

**CITY OF RYE
1051 BOSTON POST ROAD
RYE, NY 10580
AMENDED AGENDA**

**REGULAR MEETING OF THE CITY COUNCIL
VIA ZOOM**

Wednesday, February 2, 2022

6:30 p.m.

The meeting will be held via zoom video-conferencing with no in-person location and will be broadcast on the city website. A full transcript of the meeting will be made available at a future date.

Residents may email comments regarding the public hearing to:

publichearingcomments@ryeny.gov. All comments must be received by 4:15 pm on the day of the meeting. The subject of the email should reference the hearing topic. Please include your name and address.

TO PARTICIPATE IN THE PUBLIC HEARING, PLEASE ATTEND THE MEETING VIA ZOOM VIA THIS LINK:

<https://zoom.us/j/95273662609?pwd=WTMxNWxkSUY4ZVJhT0ZiUHNwOEFMUT09>

Or Telephone:

US: (646) 558-8656 or (312) 626-6799 or (301) 715-8592 or (253) 215-8782

Press *9 to raise your hand to speak during the public hearing

Webinar ID: 952 7366 2609

Password: 615650

[The Council will convene via ZOOM CONFERENCE at 5:30 p.m. and it is expected they will adjourn into a teleconference Executive Session at 5:31 p.m. to discuss pending litigation, personnel matters and pending contracts.]

1. Roll Call.
2. Draft unapproved minutes of the Regular Meeting of the City Council held January 19, 2022.
3. Post Ida Storm Update.
4. Consideration to engage Ramboll Engineering pursuant to its proposed scope of services with respect to a study relating to flood mitigation in the Blind Brook watershed in an amount not to exceed \$350,000.

5. Continue the public hearing to create a new local law amending Chapter 197 “Zoning” of the Code of the City of Rye setting new restrictions on lot width and configurations of properties in new subdivision.
6. Continue the public hearing to create a new local law, Chapter 166 “Steep Slope Protection” regulating development on steep slopes.
7. Continue the public hearing to create a new local law amending Chapter 53 “Architectural Review” of the Code of the City of Rye to amend authority and scope considered by the Architectural Review Board in reviewing applications.
8. Residents may be heard on matters for Council consideration that do not appear on the agenda.
9. Resolution to send a letter to the US Coast Guard regarding their planned removal of Federal Channel buoys.
10. Authorization for the City Manager to enter into an Intermunicipal Agreement with the County of Westchester Department of Public Works and Transportation for Bus Passenger Shelters.
Roll Call.

CONSENT AGENDA

11. Consideration of a request by the American Legion Post 128 and the Ladies Auxiliary of Post 128 to approve a parade to commemorate Memorial Day to be held on Monday, May 30, 2022 from 9:30 a.m. to 10:30 a.m.
12. Consideration of a request by the American Legion Post 128 and the Ladies Auxiliary of Post 128 to hold a Memorial Day Ceremony on the village green event to be held on Monday, May 30, 2022 from 10:15 a.m. to 11:15 a.m.
13. Consideration of a request by the American Legion Post 128 and the Ladies Auxiliary of Post 128 to have a food truck at the Memorial Day event to be held on Monday, May 30, 2022 from 9 a.m. to 12 p.m.
14. Consideration of a request by the Rye Free Reading Room for use of the Village Green on Wednesday, May 18, 2022 at 7pm, with a rain date of Thursday, May 19 at 7pm.to offer a community program of conversation and support for teens and adults in partnership with Rye Youth Council, pRYEd, the Rye High School GSA, and RyeACT.
15. Appointments to Boards and Commissions by the Mayor with Council approval.
16. Old Business/New Business.
17. Adjournment

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The next regular meeting of the City Council will be held on Wednesday, February 16, 2022 at 6:30 p.m.

** City Council meetings are available live on Cablevision Channel 75, Verizon Channel 39, and on the City Website, indexed by Agenda item, at www.ryeny.gov under "RyeTV Live".

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held in City Hall on January 19, 2022, at 6:30
P.M.

PRESENT:

JOSH COHN, Mayor
BILL HENDERSON
EMILY HURD
CAROLINA JOHNSON
JOSHUA NATHAN
JULIE SOUZA
BENJAMIN STACKS
Councilmembers

ABSENT: NONE

The Council convened at 5:30 P.M. by videoconference pursuant to the NYS Legislature waiving requirements of the Open Meetings Law. Councilman Stacks made a motion, seconded by Councilwoman Souza, to adjourn briefly into executive session to discuss litigation and personnel matters. The Council reconvened in a public videoconference at 6:30 P.M. The meeting was streamed live at www.ryeny.gov for public viewing.

1. Roll Call.

Mayor Cohn asked the City Clerk to call the roll; a quorum was present to conduct official City business.

2. Draft unapproved minutes of the Regular Meeting of the City Council held January 5, 2022.

Councilwoman Souza made a motion, seconded by Councilwoman Hurd to approve the minutes of the Regular Meeting of the City Council held January 5, 2022.

3. Post Ida Storm Update.

Mayor Cohn stated that the City had met virtually with a sub agency of the Department of Agriculture Natural Resources Conservation Service, to help the City get an idea of whether it has a floodplain that would fit into aspects of their floodplain easement program, which might allow for buyouts of residential properties in the floodplain for demolition and restoration of such a flood plain to a more natural state. Conversations with them continue, as primary concerns include whether there would be a critical mass of owners for the program and whether the properties are too expensive for the program. With homeowners needing more immediately relief, the program may move too slowly. He reported the positive news that Senator Schumer has found \$350,000 for an Army Corps Blind Brook Survey. The question is whether this funding could be used for a study of a larger project of the Army Corps. The NYS DEC has reported to the City that the stream

study of the Blind Brook is beginning. Mayor Cohn also reported that through County Legislator Parker's office, the City had an opportunity to meet with the facilities and sustainability offices of SUNY Purchase. There is potential for impoundments (the construction of ponds) on SUNY property, which may have a positive mitigating impact on flooding in Rye. Discussions are ongoing with state-level representatives and the City remains hopeful.

City Manager Usry continued the update. He stated that the NY Rising projects have now been confirmed to be fully funded. The Milton project is already underway, and the stream gauge and clearing of the pond will commence soon. All three are expected to be closed out by the state in October. He reported that City staff had met with its engineering consultant about doing an independent study of the Blind Brook and floodplain in its entirety, to identify properties in need of mitigation. The study is expected in early May, which would put the City in a position to understand a cost benefit analysis of target areas. The goal is that the City would be in the best position to apply for and receive funding for potentially helpful projects.

City Manager Usry also stated that with regard to Hurricane Ida specifically, damage occurred across the City that was not associated with the Blind Brook, and a comprehensive study was conducted by City staff on these areas.

Superintendent of Public Works, Ryan Coyne, presented a comprehensive and lengthy report on various areas within the City that were flooded during Hurricane Ida, and the remediation that has already started to take place. (To see the entire presentation, go to <https://ryeny.new.swagit.com/videos/153156> at minute 10:00).

In summary, Superintendent Coyne discussed the replacement of certain drainage pipes with larger pipes, where smaller pipes could not handle the level of water and cause a backup. He gave a detailed report on the shortcomings of each major area that saw flooding.

Mayor Cohn asked about the effectiveness of an 18-inch pipe installation that was discussed. Superintendent Coyne explained that the effectiveness with regard to flooding would increase with this increase in volume, as the water would flow better, with less chance of a backup. Further, the older pipe had started to see some cracking, which also did not help during the recent hurricane events. He stated that the cost would be roughly a few thousand dollars, as DPW staff would be able to install it. There was discussion regarding a pipe that traverses through properties on Boulder Road that needs to be re-lined with a new cast so that it can be more effective, which would cost approximately \$70,000. There was also discussion regarding the properties that have garages below street level, causing flooding in those homes. Mr. Coyne discussed many different areas of the City, including the golf club and surrounding areas that may benefit from mitigation efforts. He explained the specifics of different potential projects while referring to the City's drainage map for each area.

Councilwoman Souza said that a good approach may be to look at all the potential flooding projects side by side with cost and potential effectiveness to prioritize.

There was discussion about priorities, emergency projects and moving forward.

4. Continue the public hearing to adopt a new local law amending Chapter 197 “Zoning” of the Code of the City of Rye setting new restrictions on lot width and configurations of properties in new subdivision.

Christian Miller, City Planner, and Nick Everett, Planning Commission Chairman, were present to answer any questions from the Council or public.

Mr. Everett provided an overview on how the sub-committee came to a decision on the appropriate distance that would be sufficient in order to subdivide a property, per zone. Upon doing their analysis, they discovered that with a required 60 foot lot width requirement, it eliminates the ability to create a flag lot on smaller lots, mainly located in the R-3 through R-6 zones. The standardized width also avoids the concept of 2 driveways snaked up, 5 feet apart. In the 2 family zones, the requirement is 50 feet.

Councilwoman Johnson stated this change will also prevent clear cutting which tends to occur when a smaller lot is subdivided.

Mayor Cohn asked how density would be affected in the R-1 and R-2 zones. Mr. Everett stated there is so much land in an R-1 zone that it should not be a concern. Further, the added street frontage requirement and setback requirements in the R-1 and R-2 zones make many of the properties ineligible to be subdivided.

City Planner Miller displayed a zoning map of the City, identifying the various zones. He provided an example that, at minimum, a rectangular lot in an R-6 zone that is 120 feet wide could be subdivided, 60 feet wide each, with this new legislation. It will eliminate the ability to gerrymander a lot or squeeze in a house that is inconsistent with the character of the existing neighborhood. He reiterated that only a very limited number of parcels would be able to be subdivided with the proposed amendments.

Councilman Henderson asked if a homeowner wanted to subdivide the property but did not meet the criteria, if they could apply for a variance. Mr. Miller stated anyone has the ability to appear before the Board of Appeals but new subdivisions are not well received unless they have a compelling planning reason to do so.

Mayor Cohn invited the public to speak.

There were no members of the public that wished to speak.

Councilwoman Souza made a motion, seconded by Councilman Nathan and unanimously carried, to continue the public hearing to the February 2, 2022 meeting.

5. Continue the public hearing to adopt a new local law, Chapter 166 “Steep Slope Protection” regulating development on steep slopes.

Mayor Cohn began by asking if the Council had any questions. He then asked for clarification on how the 25 to 35% numbers were decided upon. Mr. Miller noted that the

percentage breakdowns are a convention. Mr. Everett provided examples of how slope is calculated. There was general discussion regarding the discretion of the board in regard to decisions and further clarification regarding slope percentages.

Mayor Cohn expressed his concern for percentages in regard to lot size and neighborhood size. Mr. Everett noted that the specific percentages noted in the new local law were selected as a threshold.

Mayor Cohn asked for clarification regarding the review standards. Councilwoman Souza stated that the review standards were in regard to potential roads. Mr. Miller stated that the standards are there to provide better parameters for future building. There was general discussion regarding specificity of terracing, cut slopes, and fill slopes.

Mr. Everett and Mr. Miller provided clarification regarding the need to give parameters for development on steep slopes to the Planning Commission for them to use their discretion.

Mayor Cohn asked how the City would calculate civil damages if someone has removed a steep slope. Corporation Council Kristin Wilson stated that there is a monetary limit enforced by New York State.

Kathy Grainger Hobbins, 75 Oakland Beach Ave., asked if applicants would be able to present 3D drawings so the slopes could be visualized.

Councilman Henderson made a motion, seconded by Councilman Nathan and unanimously carried, to continue the public hearing to the February 2, 2022 meeting.

6. Continue the public hearing to adopt a new local law amending Chapter 53 “Architectural Review” of the Code of the City of Rye to amend authority and scope considered by the Architectural Review Board in reviewing applications.

Mayor Cohn asked the Council if they had any questions.

Councilwoman Souza reiterated her suggestion that the Council consider issuing multiyear approval for seasonal or temporary recreational facilities instead of needing approval each year. Councilman Nathan suggested that there could be an annual permitting process for several years, and then if all goes to plan, making it a multiyear approval. There was more general discussion on this topic.

