed now?

Rye City is known as a Tree City- will it become a tenement city?

7. Continue SEQRA discussion regarding a zoning petition from The Miriam Osborn Memorial Home to amend the text of the City of Rye Zoning Code Association to create a new use and development standards for “Senior Living Facilities” in the R-2 Zoning District.

Corporation Counsel Wilson stated that the Council now would consider the public comments that received and will receive on the environmental impacts.

Mayor Cohn commented that there are some in the community who are unaware of the process that has been ongoing. It is important that everyone be aware that the very first hearing on this was held before the City Council in December of 2018, publicly noticed on the agenda. Since then, there have been four Council meetings, publicly noticed, and six Planning Commission meetings, also noticed. This is a process that has been going on for quite some time. Understanding the importance of the process, the City has asked the Osborn to go beyond what is required by law to post three signs at the site, and 70 certified mailings were sent to those within 300 feet of the site. Mayor Cohn said the City was working with the process that the State of New York has given municipalities to conduct public hearings during the health emergency. The City Council and staff are going to try hard to make it work. It is very important to the Council and staff that the City succeed in keeping public business going. He asked for the public’s cooperation and good will as it does this. If the U.S. Supreme Court can start having teleconference oral argument, then the Rye City Council can also try.

City Planner Miller commented that it is conventional for the applicant to do its presentation, and then take comment from the public.

8. Open a public hearing for consideration of a petition from The Miriam Osborn Memorial Home to amend the text of the City of Rye Zoning Code Association to create new use and development standards for “Senior Living Facilities” in the R-2 Zoning District. All public hearing comments should be emailed to [publichearingcomments@ryeny.gov](mailto:publichearingcomments@ryeny.gov) with “Osborn Zoning Change” as the subject.

Councilman Mecca made a motion, seconded by Councilwoman Johnson, to open the public hearing.

Steven Wrabel, McCullough Goldberger and Staudt, addressed the Council on behalf of the applicant, the Osborn. He said that would like to present for the Council and public’s benefit. He stated that the Osborn provides a variety of services. In reviewing the process here, Mr. Wrabel stated that the applicant first filed an application in 2018. He said they were there to present the application, but also to listen to the public and the Council.

Mayor Cohn said that comments submitted in writing would be on the City website. He said they were accepting written comments by email and regular mail. The written comments will not be read into the record, but will asked to be considered by the applicant.

Mr. Wrabel stated that the Osborn needs to prepare for its future. The last improvements were completed nearly 20 years ago, and there is a changing landscape in the industry that the Osborn needs to adapt to. He said that the applicant was doing this now to assure care but also ensure the continual success of the Osborn moving forward. He explained that there is a significant increase of competitors to the Osborn throughout Westchester County. Before they can develop any sort of hard plan to redevelop their campus, the Osborn needs to address the zoning issues at hand. Mr. Wrabel explained that the Osborn was built pre Rye zoning. It is located in the R-2 district but is governed by a declaration of covenantal restrictions that were signed in the 1990s. The Osborn would like the City to establish a zoning amendment that would include what the standards should be for this kind of use in Rye, specifically in that zone. The applicant is hopeful to develop to continue to thrive in Rye. It should be noted that the Osborn is not tax exempt, and is the second largest payer of taxes in the city. Mr. Wrabel stated that this is a zoning amendment proposal, not a site plan. Before a site plan can be generated with specific buildings or layouts or roadways, the applicant needs to understand what the zoning is going to be moving forward. The applicant has been studying the impacts, but it is not an application for specific development. Anything along those lines would need a new public process.

Andrew Tung, landscape architect for the applicant, showed an aerial view of the site and the zones associated. Currently the R-2 zoning text does not have the use of the Osborn specified. Rather, the zoning is laid out in restrictions from 1993. Mr. Tung displayed a map of the current buildings that exist on the site and their current setbacks and heights. He said that they have proposed to refine what would be permitted looking forward. Mr. Tung showed the Council and the public the proposed setbacks and height provisions.

Councilwoman Souza asked about height limitations for the 160 yard setback limitation today.

Mr. Tung responded that the height could be five stories as of right today.

Mayor Cohn asked about the maximum height that intrudes into the yellow shaded zone on the map.