Councilman Henderson mentioned his support for a standardized notice requirement across various different types of variances, etc. There was general discussion regarding how the “burden of proof” clause impacts the Board of Architectural review and the Board of Appeals.

Councilman Nathan asked the staff to advise on a broader radius of neighbor notice in regard to applicants who go before the BAR. There was general discussion among the Council members regarding the radius of notice.

There were no residents who wished to speak on the matter.

Councilwoman Johnson made a motion, seconded by Councilman Stacks and unanimously carried, to continue the public hearing to the February 2, 2022 meeting.

There was a ten minutes recess.

7. Residents may be heard on matters for Council consideration that do not appear on the agenda.

There was no one from the public wishing to speak.

8. Open the public hearing to amend Chapter 177 “Taxation” Article X “Cold War Veterans Exemption” of the Rye City Code to increase the Real Property Tax Exemption for Veterans of the Cold War.

City Manager Usry explained that the County has again allotted for a Real Property Tax Exemption for Veterans of the Cold War, changing the cap, which will affect approximately 25 Rye residents. The City Code will need to be amended to allow for this exemption. The cost to the City will be approximately an additional \$1,300 per year.

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

There was no one to speak on the public hearing.

Councilwoman Souza made a motion, seconded by Councilman Nathan, to close the public hearing.

Councilman Stacks made a motion, seconded by Councilwoman Souza, to adopt the following local law:

LOCAL LAW NO. 01 - 2022

A LOCAL LAW TO AMEND CHAPTER 177 “TAXATION” ARTICLE X “COLD WAR VETERANS EXEMPTION” OF THE CODE OF THE CITY OF RYE, NEW YORK TO INCREASE THE REAL PROPERTY TAX EXEMPTION FOR VETERANS OF THE COLD WAR

Be it enacted by the City Council of the City of Rye as follows:

Section 1. **Section 177-67. Amount of exemption; limitations of the Code of the City of Rye is hereby amended as follows:**

§ 177-67. Amount of exemption; limitations.

- A. Qualifying residential real property shall be exempt from taxation to the extent of 15% of the assessed value of such property; provided, however, that such exemption shall not exceed \$75,000 or the product of \$75,000 multiplied by the latest state equalization rate for the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.
- B. In addition to the exemption provided by Subsection A of this section, where the cold War veteran received a compensation rating from the United States Department of Veteran Affairs or from the United States Department of Defense because of a service-related disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property multiplied by 50% of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed \$250,000 or the product of \$250,000 multiplied by the latest state equalization rate for the assessing unit, or , in the case of a special assessing unit, the latest class ratio, whichever is less.
- C. If a Cold War Veteran receives either an eligible funds veterans exemption authorized by § 458 of the Real Property Tax Law or an alternative veterans exemption under Article II of this chapter, the Cold War veteran shall not be eligible to receive an exemption under this article.

Section 2. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law that can be given effect without such invalid part or parts.

Section 3. Effective Date.

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.

ROLL CALL

Ayes:	Mayor Cohn, Councilmembers Henderson, Hurd, Johnson, Nathan, Souza, Stacks
Nays:	None
Absent:	None

9. **Resolution to adopt the 2022 Westchester County Hazard Mitigation Plan update.**

City Planner Miller explained that adopting the 2022 Westchester County Hazard Mitigation Plan update would make the City eligible to apply for certain funding that it previously could not benefit from if it made its own plan. It is of no cost to the City to adopt this plan, which

was done by a nationally-recognized consulting firm. There is an emphasis on flood mitigation within the plan, as it is a major priority across Westchester.

Councilwoman Johnson made a motion, seconded by Councilwoman Souza, and unanimously carried, to adopt the 2022 Westchester County Hazard Mitigation Plan.

The Council thanked City Planner Miller for his hard work.

10. Resolution to extend the curbside Food Scrap Recycling program through March 31, 2022 in order to gather and review the 2021 program data.

Mayor Cohn clarified that this extension of the curbside program would allow the City to have more time to gather and review the 2021 program data.

Councilman Nathan made a motion, seconded by Councilman Henderson and unanimously carried, to extend the curbside Food Scrap Recycling program through March 31, 2022.

11. Authorization to transfer an amount not to exceed \$75,000 from the General Capital Projects account to the General Fund Engineering Consultant Account in order to complete the state required Emergency Action Plan and engineering assessment for the Bowman Avenue Dam.

Mayor Cohn stated that this project was originally part of the NY Rising grant project. However, as the Governor's Office on Storm Recovery were cutting aspects of the projects, the City felt that this endeavor was still worthwhile. There is a chance that the City would be reimbursed for undertaking the state required Emergency Action Plan and engineering assessment for the Bowman Avenue Dam.

City Manager Usry explained that the City has decided to move forward with the consultant who had been working with the City under the NY Rising project. The cost is estimated to be between \$62,000 and \$65,000. The City is hopeful to be able to be reimbursed by working through the State's procurement process.

Prior to a vote, Mayor Cohn addressed some misconceptions regarding the Bowman Avenue Dam. First, he explained how the dam worked, filling up during a storm event and then automatically draining. Secondly, he stated that a misconception was that since the dam spilled over in Ida, it must not be working. He explained that the dam is designed with the spillway. Finally, he stated that the City retained an engineer to inspect the dam after Ida, who found only items in the ordinary course of maintenance that needed repair.

Councilwoman Johnson made a motion, seconded by Councilwoman Hurd, to adopt the following resolution:

RESOLVED, that the City Council authorize the transfer of an amount not to exceed \$75,000 from the General Capital Projects account to the General Fund Engineering Consultant

Account in order to complete the state required Emergency Action Plan and engineering assessment for the Bowman Avenue Dam.

ROLL CALL

Ayes: Mayor Cohn, Councilmembers Henderson, Hurd, Johnson, Nathan, Souza, Stacks
Nays: None
Absent: None

Councilman Nathan asked if this project had been a part of the original NY Rising projects. City Manager Usry confirmed that it was.

12. Adjourn until March 16, 2022 the 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.

Councilwoman Souza made a motion, seconded by Councilman Henderson and unanimously carried, to adjourn until March 16, 2022 the 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.

13. Appointments to Boards and Commissions, by the Mayor with Council approval.

Mayor Cohn made the following appointments and reappointments to the Boards, Commissions and Committees, which the Council approved:

- Chris Beardsley was appointed to the Board of Architectural Review, for a three-year term ending December 31, 2024

14. Old Business/New Business.

There was nothing discussed under this agenda item.

15. Adjournment.

There being no further business to discuss, Councilwoman Souza made a motion, seconded by Councilman Henderson and unanimously carried, to adjourn the meeting at 9:37 P.M.

Respectfully submitted,

Carolyn D’Andrea
City Clerk



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: January 28, 2022

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Post Ida Storm Update

FOR THE MEETING OF:

February 2, 2022

RECOMMENDATION: That the City Council hear the update.

IMPACT: ☒ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND:



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: January 31, 2022

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Consideration to engage Ramboll Engineering pursuant to its proposed scope of services with respect to a study relating to flood mitigation in the Blind Brook watershed in an amount not to exceed \$350,000.

FOR THE MEETING OF:

February 2, 2022

RECOMMENDATION: That the Mayor and Council consider this request.

IMPACT: ☒ Environmental ☒ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND:

The City of Rye has experienced significant flooding associated with periodic heavy rainfall events that has caused significant damage. The City is looking to identify potential viable flood mitigation measures by May of 2022. Attached is a proposal for engineering services by Ramboll related to the evaluation of potential flood resiliency measures within the Blind Brook watershed. Ramboll has assisted Rye since 2016 and has developed extensive knowledge of the watershed and is familiar with prior studies conducted by other engineering firms.

See attached proposal.



Mr. Ryan Coyne, PE
City of Rye
1051 Boston Post Road
Rye, New York 10580

Re: Blind Brook Flood Resiliency Study

File: 30739/78528-BD

Dear Mr. Coyne:

January 28, 2022

Ramboll Americas Engineering Solutions, Inc. (Ramboll) is pleased to present this proposal for engineering services related to the evaluation of potential flood resiliency measures within the Blind Brook watershed. The watershed generally comprises areas located within the City of Rye, Town of Harrison, and Village of Rye Brook.

This proposal includes the following sections:

- Project Background
- Project Approach
- Evaluation of Flood Resiliency Measures
- Assumptions
- Project Schedule, Fee, and Terms

Ramboll
101 First Street
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Utica, NY 13501
USA

T 315-956-6950
F 315-790-5434
<https://ramboll.com>

We understand that the City of Rye is interested in identifying potential viable flood mitigation measures by May 2022. Ramboll has developed a project approach and scope of work in a manner that will assist with this goal.

1. PROJECT BACKGROUND

The Blind Brook watershed (United States Geological Survey (USGS) Hydrologic Unit Code (HUC) 12-011000060405), a tributary to the Long Island Sound, is located in southeastern New York and southwestern Connecticut and contains portions of the Town of Greenwich, Connecticut, the City of Rye, the Town/Village of Harrison, and the Villages of Rye Brook and Portchester, New York. The watershed drainage area is approximately 8,610 acres. The upstream portion of the watershed is moderately steep and includes the Westchester County Airport, which contributes a significant portion of runoff volume during storm events (Parsons Brinckerhoff 2014). Blind Brook outlets to Milton Harbor in the City of Rye (see **Figure 1**).

The portion of Blind Brook that runs through the City of Rye has experienced significant flooding associated with periodic heavy rainfall events (e.g., nor'easters and hurricanes) that resulted in significant damages. Several studies have been conducted to date regarding the flooding along Blind Brook, mainly focusing on providing recommendations for how to reduce the impact of flooding on the local community. Since 2016 Ramboll has been assisting the City of Rye with implementation of flood mitigation measures within the Blind Brook watershed and through this work Ramboll has developed an understanding of the watershed, which includes hydrologic evaluations (hydrologic modeling) of Blind Brook, knowledge developed through involvement in project delivery (site visits) and review of prior studies conducted by others. Among other projects, Ramboll is currently involved in implementation of a Blind Brook monitoring system through its contract with the Dormitory Authority of the State of New York (DASNY), that will allow for near-real-time collection of water surface elevation data at two locations along Blind Brook.

Building on the prior and current collaborations, the City of Rye requested that Ramboll submit this proposal to evaluate potential flood mitigation concepts that, when implemented, could result in further increased flood resiliency of the Blind Brook watershed communities.

2. PROJECT APPROACH

Ramboll's project approach would involve seeking input from project stakeholders regarding potential flood mitigation measures, identification of new mitigation measures, and evaluation of select alternatives. A significant amount of work has been performed in recent decades to identify flood mitigation strategies that benefit the City of Rye, and Ramboll recognizes that the City of Rye and other stakeholders can contribute in a valuable way to the alternative development process. Ramboll's intent is to evaluate those alternatives, identify viable alternatives based on the evaluations, and document those alternatives in a report that may be used by the City of Rye to plan, design, and implement alternatives in the future.

Ramboll understands the City of Rye is interested in identifying flood mitigation concepts that may be implemented by May 1, 2022. Ramboll will seek to identify projects that may be viable to implement early in the study process so that these concepts may be further developed by May 1, 2022. The scope of work presented below identifies tasks that will be performed beginning in February 2022 and concluding in July 2022. Additional schedule details are provided in **Table A**.

3. SCOPE OF WORK

Ramboll proposes to perform the following tasks as part of the Blind Brook Flood Resiliency Study work scope.

TASK 1 - STAKEHOLDER ENGAGEMENT

Engagement with stakeholders is an important part of identifying how flooding is affecting local communities and how the community envisions becoming more resilient. Ramboll will participate in stakeholder engagement meetings to gain this understanding. This proposal assumes a total of three engagement meetings to be organized by the City of Rye, with up to three Ramboll employees participating in person. Descriptions of the anticipated meetings and their purpose are outlined below.

The **first engagement meeting** will be conducted shortly after Ramboll is provided authorization to proceed with this work scope. Ramboll staff will work with the City of Rye to establish a list of

representatives from the community including municipal staff, community groups, non-government organizations, and others as recommended by the City of Rye. Ramboll currently plans to conduct this meeting in person in Rye and will work with the City of Rye to select an appropriate venue as host.

During the first engagement meeting Ramboll will engage stakeholders in a discussion of how past flooding has impacted the community, elicit suggestions on root causes of past flooding, and document stakeholders' suggestions on how flood risk could be reduced in the future. Ramboll will come prepared with large format maps of the flood plain and materials to engage stakeholders to identify flooding issues and suggested flood mitigation concepts. The objective of this engagement meeting is to develop a list of up to twenty-five potential flood mitigation concepts that stakeholders think could improve the flood resiliency of the community in the future.

Following the first engagement meeting, Ramboll will perform a screening of the scenarios for potential permitting implications (a desktop review), qualitative cost and benefit assessment, and constructability considerations.

The **second engagement meeting** will occur after the project team has tested the feasibility and effectiveness of the select potential alternatives (Task 4 described below). In this meeting Ramboll will present the feasibility of and flood reduction potential of the selected potential alternatives. The objective of this meeting will be to reduce the scenarios to four preferred alternatives to advance to 15% design (feasibility study level of detail). Ramboll will prepare and deliver a PowerPoint presentation and facilitate the meeting, with assistance from City of Rye representatives.

The **final engagement meeting** will be scheduled following assessment of up four preferred flood mitigation concepts, including development of a 15% design for each (Task 5 described below). The objective of this meeting is to provide the stakeholders an overview of the 15% design of the preferred scenarios. Ramboll will prepare and deliver a PowerPoint presentation and facilitate the meeting, with assistance from City of Rye representatives.

Ramboll will prepare meeting materials (e.g., aerial photographs, mapping, PowerPoint slides) and meeting minutes summarizing key decisions and discussion that occurred during the meetings. Meeting minutes will be included as attachments to the final report.

Task 2 - Data Collection and Review

Ramboll, through its existing work on Blind Brook, has information already in hand, including

1. *Upper Bowman Pond Modification Study*, OBG, March 2017
2. *Benefit Cost Analysis for Blind Brook Flood Mitigation*, OBG, November 2017
3. *Rye Flood Resiliency Projects*, OBG, August 2017
4. *Westchester County, NY, Flood Insurance Study* – FEMA – 2014
5. *Flood Mitigation Study – Bowman Avenue Dam Site*, Chas. H. Sells, Inc., March 12, 2008. (Sells Report)
6. *Hydrologic and Hydraulic Analysis – Bowman Avenue Dam Project – Study for Resizing the Upper Pond Reservoir*, Paul C. Rizzo Engineering, New York, PLLC, September 2012. (Rizzo Report)
7. *Hydrologic and Hydraulic Analysis Report – Blind Brook Watershed Study*, Parsons Brinckerhoff, August 2014. (Parsons Brinckerhoff Report).
8. *Watershed Plan and EIS – Blind Brook Watershed*, USDA Soil Conservation Service, July 1979

9. *Update to the 1999 Storm Water Management Plan. Westchester County Airport*, TRC Engineers, December 2010
10. *Flood Mitigation Study – Lower Pond Supplemental*, Chas. H. Sells, Inc., March 12, 2008
11. *Memorandum: Bowman Avenue Sluice Gate Operation Analysis for the April 30 to May 1, 2014, Rainfall Event* - Parsons Brinckerhoff, August 2014
12. *Memorandum: Field Trip to Identify Potential Stream Gauge Locations on November 14, 2014* - Parsons Brinckerhoff, August 2014
13. *Memorandum: Impact of Various Flood Mitigation Measures on Flooding Situations within Indian Village* - Parsons Brinckerhoff, March 2015
14. *City of Rye Flood Mitigation Plan* – Tessier Environmental Consulting, November 2001.

In addition to existing information, Ramboll will review resources for new and additional information that will benefit the study. For the purposes of this proposal, the information sources are anticipated to include the following data sources.

- Precipitation data from the National Oceanic and Atmospheric Association (NOAA) and the National Weather Service
- Federal Emergency Management Agency (FEMA) Flood Insurance Studies
- FEMA Flood Insurance Rate Maps
- Repetitive Loss and Severe Repetitive Loss Structures
- United States Groundwater and Streamflow Information Program (USGS) Future Flow Explorer v1.5

Ramboll also assumes that the City of Rye will provide additional information that may be relevant to the study that is not identified above. Approximately \$6,600 has been included in the work scope for review of this information.

TASK 3 - FIELD ASSESSMENT AND CHARACTERIZATION OF HIGH-RISK AREAS

Following the first stakeholder engagement meeting, the Ramboll team will engage in field investigations of the Brook and previously flooded areas identified during the initial stakeholder meeting. The effort will include geomorphic assessments of key fluvial and floodplain conditions to identify contributing flood risk factors. The following elements are anticipated in this phase of work:

- Conduct a river corridor and watershed inspection, with limited ground inspection, to identify problem areas and flood hazard. An initial desktop computer-based assessment will be performed to identify suspected flooding areas. In areas of known or suspected flooding, ground inspection will be undertaken to inspect the watercourses and identify likely natural and anthropogenic issues that may be contributing to flooding. In areas prone to ice jamming during winter months, geomorphic assessment and hazard inspection will include special consideration of these yearly events. Field staff will compile field notes and photographs to document findings in the final report.
- Inventory key manmade hydraulic structures (*i.e.*, bridges, culverts, levees, dams, and berms) affecting flood hazard areas, including undersized bridge openings, scour, debris deposition, and aggradation

- Map locations of existing wetlands, intact floodplains, forests and other largely undeveloped areas, including existing protected areas. The team will use the NYSDEC Resource Environmental, NYS GIS Clearinghouse, and other publicly available sources.
- Inventory natural fluvial features affecting flood hazard areas, including key cross-sections, channel bends, flow constrictions, confinement, debris, excess sediment, major bank failures, major floodplain encroachments, channel realignments, dredging, and aggradation
- Observe and note recent high-water marks and flood limits
- Identify potential alternative flood hazard-mitigation approaches and ecological stabilization methods, including structural and non-structural (e.g., flood-proofing, buy-out, floodplain reclamation) options that will be addressed by current and future predicted flood flows
- Identify potential locations for flood mitigation efforts including storm water detention, wetland and floodplain restoration / creation / protection that would enhance flood mitigation efforts.

TASK 4 - EVALUATION OF FLOOD MITIGATION CONCEPTS

The team will evaluate the flood risk reduction scenarios identified during stakeholder engagement. Up to twenty-five flood mitigation concepts will be evaluated. In this task, the existing models will be used with LiDAR data available from the Westchester County GIS and other existing topographic bathymetric data provided to Ramboll by the City of Rye to evaluate alternatives. Existing hydrologic and hydraulic models will be utilized to inform the analysis of high flood risk areas. Model revisions are not anticipated to include refinement of the existing condition but would instead be focused on evaluation of potential flood mitigation improvements.

LiDAR topography from the Westchester County GIS will be utilized as the base map for evaluating alternatives. To supplement this data, at hydraulic obstructions, field measurements of bridges and culverts may be performed where safe access is available (*i.e.*, railroads, interstate highways will not be measured). Where safe access is not available, the FIS profile plot (if available) and ortho-imagery will be used to estimate the effective opening dimensions. For dams, the crest elevation will be estimated from the FIS profile plot and the length measured from ortho-imagery. An allowance of \$15,000 has been included in this proposal for Ramboll to subcontract the services of a topographic surveyor to measure specific elevations, as needed.

Upon completion of the evaluation, Ramboll will present the findings in the second engagement meeting. The presentation will qualitatively indicate, for each scenario, the level of flood stage reduction the scenarios may provide, and relative construction cost (*e.g.*, high, medium, low). The evaluation will identify up to four scenarios to evaluate in further detail.

TASK 5 – REFINEMENT AND DEVELOPMENT OF FLOOD MITIGATION CONCEPTS

Following the second engagement meeting, the team will perform a second analysis of up to four preferred alternatives. This analysis will include the following activities:

- Refined hydraulic modeling to investigate if modifications to the concept may improve flood risk reduction
- Additional coordination with engineering disciplines (structural, geotechnical, etc.) regarding design complexity, subsurface investigation needs, ecological restoration, etc.
- Preparation of conceptual level (15% design) plans and typical details for use in developing a conceptual, order of magnitude construction cost estimate

- Performance of a FEMA benefit cost analysis for each of the four alternatives to establish a benefit cost ratio for each project. The benefit cost ratio identifies the economic viability of a project.

TASK 6 – REPORT DEVELOPMENT

Ramboll will prepare a report to present the analysis and proposed recommendations according to their relative merits and cost benefits. The report will summarize the work performed in each task presented above and include conceptual design figures and order of magnitude cost estimates. A preliminary assessment of permitting implications associated with the four projects identified in Task 5 will be included. Ramboll would produce a final version of the report within two weeks of receiving the City of Rye's comments, if the comments do not result in significant changes to the study or identification of new alternatives to assess.

4. ASSUMPTIONS

The proposed work and the associated fee are based on the following assumptions:

- The ability to conduct field work will be dependent on COVID restrictions set by New York State and may not be able to be completed should the State institute travel restrictions. Should this occur, the Ramboll team will coordinate with the City of Rye.
- Hydraulic modeling will be based on existing modeling performed by Ramboll under separate contracts. The models currently in Ramboll's possession would be modified to reflect potential, proposed scenarios.
- Except for stakeholder meetings, progress meetings will be conducted via conference call with web conference. It is assumed that biweekly status meetings will occur with City of Rye representatives.
- A \$15,000 allowance for topographic survey has been included. Ramboll would subcontract this service if it is needed.
- Ramboll will utilize the existing FEMA Hydrologic Engineering Center HEC-HMS and HEC-RAS models, previously developed by others and used by Ramboll in prior studies performed by DASNY, to establish hydrologic baseline conditions for Blind Brook. Substantial revisions to the existing condition models are not proposed, except where select mitigation measures are proposed. \$7,300 has been allotted for setting up existing conditions models.
- Assessment of model-derived hydrologic conditions will be by relative comparison with the effective FEMA Flood Insurance Study for the area (9/28/2007).
- Representation of the proposed mitigation measures with the hydrologic models will be conceptual and supported by available data (e.g., topography, property lines, aerial photographs from the Westchester County GIS).
- Hydrologic evaluation of the effectiveness of the selected flood mitigation measures will be based on relative comparison of hydrologic conditions (e.g., water surface elevation, peak flow, flow velocity) between the existing and proposed conditions (relative change expressed as percent change for each mitigation measure) during a simulated rainfall event (e.g., 100-year, 24-hour storm event).
- The alternatives will be evaluated individually. Combined effects of multiple mitigation measures may be performed by Ramboll but are not proposed as part of this scope of work.

5. PROJECT SCHEDULE, FEE, AND TERMS

The Ramboll team proposes the above services for a time and materials fee of \$322,088. A cost summary is provided in the attached Fee Estimate Worksheet (**Attachment 1**). Work would be performed in accordance with Ramboll's standard terms and conditions (**Attachment 2**). A preliminary project schedule is presented in **Table A** below, and additional discussion of the project schedule is provided in Section 2 Project Approach.

Table A – Preliminary Project Schedule

Activity	Date
Ramboll receives authorization to proceed	February 3, 2022
First Stakeholder Meeting	February 14, 2022
Task 3 (Field Work) Complete	February 18, 2022
Task 4 (Initial Concept Evaluation) Complete	April 12, 2022
Second Stakeholder Meeting	April 13, 2022
Task 5 (Concept Refinement) Complete	May 31, 2022
Third Stakeholder Meeting	June 1, 2022
Submit Draft Report for Review	July 1, 2022

Ramboll appreciates the opportunity to provide this proposal to the City of Rye and looks forward to assisting with this project. Should you have any questions regarding this proposal or care to revise its contents, please do not hesitate to contact Brian Platt (315-256-1537) at your convenience. Should you find this proposal acceptable, please countersign this proposal below.