Mr. Tung responded that it indicated four stories as a maximum height.

To clarify, Councilwoman Souza asked Mr. Tung to confirm that currently, the garden home area would permit a five-story structure, and the applicant was proposing a limit of four stories for the future. Mr. Tung confirmed that the premise was correct.

Mr. Tung talked about the plan for tree plantings on the property.

Councilwoman Goddard asked if the current trees would be protected and preserved or removed to make way for the new buildings.

Mr. Tung responded that some trees would be preserved and others would be taken down.

Councilwoman Johnson asked about potential plans to change or add entry access points to the site and about the stormwater basin. Mr. Tung responded that there were no plans proposed of that nature to change either feature.

**PH101** Sue Drouin, 57 Morehead Drive, addressed the Council. She asked the council to wait to make a decision during this time. She expressed concern for the neighborhood character.

**PH201** Daniela Arrendondo, Rye resident, addressed the Council. She expressed concern over traffic issues. She also expressed concern over the potential development. She said she had never received notice of the hearing.

**PH301** Amanda Timchak, 61 Osborn Road, addressed the Council. She said she has four children that attend Osborn School. She expressed concern over the pedestrian safety.

**PH401** Neal Middleton, 330 Theall Road, expressed concern over the traffic and pedestrian  
**PH402** safety. He also expressed concern that the stormwater basin would remain intact.

**PH501** Leslie Ebers, 138 Osborn Road, addressed the Council. She said that the presentation was much more comforting than she expected it to be. She said she has concerns about proposing a zoning change without a site plan, as the impacts are hard to understand. She said she would hope the Council would wait until the applicant has some sort of a plan.

**PH601** Catherine Plummer, 111 Osborn Road, said that there is an elevation where the structures currently sit. It looks much taller from the road and that needs to be addressed further. The two story structures there right now actually look much bigger than two stories.

**PH701** Sean Plummer, 111 Osborn Road, asked the applicant how the plan to put in mature plantings that get to the proper height for screening.

**PH801** Don McHugh, Coolidge Avenue, expressed concern over development and keeping to prior commitments. He asked the Council to go slow with the process.

Councilman Johnson asked Mr. Anderson why the Osborn is different than the St. Regis, or if the applicant was trying to do something else.

Matt Anderson, Director of the Osborn, stated that as-of-right currently, they could build a five-story structure. He said he wanted to be clear again that the applicant was rationally increasing the setbacks. To decipher and answer Councilwoman Johnson's question, the St. Regis property consists of just condos. The Osborn is a continuing care retirement community, ranging from independent living, assisted living, and memory care. Mr. Anderson addressed some concerns about the site. He said that they were very sorry that this came up during the pandemic, as they have been working on it for two years. The applicant felt that it needed to get the ball rolling to be able to build amenity space for current residents and plan for new residents.

Councilwoman Goddard asked why during the pandemic should the Council continue on with the public hearing.



Mr. Anderson responded that there was a lot of planning that is going to need to be done. He said the applicant needs to try and move through the process that has been years in the making. He thanked the Council for giving the Osborn the opportunity to present virtually during this time.

Councilwoman Johnson asked when the City would be up and running again.

Mayor Cohn stated that with all the uncertainty, it is unknown.

Councilwoman Souza commented that the City had been thoughtful and mindful during this time.

**PH901** | Emily and John Powers, 23 Coolidge Avenue, expressed concern about the site and  
**PH902** | discussed the increase of FAR. They expressed concern over not having a plan with the proposed zoning changes.

**PH1001** | Craig Haines, 2 Coolidge Avenue, said that he had sent a letter to the Council. He asked for a delay to allow for public discourse and said that traffic here is an immense problem. He said he was concerned about the FAR and the future of the neighborhood.

**PH1101** | William Childs, Rye resident, said that there had been traffic and parking issues, along with other unknowns bought by the St. Regis. With those issues and the Osborn School construction, the development here is of great concern. Mr. Childs expressed concern about the impact on the neighborhood.

**PH1201** | Rosalie Louw, 45 Osborn Road, said she fully supports the Osborn, but is very concerned about giving away something for nothing. She said more information needs to be given with more public engagement before a decision is made.

Mayor Cohn said that the Council would do its best to make sure everyone is heard.