Yours sincerely



Douglas Crawford, PE
PROJECT OFFICER

D +1-315-956-6442
M +1-315-200-5204
doug.crawford@ramboll.com

Enclosures: Figure 1
Attachment 1 – Fee Estimate Worksheet
Attachment 2 – Terms and Conditions

cc: Brian Platt – Ramboll
Shaun Gannon – Ramboll
Piotr Domaszczynski – Ramboll

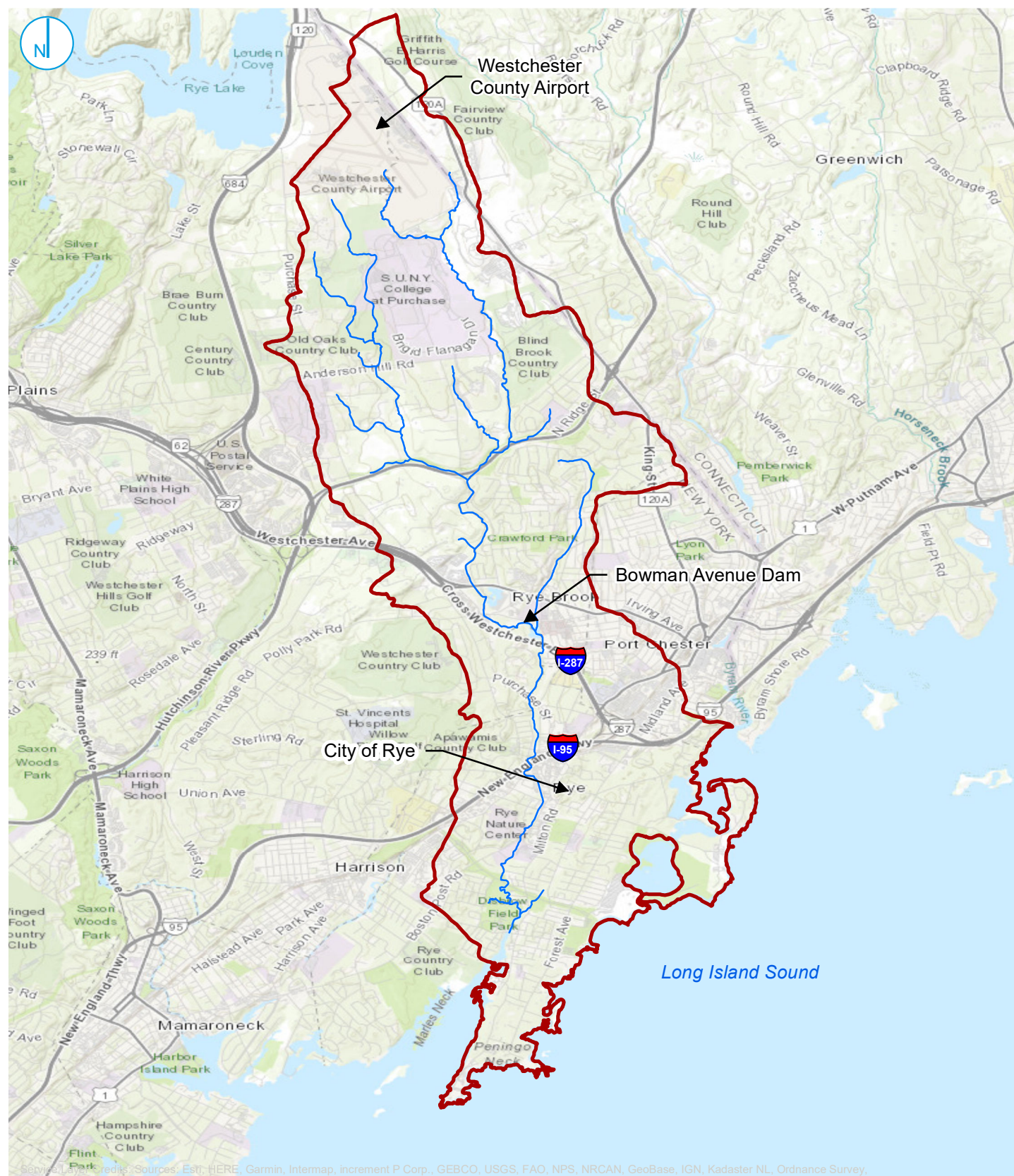
CITY OF RYE

Proposal accepted. Ramboll is
authorized to initiate service per this
Proposal, as of _____.

By: _____

Title: _____

Date: _____



- Flowlines
- ▭ Blind Brook Watershed Extent

BLIND BROOK FLOOD RESILIENCY BLIND BROOK WATERSHED

FIGURE 1

RAMBOLL AMERICAS
ENGINEERING SOLUTIONS, INC.
A RAMBOLL COMPANY

City of Rye
Rye, NY



ATTACHMENT 1
FEE ESTIMATE WORKSHEET

CITY OF RYE
BLIND BROOK FLOOD RESILIENCY STUDY
ATTACHMENT 1 - Proposed Fee

Task Description	Officer	Other Technical Senior Managers	Project Manager	Technical Manager	Engineer 3	Engineer 2	Engineer 1	Senior Technician	Administrative	Total Hrs Per Task	Total Labor Fee	Direct Expenses	Sub Contract	Total Fee Per Task
Task 1: Stakeholder Engagement														
Meeting 1 Prep	1		4	4	8	4			4	25	\$ 3,473			\$ 3,473
Site Visit 1			16	16	16					48	\$ 7,980	\$ 1,113		\$ 9,093
Meeting 2 Prep	1		8	8	8	8			4	37	\$ 5,354			\$ 5,354
Site Visit 2			16	16	16					48	\$ 7,980	\$ 1,113		\$ 9,093
Meeting 3 Prep	1		8	8	8	8			4	37	\$ 5,354			\$ 5,354
Site Visit 3			16	16	16					48	\$ 7,980	\$ 1,113		\$ 9,093
SUBTOTAL														\$ 41,459
Task 2: Data Collection and Review														
Review prior studies	2		4	4	32	4	4			50	\$ 6,774			\$ 6,774
Prepare HEC-HMS and HEC-RAS models (existing conditions)			2	16	32					50	\$ 7,439			\$ 7,439
Summarize the characteristics of the 25 alternatives			8	24	40	40	16		4	132	\$ 16,758			\$ 16,758
SUBTOTAL														\$ 30,971
Task 3: Field Assessment and Characterization of High-Risk Areas														
File Investigation Prep	2			16	16	16				50	\$ 7,059			\$ 7,059
Field Investigation Site Visit				32	32	32				96	\$ 13,224	\$ 2,225		\$ 15,449
Topo. Survey					12					12	\$ 1,539		\$ 15,000	\$ 16,539
SUBTOTAL														\$ 39,047
Task 4: Evaluation of Flood Mitigation Concepts														
Implement 25 alternatives in the HEC-RAS model			20	40	160	160	80			460	\$ 54,435			\$ 54,435
Summarize 25 alternatives results			8	16	24	40	40			128	\$ 14,934			\$ 14,934
Perform Model Simulations QAQC	2		8	16	8	8				42	\$ 6,717			\$ 6,717
Consult various SME as needed (40 hours for dams, 20 hours for permitting, 10 hours for structural)		70		4	8					82	\$ 14,717			\$ 14,717
SUBTOTAL														\$ 90,803
Task 5: Refinement and Development of Flood Mitigation Concepts														
HEC-RAS restudy	2		8	16	32	32				90	\$ 12,189			\$ 12,189
Consult various SMEs as needed (20 hours for dams, 10 hours for permitting, 20 hours for structural)		50	8	16	16					90	\$ 15,748			\$ 15,748
15% Engineering design	2	16	24	24	40	60		80	4	250	\$ 29,456			\$ 29,456
BCA analyses (Up to Four)			8	8	40		80		4	140	\$ 15,276			\$ 15,276
Construction Cost Estimates			8	32	8					48	\$ 8,436			\$ 8,436
Results summary	2		4	4	8	8	16		4	46	\$ 5,463			\$ 5,463
SUBTOTAL														\$ 86,569
Task 6: Report Development														
Report	4	20	10	40	80	40	24	24	16	258	\$ 33,237			\$ 33,237
SUBTOTAL														\$ 33,237
Totals	19	156	188	376	660	460	260	104	44	2267	\$ 301,524	\$ 5,564	\$ 15,000	\$ 322,088
Billing Rate	\$ 224	\$ 185	\$ 185	\$ 185	\$ 128	\$ 100	\$ 86	\$ 71	\$ 86					
	\$ 4,251	\$ 28,860	\$ 34,827	\$ 69,654	\$ 84,645	\$ 45,885	\$ 22,230	\$ 7,410	\$ 3,762					

Total Labor	Total Labor	\$	301,524
Total Directs	Total Directs	\$	5,564
	Subcontract	\$	15,000
	TOTAL	\$	322,088

ATTACHMENT 2
TERMS AND CONDITIONS

RAMBOLL AMERICAS ENGINEERING SOLUTIONS, INC. STANDARD SERVICE TERMS AND CONDITIONS

1. **Definitions.** As and when used in this Agreement, each of the following terms shall have the meaning set forth below:
 - a) **Agreement** shall mean this Proposal, including the following: Letters of Authorization or the job specific terms on the face of any Purchase or Change Order and the other Exhibits incorporated in this Proposal.
 - b) **Law** shall mean federal, state, and local statutes, laws, ordinances, rules, regulations, and codes applicable to Services.
 - c) **Losses** shall mean monetary damages suffered or costs and expenses incurred, including interest and reasonable attorney's fees, as a result of any demand made, cause of action asserted, judgment or decree entered, or any fine or penalty imposed, or any settlement payment consented to by both parties in connection with this Agreement.
 - d) **RAMBOLL** shall mean the Ramboll company issuing the Proposal, Ramboll Americas Engineering Solutions, Inc. (f/k/a O'Brien & Gere Engineers, Inc.), unless otherwise stated in the Proposal.
 - e) **Project** shall mean the overall work to be performed, including Services to be performed by RAMBOLL or others on behalf of Client at or in connection with project site(s).
 - f) **Reimbursable Expenses** shall mean the expenses reasonably incurred by RAMBOLL, its agents and subcontractors in performing Services, including, but not limited to, materials, supplies, use of specialized equipment, travel and subsistence costs, including mileage, cellular and non-local telephone and other communication charges, express delivery, postage and freight charges, word processing, computer processing and reproduction and printing charges required in providing Services, and technical services by others, plus permit fees, taxes, charges and assessments on Services (unless specifically included in the Scope of Services).
 - g) **Services** shall mean the professional, technical and other consulting services, work or tasks to be performed by RAMBOLL and its subcontractors as described in the Proposal.
2. **Changes in Scope.** Client shall have the right within the general purpose and intent of the Project to change, add or delete items from Services in writing and subject only to the agreement of RAMBOLL with respect to the effect on cost and schedule.
3. **Payment.** Payment of RAMBOLL's monthly invoice shall be due upon receipt. Balances more than thirty (30) days past due shall accrue interest at the rate of 1% per month or part thereof until paid.
4. **Term.** Unless otherwise provided in this Agreement, the Term hereof shall be from the date this Agreement is signed by both Client and RAMBOLL until the obligations imposed hereunder are fully satisfied or this Agreement is otherwise terminated. All Services shall be deemed to have been performed during the Term hereof.
5. **Status.** Except as otherwise provided in this Agreement, RAMBOLL shall perform the Services as an independent contractor and shall have sole control over the employment, assignment, discharge and compensation of its employees. RAMBOLL shall be solely responsible for complying with all applicable, federal, state and local employment, wage, tax, and insurance laws and licensing requirements.
6. **Standard of Care.** RAMBOLL agrees to correct or re-perform, without additional cost to Client, any Service not performed in accordance with the professional standard of care prevailing at the time and in the place where such Service is performed. Client acknowledges that scientific, medical, and health and safety knowledge and expertise is always evolving, and that RAMBOLL's work, conclusions and opinions cannot fully anticipate or take into account changes in knowledge or expertise that develop after the Services are performed. The services and all deliverables are rendered based on the specific circumstances and conditions described in RAMBOLL's Proposal and are intended for use by the Client only in connection with the purpose set forth in the Proposal. RAMBOLL disclaims all warranties relating to any other use and Client shall indemnify, defend and hold harmless RAMBOLL against any and all losses relating to such other use.
7. **Third Parties.** The Services including, without limitation, related communications and deliverables/work product, and the contents of such communications and deliverables/work product, are solely for Client's benefit and may not be relied upon by or disclosed to any third party without RAMBOLL's express written consent. In addition, Client shall not attribute any statement to RAMBOLL without RAMBOLL's express written consent. RAMBOLL shall be entitled to injunctive relief preventing/prohibiting any disclosure or attribution prohibited hereunder, and Client shall release, indemnify, defend and hold harmless the RAMBOLL from any and all losses arising from or related to such unauthorized disclosure or attribution.
8. **Insurance.** Throughout the term of this Agreement, RAMBOLL shall maintain insurance in amounts not less than shown:

a) Worker's Compensation	Statutory amount where Services are performed
b) Automobile	\$1,000,000
c) General Liability	\$1,000,000
d) Professional Liability	\$1,000,000
e) Excess Umbrella	\$3,000,000 on "b" & "c"

Client agrees to require all third parties engaged by or through Client in connection with the Project to provide RAMBOLL with current Certificates of Insurance endorsed to include RAMBOLL as an additional insured on their "b," "c" and "e" policies of insurance and authorizes RAMBOLL to enforce this provision directly with all Project related third-parties.

9. **Compliance with Law.** RAMBOLL shall comply with all Law applicable to Services, including federal and state Equal Opportunity Laws, orders and regulations, and further, RAMBOLL shall not discriminate against any employee or applicant for employment on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, age, physical and mental disability, or veteran status.
10. **Confidentiality.** Except when 1) authorized by Client in writing, 2) previously and independently known, 3) subsequently published through no fault of RAMBOLL or 4) lawfully obtained from a third party having independent knowledge, RAMBOLL shall treat as confidential all information obtained from Client. RAMBOLL shall provide Client with reasonable notice of and an opportunity to legally resist any effort by a third party to obtain disclosure of confidential information. RAMBOLL shall be permitted to comply with any judicial order. Client information marked confidential shall be returned to Client at the conclusion of Services.
11. **Patents.** Patentable ideas, products, equipment, materials or processes ("Ideas") developed, in whole or in part, with proprietary information or assistance of Client shall be the property of Client; provided, however, that RAMBOLL shall have an unlimited, royalty free, nonexclusive, nontransferable (other than to its successors), world-wide license for their use, reproduction, manufacture and sale. Ideas developed by RAMBOLL during or as part of its performance of the Services which do not depend on proprietary information or assistance provided by Client shall be the property of RAMBOLL; provided, however, that Client shall have an unlimited, royalty free, nonexclusive, nontransferable license for their use by and for Client.
12. **Client Responsibilities.** Client shall on a continuing basis throughout the term of this Agreement:
 - a) maintain a designated representative, who shall be reasonably available to meet with RAMBOLL on Client's behalf;
 - b) provide RAMBOLL with all relevant Project related data available to Client, and unless otherwise provided in the Scope of Services, Client shall provide RAMBOLL with accurate, current land surveys showing the location of on-site utilities and subsurface structures, test boring logs and other subsurface information necessary for performance of Services;
 - c) provide all negotiation for, and acquisition of, lands, rights-of-way and easements required for performance of Services;
 - d) arrange for access, entry and use of property of Client (including utilities thereon) and others, as and when reasonably required by RAMBOLL for performance of Services.
13. **Additional Cost or Delay.** RAMBOLL shall not be responsible or liable for delay or additional Project cost resulting from:
 - a) the lack or insufficiency of performance by any person or entity not selected by, engaged by, and responsible to RAMBOLL,
 - b) changes, delays or additional Services not necessitated by the acts or omissions of RAMBOLL,
 - c) unreasonable or repeated delay in response to requests, applications or reviews by Client or third parties.
 - d) damage to underground utilities or structures not accurately located on plans, maps or figures furnished to RAMBOLL.
14. **Change in Law.** Client shall bear the cost of any material change in or addition to Services resulting from a change in Law or interpretation effective after the date of this Agreement.
15. **Force Majeure.** Neither party shall be liable for loss or damage suffered by the other as a result of any failure or delay in the performance of its obligations under the Agreement caused by a Force Majeure event, including without limitation strike, lockout, embargo, riot, war, act of terrorism, epidemic or other outbreak of disease, fire, act of God, accident, failure or breakdown of components necessary to order completion, subcontractor or supplier non-performance, inability to obtain labor, materials or manufacturing facilities, or compliance with any law, regulation or order, or circumstances or conditions which in the discretion of RAMBOLL may pose a material risk to the health or safety of the employees of RAMBOLL, its affiliates or subcontractors, or circumstance beyond its reasonable control. The party relying on this provision shall give prompt notice to the other party of the event or circumstance and shall take all reasonable steps to resume performance at the earliest possible date. In the event of a Force Majeure, the time for performance of Services shall be extended by the number of days from the date notice is given until performance is able to be resumed.
16. **Other Use of Results.** Client acknowledges that deliverable documents, drawings and data in whatever form ("Documents") produced directly or indirectly through the efforts of RAMBOLL in performing Services and any analyses, recommendations, or conclusions ("Results") they contain are based upon the specific circumstances and conditions of the Project and are intended solely for use by Client in connection with the Project.

Any change or other than agreed upon use of Documents or Results shall be at the sole risk of Client. Regardless of when delivered, Documents and Results shall become the property of Client upon RAMBOLL's receipt of payment. Client agrees to defend, indemnify and hold harmless RAMBOLL from and against any and all Losses arising from Client's direct or indirect use of Documents or Results, other than in connection with Project.
17. **Suspension of Services.**
 - a) Client shall have the right to suspend all or part of the Services, provided, Client gives RAMBOLL at least seven (7) days' notice of the dates each suspension is to begin and end. In the event Client suspends Services for period(s) totaling more than ninety (90) days, Client agrees to pay reasonable costs incurred by RAMBOLL in (i) preserving and documenting Services performed or in progress, and (ii) demobilizing and remobilizing Services.
 - b) In the event Client does not make timely payment of the invoiced amounts as provided herein, RAMBOLL shall in addition to its other rights, have the right, upon seven (7) days' notice, to suspend performance of all or part of the Services until (i) all past due amounts are paid, and (ii) satisfactory assurance of prompt future payment is received.

18. Indemnification.

- a) Subject to paragraph 20 of these Standard Service Terms & Conditions, RAMBOLL agrees to defend, indemnify and hold harmless Client, its directors, officers, employees, agents, successors and assigns from Losses to the extent and in the proportion caused by the willful misconduct or negligent acts, errors or omissions of RAMBOLL, its directors, officers, employees, and its agents, subcontractors, successors and assigns.
- b) To the extent and in the proportion not caused by the willful misconduct or negligent acts, errors or omissions of RAMBOLL, its directors, officers, employees or its agents, subcontractors, successors and assigns, Client agrees to defend, indemnify and hold said persons harmless from Losses arising in connection with Project.

19. Limitation of Damages. The parties waive any right they may have at law or in equity to demand or receive consequential or punitive damages.

20. Liability. The maximum liability of RAMBOLL, its directors, officers, employees and its agents, subcontractors, successors and assigns to Client pursuant to this Agreement, including paragraphs 6 and/or 18a of these Standard Service Terms & Conditions, shall be limited to Five (5) times the Agreement amount, but in no event more than \$1,000,000.

21. Mediation of Disputes. The parties agree to make a good faith effort to resolve any controversy, dispute or claim arising out of, or related to, this Agreement ("Dispute") by the use of alternative dispute resolution procedures provided herein, prior to, and as a condition of, commencing any action or proceeding at law or in equity. Specifically, each party agrees to provide the other prompt written notice of the specific subject(s) and/or circumstance(s) in Dispute. If the Dispute is not resolved to the mutual satisfaction of the parties within ten (10) days of receiving notice, either party may request mediation. Mediation shall be 1) by a qualified, experienced mediator agreeable to both parties as supplied by the American Arbitration Association, Endispute, Inc., or other mutually agreeable source, 2) at the earliest available date of the mediator, and 3) in the major city closest to the Project site where RAMBOLL's Services are performed or as otherwise agreed by the parties. The cost of mediation services shall be shared equally by the parties.

22. Termination. Either party shall have the right to terminate this Agreement without cause upon thirty (30) days' notice.

23. Modification. This Agreement shall not be modified or replaced, in whole or in part, except by written amendment signed by both parties.

24. Notice. All notices shall be given to the other party in writing by hand delivery, by express service providing proof of delivery, by facsimile transmission and/or by registered mail, postage paid, return receipt requested, at the address appearing on the first page of this Agreement or such other address as the parties shall from time to time give notice.

25. Interpretation. This Agreement shall be interpreted and enforced in accordance with the Laws of the State of New York except for its choice of law rules.

26. Severability. If any provision of this Agreement is determined or declared by a court of competent jurisdiction to be invalid or otherwise unenforceable, all remaining provisions of this Agreement shall be unaffected and shall be interpreted so as to give the fullest practicable effect to the original intent of the parties.

27. Waiver. Unless otherwise agreed in writing, neither party's waiver of the other's breach of any term or condition contained in this Agreement shall be deemed a waiver of any subsequent breach of the same or any other term or condition of this Agreement.

28. Integration. This Agreement shall constitute the entire agreement between the parties. There are no representations or other agreements, oral or written, between the parties other than as set forth in this Agreement.



CITY COUNCIL AGENDA

DEPT.: City Manager's Office

DATE: February 2, , 2022

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Continue the public hearing to adopt a new local law amending Chapter 197 "Zoning" of the Code of the City of Rye setting new restrictions on width and configurations of properties in new subdivision.

FOR THE MEETING OF:
February 2, , 2022

RECOMMENDATION: That the Council conduct the public hearing.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND: Attached hereto is a revised local law, full environmental assessment form, and Westchester County Planning Board letter.

The law has been revised to reflect that some residential districts in the City permit a minimum lot width of 50-feet. The additional language was necessary to avoid a conflict created by the previous draft discussed at the City Council's January 5, 2022 hearing in which districts that currently permit 50 feet of lot width for single-family homes, could potentially be interpreted to require 60 feet of width under the new law. This was not the intent in the drafting of the law.

George Latimer
County Executive

December 23, 2021

Christian K. Miller, City Planner
City of Rye
1051 Boston Post Road
Rye, NY 10580

**County Planning Board Referral File RYC 21-004 – Lot Width and Configuration Requirements
Zoning Text Amendment**

Dear Mr. Miller:

The Westchester County Planning Board has received a proposed local law to amend the text of the City of Rye Zoning Ordinance to modify the minimum lot with requirements for properties in new subdivisions. The intent of the law is to reduce the occurrence of irregularly shaped lots, such as “flag lots”.

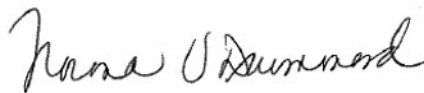
We have reviewed this matter under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code and find it to be a matter for local determination in accordance with the City’s planning and zoning policies.

Please inform us of the City’s decision so that we can make it a part of the record.

Thank you for calling this matter to our attention.

Respectfully,
WESTCHESTER COUNTY PLANNING BOARD

By:



Norma V. Drummond
Commissioner

NVD/LH

LOCAL LAW NO. _____-2022

**A LOCAL LAW TO AMEND CHAPTER 197 (ZONING) OF THE
CODE OF THE CITY OF RYE, NEW YORK
REGARDING THE LOT WIDTH AND CONFIGURATION
OF PROPERTIES IN NEW SUBDIVISIONS**

Be it enacted by the City Council of the City of Rye as follows:

Section 1. **Section 197-36, Zoning, Article V, *Lot, Floor Area, Height, Yard and Court Regulations*, of the Code of the City of Rye is hereby amended as follows:**

§ 197-36 Lot width required.