**PH1301** | Natalie Auerbach, Rye resident, expressed concern about traffic and pedestrian safety.  
**PH1302** | She said she was also concerned about aesthetics and the property values.

**PH1401** | Christine Cote, Coolidge Avenue, expressed concern over the impact to the neighborhood and pedestrian and traffic safety.

**PH1501** | Fraser VanRensburg, Rye resident, echoed the comments of neighbors and emphasized support for due process to voice opinions. He said he was concerned for the neighborhood.

**PH1601** | John Lovallo, 27 Hughes Avenue, expressed concern over traffic impacts and property values.

**PH102** | Sue Drouin, 57 Morehead, said she was concerned about impacts of density and impacts  
**PH103** | on the infrastructure. She said it was impossible for neighbors to try and understand without a

PH104 | site plan. She said that there should be more conversation in the community, and asked why the applicant would be pushing for this zoning change now.

Don McHugh, Rye resident, thanked the City Council.

PH202 | Ms. Arrendondo spoke again and stated concern over the zoning change during the pandemic.

Mayor Cohn asked the applicant to come to the next session prepared to address the comments that were heard this evening.

PH1701 | Councilwoman Goddard thanked the applicant and asked if there was some way to get a history for why it was created as a covenant in the first place.

Corporation Counsel Wilson recommend continuing the public hearing.

Councilwoman Souza made a motion, seconded by Councilman Stacks and unanimously carried, to continue the public hearing.

9. Consideration of setting a public hearing for May 27, 2020 to amend Chapter 133 Noise of the Code of the City of Rye, by amending § 133- 8(G) “Permit required; construction work, mechanical rock removal and blasting restrictions” to prohibit certain activities through June 30, 2020. All public hearing comments should be emailed to [publichearingcomments@ryeny.gov](mailto:publichearingcomments@ryeny.gov) with “Chapter 133” as the subject.

Mayor Cohn said that with the hopeful restart of construction work, it is important to prevent very noisy activity while home schooling is still going on in surrounding houses.

Councilman Mecca made a motion, seconded by Councilwoman Souza and unanimously carried, to set the public hearing for May 27, 2020 to amend Chapter 133 Noise of the Code of the City of Rye, by amending § 133- 8(G) “Permit required; construction work, mechanical rock removal and blasting restrictions” to prohibit certain activities through June 30, 2020.

10. Consideration to set a public hearing on May 27, 2020 to adopt a twelve-month moratorium in the City of Rye temporarily prohibiting the review, processing or approval of any application related to the storage and dissemination of compressed natural gas or other type of energy or fuel transfer or energy or fuel generating facility. All public hearing comments should be emailed to [publichearingcomments@ryeny.gov](mailto:publichearingcomments@ryeny.gov) with “Moratorium” as the subject.

Mayor Cohn explained that this was intended to give the Council the opportunity to renew the CNG Fuel facilities in Rye.

Councilman Mecca made a motion, seconded by Councilwoman Tarlow and unanimously carried, to set a public hearing on May 27, 2020 to adopt a twelve-month

moratorium in the City of Rye temporarily prohibiting the review, processing or approval of any application related to the storage and dissemination of compressed natural gas or other type of energy or fuel transfer or energy or fuel generating facility.

11. Authorization for the City of Rye School District to use the City streets on May 31, 2020 from 2:00 PM – 4:00 PM for a graduation vehicle parade to acknowledge and celebrate the Class of 2020.

Councilwoman Souza made a motion, seconded by Councilwoman Tarlow and unanimously carried, to approve a request for the City of Rye School District to use the City streets on May 31, 2020 from 2:00 PM – 4:00 PM for a graduation vehicle parade to acknowledge and celebrate the Class of 2020.

12. Appointments to Boards and Commissions.

Mayor Cohn reappointed Caroline Gadaleta to the Board of Assessment Review for a five-year term expiring September 30, 2024. The Council approved unanimously.

13. Old Business / New Business.

There was nothing discussed under this agenda item.

14. Adjournment.

There being no further business to discuss, Councilman Mecca made a motion, seconded by Councilwoman Souza and unanimously carried, to adjourn the meeting at 7:58 P.M.

Respectfully submitted,

Carolyn D'Andrea  
City Clerk