A. Within any residence district no part of any dwelling, house or other structure housing a main use, and within any business district no part of any residence structure shall be erected on any part of the lot which has a width of less than the distances specified in the table incorporated as Article VIII, except as hereinafter provided. **In addition, for any lot created after January 1, 2022 in the R1 through R-6 District, no part of the lot that lies between the street line and the minimum required rear yard setback for the district in which the lot is located shall be narrower in width than ~~seventy-five (75) feet~~ or narrower in width than fifty (50) feet in any other residence district in which a single-family dwelling is proposed.**

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B. For any lot created after **January 1, 2022**, that has frontage on a turn-around or cul-de-sac, the required lot width between the street line and the principal building shall not be narrower in width than thirty-five (35) feet and the lot width shall not be less than the distances specified in the table incorporated as Article VIII between the front of the principal building and the minimum required rear yard setback.

Section 2. **Severability.**

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law that can be given effect without such invalid part or parts.

Section 3. **Effective Date.**

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.

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NOTE: Proposed additions to existing law are shown in underline and proposed deletions are shown in ~~striketrough~~.
Changes to the draft local law subject to the Council's January 5, 2022 hearing are shown in **Bold and Red**.

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project:		
Project Location (describe, and attach a general location map):		
Brief Description of Proposed Action (include purpose or need):		
Name of Applicant/Sponsor:		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, or Village Board of Trustees <input type="checkbox"/> Yes <input type="checkbox"/> No		
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input type="checkbox"/> No		
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources. <i>i.</i> Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>ii.</i> Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>iii.</i> Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input type="checkbox"/> No		

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☐ No

- **If Yes**, complete sections C, F and G.
- **If No**, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☐ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐ Yes ☐ No

If Yes, identify the plan(s):

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☐ No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☐ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?

b. Is the use permitted or allowed by a special or conditional use permit? ☐ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☐ No

If Yes,

i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? _____

b. What police or other public protection forces serve the project site?

c. Which fire protection and emergency medical services serve the project site?

d. What parks serve the project site?

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

b. a. Total acreage of the site of the proposed action? _____ acres

b. Total acreage to be physically disturbed? _____ acres

c. Total acreage (project site and any contiguous properties) owned
or controlled by the applicant or project sponsor? _____ acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☐ No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☐ No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No

iii. Number of lots proposed? _____

iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☐ No

i. If No, anticipated period of construction: _____ months

ii. If Yes:

- Total number of phases anticipated _____

- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year

- Anticipated completion date of final phase _____ month _____ year

- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes,	
i. Total number of structures _____ ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes,	
i. Purpose of the impoundment: _____ ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____ iii. If other than water, identify the type of impounded/contained liquids and their source. _____ iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <input type="checkbox"/> Yes <input type="checkbox"/> No (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) If Yes:	
i. What is the purpose of the excavation or dredging? _____ ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site? • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____ _____ _____ iv. Will there be onsite dewatering or processing of excavated materials? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe. _____ _____ _____ v. What is the total area to be dredged or excavated? _____ acres vi. What is the maximum area to be worked at any one time? _____ acres vii. What would be the maximum depth of excavation or dredging? _____ feet viii. Will the excavation require blasting? <input type="checkbox"/> Yes <input type="checkbox"/> No ix. Summarize site reclamation goals and plan: _____ _____ _____ _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____ _____ _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes ☐ No ☐
If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No ☐
If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☐ No ☐
If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No ☐
If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No ☐
- Is the project site in the existing district? ☐ Yes ☐ No ☐
- Is expansion of the district needed? ☐ Yes ☐ No ☐
- Do existing lines serve the project site? ☐ Yes ☐ No ☐

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No ☐
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No ☐
If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☐ No ☐
If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No ☐
If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No ☐
- Is the project site in the existing district? ☐ Yes ☐ No ☐
- Is expansion of the district needed? ☐ Yes ☐ No ☐

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? _____ <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ _____ _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____</p> <p>If Yes:</p> <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____ _____ _____</p>		
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____ _____</p>		
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p style="padding-left: 40px;">_____ Square feet or _____ acres (impervious surface)</p> <p style="padding-left: 40px;">_____ Square feet or _____ acres (parcel size)</p> <p>ii. Describe types of new point sources. _____ _____</p> <p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____ _____</p> <ul style="list-style-type: none"> • If to surface waters, identify receiving water bodies or wetlands: _____ _____ • Will stormwater runoff flow to adjacent properties? _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____</p>		
<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____</p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>			
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>			
<p>j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend <input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p>ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____</p> <p>iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____</p> <p>iv. Does the proposed action include any shared use parking? Yes No</p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p> <p>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____</p> <p>iii. Will the proposed action require a new, or an upgrade, to an existing substation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 		

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p> <p>_____</p>	
<p>n. Will the proposed action have outdoor lighting? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p> <p>_____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p> <p>_____</p> <p>_____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p> <p>_____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ _____ • Operation: _____ _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ _____ • Operation: _____ _____ 	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☐ No
 If Yes:
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
 ii. Anticipated rate of disposal/processing:
 • _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
 • _____ Tons/hour, if combustion or thermal treatment
 iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☐ No
 If Yes:
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

 ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

 iii. Specify amount to be handled or generated _____ tons/month
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No
 If Yes: provide name and location of facility: _____

 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site			
a. Existing land uses. i. Check all uses that occur on, adjoining and near the project site. <input type="checkbox"/> Urban <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Rural (non-farm) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ ii. If mix of uses, generally describe: _____ _____			
b. Land uses and coverytypes on the project site.			
Land use or Coverytype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____ _____			

<p>c. Is the project site presently used by members of the community for public recreation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>i. If Yes: explain: _____</p>	
<p>d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes,</p> <p>i. Identify Facilities: _____</p> <p>_____</p>	
<p>e. Does the project site contain an existing dam? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Dimensions of the dam and impoundment:</p> <ul style="list-style-type: none"> • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet <p>ii. Dam's existing hazard classification: _____</p> <p>iii. Provide date and summarize results of last inspection: _____</p> <p>_____</p>	
<p>f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Has the facility been formally closed? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <ul style="list-style-type: none"> • If yes, cite sources/documentation: _____ <p>ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____</p> <p>_____</p> <p>iii. Describe any development constraints due to the prior solid waste activities: _____</p> <p>_____</p>	
<p>g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____</p> <p>_____</p>	
<p>h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Yes – Spills Incidents database <input type="checkbox"/> Yes – Environmental Site Remediation database <input type="checkbox"/> Neither database </div> <div> Provide DEC ID number(s): _____ Provide DEC ID number(s): _____ </div> </div> <p>ii. If site has been subject of RCRA corrective activities, describe control measures: _____</p> <p>_____</p> <p>iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, provide DEC ID number(s): _____</p> <p>iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____</p> <p>_____</p>	

v. Is the project site subject to an institutional control limiting property uses? <input type="checkbox"/> Yes <input type="checkbox"/> No <ul style="list-style-type: none"> • If yes, DEC site ID number: _____ • Describe the type of institutional control (e.g., deed restriction or easement): _____ • Describe any use limitations: _____ • Describe any engineering controls: _____ • Will the project affect the institutional or engineering controls in place? <input type="checkbox"/> Yes <input type="checkbox"/> No • Explain: _____ _____ 	
E.2. Natural Resources On or Near Project Site	
a. What is the average depth to bedrock on the project site? _____ feet	
b. Are there bedrock outcroppings on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site: _____ % _____ % _____ %	
d. What is the average depth to the water table on the project site? Average: _____ feet	
e. Drainage status of project site soils: <input type="checkbox"/> Well Drained: _____ % of site <input type="checkbox"/> Moderately Well Drained: _____ % of site <input type="checkbox"/> Poorly Drained _____ % of site	
f. Approximate proportion of proposed action site with slopes: <input type="checkbox"/> 0-10%: _____ % of site <input type="checkbox"/> 10-15%: _____ % of site <input type="checkbox"/> 15% or greater: _____ % of site	
g. Are there any unique geologic features on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, describe: _____ _____	
h. Surface water features. i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <input type="checkbox"/> Yes <input type="checkbox"/> No ii. Do any wetlands or other waterbodies adjoin the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes to either <i>i</i> or <i>ii</i> , continue. If No, skip to E.2.i. iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <input type="checkbox"/> Yes <input type="checkbox"/> No iv. For each identified regulated wetland and waterbody on the project site, provide the following information: <ul style="list-style-type: none"> • Streams: Name _____ Classification _____ • Lakes or Ponds: Name _____ Classification _____ • Wetlands: Name _____ Approximate Size _____ • Wetland No. (if regulated by DEC) _____ 	
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, name of impaired water body/bodies and basis for listing as impaired: _____ _____	
i. Is the project site in a designated Floodway? <input type="checkbox"/> Yes <input type="checkbox"/> No	
j. Is the project site in the 100-year Floodplain? <input type="checkbox"/> Yes <input type="checkbox"/> No	
k. Is the project site in the 500-year Floodplain? <input type="checkbox"/> Yes <input type="checkbox"/> No	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <ul style="list-style-type: none"> i. Name of aquifer: _____ 	

<p>m. Identify the predominant wildlife species that occupy or use the project site:</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing (endangered or threatened): _____</p> <p>_____</p> <p>_____</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing: _____</p> <p>_____</p> <p>_____</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p> <p>_____</p>	
<p>E.3. Designated Public Resources On or Near Project Site</p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</p>	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? <input type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: i. Identify resource: _____ ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ iii. Distance between project and resource: _____ miles.
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <input type="checkbox"/> Yes <input type="checkbox"/> No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name _____ Date _____

Signature _____ Title _____

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Project :

Date :

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer “**Yes**” to a numbered question, please complete all the questions that follow in that section.
- If you answer “**No**” to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box “Moderate to large impact may occur.”
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the “whole action”.
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i>				<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input type="checkbox"/>	<input type="checkbox"/>		
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input type="checkbox"/>	<input type="checkbox"/>		
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input type="checkbox"/>		
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input type="checkbox"/>	<input type="checkbox"/>		
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input type="checkbox"/>	<input type="checkbox"/>		
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>		

2. Impact on Geological Features The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) <input type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - c. If "No", move on to Section 3.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) <input type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - l. If "No", move on to Section 4.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>

I. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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4. Impact on groundwater The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If “Yes”, answer questions a - h. If “No”, move on to Section 5.</i>			
	<input type="checkbox"/> NO	<input type="checkbox"/> YES	
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

5. Impact on Flooding The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) <i>If “Yes”, answer questions a - g. If “No”, move on to Section 6.</i>			
	<input type="checkbox"/> NO	<input type="checkbox"/> YES	
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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6. Impacts on Air The proposed action may include a state regulated air emission source. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.f., D.2.h, D.2.g) <i>If “Yes”, answer questions a - f. If “No”, move on to Section 7.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflouorocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in “a” through “c”, above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <input type="checkbox"/> NO <input type="checkbox"/> YES <i>If “Yes”, answer questions a - j. If “No”, move on to Section 8.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) <input type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
<p>If any of the above (a-d) are answered “Moderate to large impact may occur”, continue with the following questions to help support conclusions in Part 3:</p> <p>e.</p> <p>i. The proposed action may result in the destruction or alteration of all or part of the site or property.</p> <p>ii. The proposed action may result in the alteration of the property’s setting or integrity.</p> <p>iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.</p>	<p>E3e, E3g, E3f</p> <p>E3e, E3f, E3g, E1a, E1b</p> <p>E3e, E3f, E3g, E3h, C2, C3</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>

11. Impact on Open Space and Recreation The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If “Yes”, answer questions a - e. If “No”, go to Section 12.</i>			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or “ecosystem services”, provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If “Yes”, answer questions a - c. If “No”, go to Section 13.</i>			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems.

☐ NO

☐ YES

(See Part 1. D.2.j)

If “Yes”, answer questions a - f. If “No”, go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy.

☐ NO

☐ YES

(See Part 1. D.2.k)

If “Yes”, answer questions a - e. If “No”, go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____ _____			

15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting.

☐ NO

☐ YES

(See Part 1. D.2.m., n., and o.)

If “Yes”, answer questions a - f. If “No”, go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

☐ NO

☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			

17. Consistency with Community Plans The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) <i>If “Yes”, answer questions a - h. If “No”, go to Section 18.</i>			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action’s land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

18. Consistency with Community Character The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) <i>If “Yes”, answer questions a - g. If “No”, proceed to Part 3.</i>			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>



CITY COUNCIL AGENDA

DEPT.: City Manager's Office

DATE: February 2, 2022

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Continue the public hearing to adopt a new local law, Chapter 166 "Steep Slope Protection" regulating development on steep slopes.

FOR THE MEETING OF:

February 2, 2022

RECOMMENDATION: That the Council conduct the public hearing.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: Attached hereto is the proposed law and full environmental assessment form.

LOCAL LAW
CITY OF RYE NO. ____-202~~2~~
A local law to add a new Chapter 166 “Steep Slope Protection”
to the Code of the City of Rye, New York

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Section 1. The following new Chapter 166, titled “Steep Slope Protection” is hereby added to the Rye City Code:

Chapter 166
STEEP SLOPE PROTECTION

ARTICLE I
General Provisions

§ 166-1. Title; findings and policy.

- A. Title. This chapter shall be known as the "Steep Slope Protection Law of the City of Rye." It is a chapter regulating the disturbance of steep slopes in the City of Rye.
- B. Findings and policy. The City Council of the City of Rye finds and declares it to be the public policy of the City to regulate, preserve, protect and conserve its steep slopes so as to maintain and protect the natural terrain and its vegetative features, preserve wetlands, water bodies and watercourses, prevent flooding, protect scenic views, vistas, and undeveloped areas that contribute to a sense of space in our developed, suburban environment, preserve areas of wildlife habitat, provide safe building sites, protect the subject property and the adjoining properties by preventing erosion, creep and sudden slope failure. In this connection the City Council finds as follows:
- (1) Protection of steep slopes is a matter of concern to the entire City. Once a steep slope is disturbed, that disturbance is, for all practical purposes, irreversible. The establishment of regulatory and conservation practices to prevent disturbance of steep slopes is needed to protect the public health, safety and general welfare.
 - (2) The disturbance of steep slopes can aggravate erosion and sedimentation beyond rates experienced in natural geomorphologic processes. Erosion and sedimentation often include the loss of topsoil, the disturbance of habitats, degradation of the quality of surface water and wetlands, alteration of drainage patterns, the gullyng of land, the obstruction of drainage structures, the intensification of flooding both on and off the subject site, the failure of slopes and the mass movement of earth and danger to the natural environment, man-made structures and the safety of persons.
 - (3) Steep slopes, including vegetation and rock outcroppings located thereon, are important environmental features that contribute significantly to the visual impression one forms

Deleted: important

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while traveling through the City. Overdevelopment of or improperly managed disturbance to these steep slopes is detrimental to the visual character of the City.

- (4) Regulation can allow the reasonable use of private property by encouraging flexibility in development design to avoid disturbance of steep slopes. Regulation can also permit environmentally sound disturbance of steep slopes conducted in accordance with acceptable site design practices.
- (5) To minimize the potential adverse impacts of development on steep slopes, the City should seek the preservation of such areas by the use of flexibility in site design, (including the application of § 37 “Subdivision review; approval of cluster development” of the General City Law), the establishment of conservation easements and other land preservation techniques.
- (6) These regulations are enacted with the intent of providing a reasonable balance between the rights of the individual property owners and the public interest in preserving the valuable functions of steep slopes.

§ 166-2. Definitions.

- A. For the purpose of this chapter, certain words and terms used herein are defined as follows.
- B. All words used in the present tense include the future tense; all words in the plural number include the singular number; and all words in the singular number include the plural number, unless the natural construction of the wording indicated otherwise. The word "lot" includes the word "plat"; the word "building" includes the word "structure"; and the word "shall" is mandatory and not directory. The word "use" is deemed also to include "designed, intended, or arranged to be used." Unless otherwise specified, all distances shall be measured horizontally.

ANGLE OF REPOSE — The maximum angle at which the exposed face of various soil and rock materials can deviate from the horizontal without incurring the likelihood of a slope failure.

APPLICANT — Any individual, firm, partnership, association, corporation, company, organization or other legal entity of any kind, excluding the City of Rye and its governmental agencies, who requests the approval authority to approve disturbance to a steep slope, or to whom a steep slope approval or a steep slope work permit has been granted under the provisions of this chapter.

APPROVAL AUTHORITY — The Planning Commission of the City of Rye.

BUILDING INSPECTOR — The Building Inspector of the City of Rye.

CITY — The City of Rye.

CITY COUNCIL — The City of Rye City Council.

CITY ENGINEER — The Engineer for the City of Rye.

DISTURBANCE — The removal of vegetation, or the filling, excavation, regrading or removal of soil, rock or retaining structures in areas of steep slope, whether by manual labor, machine or explosive. The condition of disturbance will be deemed to continue until the area of disturbance is revegetated and/or permanently stabilized.

DISTURBED AREA — Any steep slope area for which a disturbance is proposed or is ongoing.

EXCAVATION — Any activity which removes or significantly disturbs rock, gravel, sand, soil, or other natural deposits.

FILL — Any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported, or moved by man to a new location and shall include the conditions resulting therefrom.

GRADING — Adjusting the degree of inclination of the natural contours of the land, including leveling, smoothing and other modification of the natural land surface.

MATERIAL — All liquid, solid or gaseous substances.

PERSON — Any person, firm, partnership, association, corporation, company, organization or other legal entity of any kind, including public agencies and municipal corporations.

PLANNING COMMISSION — The Planning Commission of the City of Rye.

PROJECT — Any proposed or ongoing action that may result in direct or indirect physical impact on a steep slope, including, but not limited to, any regulated activity.

STATE ENVIRONMENTAL QUALITY REVIEW ACT — The law, pursuant to Article 8 of the New York Environmental Conservation Law, providing for the environmental review of actions.

STEEP SLOPE — Any contiguous land area greater than 500 square feet having a topographical gradient of 25% or greater (ratio of vertical distance to horizontal distance) and a minimum horizontal distance of 10 feet measured along a horizontal plane. If the slope extends onto adjacent property and would result in the land area being greater than 500 square feet having a topographical gradient of 25% or greater, then the applicant shall be required to obtain Steep Slope Work Approval from the Planning Commission.

STEEP SLOPE AREA – The area defined in accordance with Section 166-3.

STEEP SLOPE, EXTREME — Any contiguous land area greater than 500 square feet having a topographical gradient of 35% or greater (ratio of vertical distance to horizontal distance) and a minimum horizontal distance of 10 feet measured along a horizontal plane.

STEEP SLOPE WORK APPROVAL — The written form of authorization issued by the Planning Commission and required by this chapter prior to the issuance of a steep slope work permit by the Building Inspector and commencement of work within a steep slope area.

STEEP SLOPE WORK PERMIT — The written form of permission to commence work within, or otherwise disturb, a steep slope area issued by the Building Inspector, which permit shall be issued only where such regulated activity has been approved and authorized by the Planning Commission.

STRUCTURE — Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

§ 166-3. Rules for establishing steep slope areas.

The applicant shall be responsible for having the boundaries of each steep slope area determined by field investigation, flagging and subsequent survey by a licensed land surveyor. The Planning Commission may also consult, at the expense of the applicant, and/or may also require the applicant to consult with a landscape architect, architect, professional engineer, soil scientist or other experts and professionals as deemed necessary to make this determination.

§ 166-4. Applicability.

The provisions of this chapter shall apply to all lands defined and/or designated as an area containing one or more steep slopes as determined in accordance with § 166-3.

ARTICLE II Regulated Activities and Review Standards

§ 166-5. Allowable and regulated activities.

A. Allowable activities. The following activities within a steep slope area shall be allowed without a steep slope work permit:

- (1) Normal ground maintenance which does not require disturbance of existing terrain, including mowing, trimming of vegetation and removal of dead or diseased vegetation, provided that such activity does not involve regrading, and further provided that such activity conforms with all other applicable laws and regulations.
- (2) Routine and minimally invasive landscaping activities including adding new plants or removing existing plants.

(3) The disturbance to steep slopes under temporary emergency conditions, as determined by the City Engineer, where such disturbance is necessary to protect persons or property from present and imminent danger.

(4) Repair or replacement in-kind of existing walkways, walls and decks.

(5) Any new structure or addition to an existing structure involving not more than 100 square feet.

(6) Public health activities and emergency uses pursuant to orders of the Westchester County Department of Health and/or the New York State Department of Health.

(7) Alteration of the interior of a building.

(8) The demolition of a part or all of the exterior of an existing building.

B. Regulated activities. It shall be unlawful to create a new steep slope area or to create any disturbance, other than an allowable activity as defined above, on any existing or proposed steep slope in the absence of a steep slope work permit.

§ 166-6. Review standards.

A. Considerations. During its review of the application, the Planning Commission shall evaluate, as necessary and appropriate, the extent to which the application accomplishes the following:

(1) The alignment of roads and driveways shall follow the natural topography to the maximum extent practicable, shall minimize regrading and shall comply with design standards for maximum grades set forth in the City Code.

(2) All regrading shall blend in with the natural contours of the land.

(3) Cuts and fills shall be shaped to eliminate sharp angles at the top, bottom and sides of regraded slopes.

(4) The angle of cut and fill slopes shall not exceed the natural angle of repose of the soil or rock materials in the cut or fill, except where retaining walls or other structural stabilization is used; generally, for soils, cut and fill slopes shall be not steeper than two horizontal to one vertical.

(5) Natural slopes of two horizontal to one vertical, or steeper, shall not be altered by fill slopes. The toe of a fill slope shall not be located within 12 feet horizontally of the top of an existing or proposed cut slope.

- (6) Tops and bottoms of cut and fill slopes shall be set back from existing and proposed property lines a distance at least equal to the lesser of three feet plus 1/5 of the height of the cut or fill, or 10 feet.
- (7) Tops and bottoms of cut and fill slopes shall be set back from structures a distance that will ensure the safety of the structure in the event of the collapse of the cut or fill slopes; generally, such distance will be considered to be six feet plus 1/5 the height of the cut or fill, but need not exceed 10 feet. Nevertheless, the Planning Commission may allow a structure to be built on a slope or at the toe of a slope if it is designed to retain the slope and to withstand the forces exerted on it by the retained slope, subject to subsection B below.

B. Decision.

1. In granting, denying or conditioning any steep slope permit under this chapter, the Planning Commission shall consider all relevant facts and circumstances and determine that each of the following is true:

- (A) That the proposed activity and the manner in which it is to be accomplished are in accordance with the findings and policy set forth in § 166-1 of this chapter.
- (B) That the proposed activity and the manner in which it is to be accomplished can be completed without increasing the possibility of creep or sudden slope failure and will minimize the potential for erosion to the maximum extent practicable.
- (C) That the proposed activity and the manner in which it is to be accomplished will not adversely affect the preservation and protection of existing wetlands, water bodies, watercourses and floodplains.
- (D) That the proposed regulated activity is compatible with the public health and welfare.

(2).The foregoing paragraph notwithstanding, the Planning Commission shall not allow activity that:

(A)Can be relocated or modified so as to eliminate or reduce the disturbance of the steep slope area to the maximum extent deemed reasonable and appropriate by the Planning Commission.

(B)Would disturb a slope in excess of 35% if the steep slope area was acquired after the effective date of Chapter 166; provided that, in the case of such a steep slope area acquired before the effective date of this Chapter, the Planning Commission may allow the activity in rare and exigent circumstances and otherwise in accord with this Subsection B.

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That the proposed regulated activity cannot practicably be relocated or modified so as to eliminate or reduce the disturbance of the steep slope area to the maximum extent practical. ¶

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- C. Burden of proof. The applicant shall have the burden of proof to demonstrate compliance with this chapter by clear and convincing evidence.

ARTICLE III Application Procedure

§ 166-7. Approval authority.

The approval authority for all applications for steep slope permits shall be the Planning Commission.

§ 166-8. Procedures for application.

- A. Application contents. The application and an application review shall be submitted to the City Planner. The application shall contain the following information:
- (1) Name and address of owner and applicant.
 - (2) Street address and Tax Map designation of property to which the application pertains.
 - (3) Statement of consent from the owner for any agent making application.
 - (4) A written narrative explaining the nature of the proposal, including the proposed work and purpose thereof, any future development proposals for the property and whether alternative locations exist for the proposed activity.
 - (5) A site plan, which shall be drawn at a scale no less detailed than one inch equals 50 feet and prepared by a landscape architect, architect or professional engineer licensed in the State of New York and showing the following information for all areas on the subject site that contain steep slopes:
 - (a) The location of proposed structures, septic systems, wells and driveways.
 - (b) The location of the proposed area of disturbance and its relation to neighboring properties, together with structures, roads and affected wetlands as defined in Chapter 245, Freshwater Wetlands, of the City Code, if any, within 50 feet of the boundaries of the proposed disturbed area
 - (c) The existing topography in the proposed area of disturbance at a contour interval of not more than two feet. Contours at this interval shall be shown for a distance of 50 feet or greater beyond the limits of the proposed area of disturbance. If, however, the 50 foot radius is not on property controlled by the applicant and the applicant is unable to gain access to such property, the contours must be shown at least to the boundary of the property under applicant's control. The contour map shall be

prepared, signed and sealed by a professional land surveyor licensed to practice in New York State. The elevations and contours on said map shall be in United States Geological Survey (USGS) datum, latest revision.

- (d) The location and size of areas of steep slope and extremely steep slope, under existing and proposed conditions, in the area of proposed disturbance and within a distance of 50 feet thereof. If, however, the 50-foot radius is not on property controlled by the applicant and the applicant is unable to gain access to such property, the location and size of such slopes must be shown at least to the boundary of the property under applicant's control. The Planning Commission shall make a site visit to observe neighboring topography and shall in its decision-making take notice of any slope and other relevant conditions on the property beyond the applicant's control.
- (e) The proposed final contours at a maximum of two-foot contour intervals in the proposed disturbed area and to a distance of 50 feet beyond; elevations of the site and adjacent lands within 200 feet of the proposed work site at contour intervals of no greater than 10 feet; and proposed surface materials or treatment. If, however, the 50- or 200-foot radius is not on property controlled by the applicant and the applicant is unable to gain access to such property, the contours must be shown at least to the boundary of the property under applicant's control. The Planning Commission shall make a site visit to observe neighboring topography and shall in its decision-making take notice of any slope and other relevant conditions on the property beyond the applicant's control.
- (f) An erosion and sediment control plan in accordance with Chapter 174, Stormwater Management, of the Rye City Code.
- (g) The details of any surface or subsurface drainage system proposed to be installed, including special erosion control measures designed to provide for proper surface or subsurface drainage, both during the performance of the work and after its completion.
- (h) A description of the existing and proposed vegetative cover of the regulated area.
- (i) Location of the construction area and the area proposed to be disturbed and their relation to property lines, roads, buildings and watercourses within 250 feet thereof.
- (j) The exact locations, specifications and amount of all proposed excavating, draining, filling, grading, dredging and vegetation removal or displacement and the procedures to be used to do the work.
- (k) Location of all wells and depths thereof and all sewage disposal systems.
- (l) A completed environmental assessment form in accordance with the New York State Environmental Quality Review Act.

- (6) A list of all applicable City, county, state and federal permits that are required for such work or improvement.
- (7) A list of names of owners of record of lands adjacent to the steep slope area in which the project is proposed to be undertaken.
- (8) Payment of all applicable fees.

B. Additional information. The following information and materials shall be supplied if requested by the City Planning Commission:

- (1) A site plan or site plans drawn at a scale of not less than one inch equals 50 feet, prepared by a landscape architect, architect, or professional engineer licensed in the State of New York showing:
 - (a) Cross sections of all disturbed steep slope areas.
 - (b) Existing soils within 50 feet of the proposed disturbed area, taken from field investigations by a soils scientist and classified into hydrologic soil groups. The depth to bedrock and depth to water table, K-factors, and soil and rock strata in all areas of proposed disturbance shall be identified.
 - (c) A cut/fill map delineating proposed areas of disturbance at affected depths in increments of zero to three feet, three to six feet, six to 10 feet, and 10 feet and over, and the estimated material quantities of cut/fill.
 - (d) A slope map showing existing and proposed slopes within the proposed disturbed area for each of the soil types described in Subsection B(1)(b) above.
 - (e) A stabilization and revegetation plan.
 - (f) Other information, including specific reports by qualified professionals regarding soils, geology and hydrology, as may be determined to be necessary by the Planning Commission.
- (2) A plan with the existing topography of the watershed tributary to the disturbed area presented at a scale of not more than one inch equals 100 feet. This map shall show existing and, if required by the Planning Commission, proposed controls and diversions of upland water.
- (3) Estimates for the proposed site improvements, which shall be certified by a professional engineer, architect, or landscape architect licensed in the State of New York.

(4) Any additional information as needed. Such additional information may include, but is not limited to, the study of flood, erosion or other hazards at the site; the effect of any protective measures that might be taken to reduce such hazards; and any other information deemed necessary to evaluate the proposed use in terms of the goals and standards hereof.

§ 166-9. Fees

- A. An application fee and inspection fee in amounts set forth in a fee schedule established from time to time by the City Council shall be submitted with the application.
- B. In addition to the fees required in Subsection A of this section, the Planning Commission shall require the applicant to place in escrow with the City a fee sufficient to reimburse the City for the cost of professional consultation fees and other expenditures attributable to the proposal. The Planning Commission may establish an escrow account funded by the applicant prior to the Commission authorizing the performance of consulting services regarding the proposal.

§ 166-10. Approval procedures; public hearing.

- A. It is the intent of this chapter to incorporate the consideration of steep slope protection into the City's existing land use and development approval procedures in conjunction with the procedures of the New York State Environmental Quality Review Act. To the maximum extent possible, the review, hearings and decisions upon any application processed under this chapter will run concurrently with similar procedures that the Planning Commission may undertake in connection with other applications that are directly related.
- B. A public hearing shall be required on all steep slopes applications. Notice of such hearing shall be delivered by the applicant to all property owners within 300 feet of the subject property at least seven (7) days prior to the hearing. To facilitate notification of the public, a public notification list shall be prepared by the applicant, using the most current City of Rye Tax Maps and Tax Assessment Roll, showing the Tax Map sheet, block and lot number, the owner's name and owner's mailing address for each property. If a property within the notification area is a multifamily dwelling, apartment building, cooperative or similar-type residential structure, the applicant shall send the notice to the property owner of record. Such notices shall be mailed by first-class mail posted within Westchester County at a post office or official depository of the Postal Service. The applicant must obtain a certificate of mailing for every notice mailed. All notices mailed must be sent via certified mail (no return receipt). All certificates of mailing must be provided to the Planning Department at least five days prior to the public hearing.

§ 166-11. Approval.

- A. In approving a **steep slope work** application, the Planning Commission may impose such conditions or limitations as are determined necessary to ensure compliance with the intent, purposes, and standards of pursuant to § 166-6 of this chapter. A determination shall be made to approve, approve with modifications, or disapprove the issuance of such permit simultaneously with the determination by the Planning Commission of the other permit or approval for which the application was made.

ARTICLE IV
Steep Slope Work Permits

§ 166-12. Conditions and expiration.

- A. Steep slope work permits issued pursuant to this chapter shall contain conditions including the following:
- (1) The work permit shall expire on a specified date, no later than one year from the date of issuance.
 - (2) The permit holder shall notify the Building Inspector at least five days in advance of the date on which the work is to begin.
 - (3) The work permit shall be prominently displayed at the project site during the undertaking of the activities authorized by the permit.
- B. Conditions may include, but shall not be limited to, the following:
- (1) Limitation on the total portion of any lot or the portion of the steep slope on the lot that may be disturbed.
 - (2) Setbacks for structures, fill and other activities from the steep slope.
 - (3) The disturbance of existing vegetative ground cover shall not take place more than seven days prior to commencing grading and construction.
 - (4) Permanent vegetative cover shall be planted within three days after completion of final grading. Notwithstanding the sentence above, where final grading and permanent planting cannot be established within a short period of time, temporary seeding or mulching shall be applied. Upon good cause shown and based upon consideration of the time of year, slopes, soils and environmental sensitivity of the area involved, the City Engineer may modify these specified time periods.
 - (5) Measures for the control of erosion and sedimentation shall be undertaken in accordance with the Chapter 174, Stormwater Management, of the Rye City Code.
 - (6) Topsoil that will be stripped from all areas of disturbance shall be stockpiled in a manner so as to prevent erosion and sedimentation and shall be replaced on the site as a component of final grading.
 - (7) Fill material shall be composed only of nonorganic material, including rock with a diameter that will allow for appropriate compaction and cover by topsoil. No voids are to be created or left remaining in the fill material that will allow further settlement of the fill or habitat for rodents, vermin or other unwanted species.

- (8) Compaction of fill materials in fill areas shall be such that it ensures support of proposed structures and stabilization for intended uses.

C. Expiration of steep slope work permit; extensions.

- (1) All steep slope work permits shall expire on completion of the acts specified therein and, unless otherwise indicated, shall be valid for a period of one year from the date of issue. Upon written request by the original permit holder or his/her successor, the Planning Commission may extend the time in which the acts specified in the permit must be completed for additional periods of up to one year each if the Planning Commission, in its discretion, finds that such extension is warranted by the particular circumstances involved, provided that in the case of a permit where no work on the steep slope(s) has been accomplished, extensions shall not exceed two additional periods of 90 days each, in which case, should a permittee fail to complete the acts specified in the permit prior to the expiration of the second ninety-day extension, at the discretion of the Planning Commission, the original permit may become null and void, and an application would then need to be made for a new permit. The request for a new permit shall follow the same form and procedure as the original application, except that the Planning Commission shall have the option of not holding a public hearing if the original intent of the permit is not altered or extended in any significant way.
- (2) In the case of a permit where the work on the steep slope(s) is partially completed, the number and length of extensions shall be at the sole discretion of the Planning Commission.
- (3) A request for an extension of an original permit shall be made in writing to the Planning Commission at least 30 days prior to the expiration date of the original permit and each extension. The time period for requesting an extension may be waived for good cause shown.

§ 166-13. Period of validity; completion of work; revisions.

- A. A steep slope work permit will be valid for a period of one year. Work Permits, including all of their conditions, shall be binding on successors and assignees of the applicant.
- B. Following completion of the work, the applicant shall submit certification by the designer of record that the completed work meets the requirements of the steep slope work approval. The Building Inspector will verify that the work has been completed in accordance with such approval. Submission of an as-built survey may be required by the Planning Commission.
- C. The Building Inspector shall not issue a certificate of completion until the Building Inspector has verified that all work has been completed in accordance with the steep slope work permit.
- D. Any proposed revision to work covered by a steep slope work permit shall be reviewed by the City Engineer. Where the City Engineer determines that a substantial revision is proposed, the submission of a new application shall be required.

ARTICLE V

Enforcement

§ 166-15. Inspections, violations and fines.

- A. Inspection. Any site for which an application has been submitted shall be subject to inspection at any reasonable time, including weekends and holidays, by the Planning Commission or its designated representatives.
- B. Administrative sanctions.
 - (1) Damages. Any person who undertakes any activity regulated by this chapter without a permit issued hereunder, or who violates, disobeys or disregards any provision of this chapter, shall be liable to the City for civil damages caused by such a violation for every such violation. Each consecutive day of the violation will be considered a separate offense. Such civil damages may be recovered in an action brought by the City on behalf of the Planning Commission in any court of competent jurisdiction.
 - (2) Restitution. The Planning Commission shall have the authority to direct the violator to restore the steep slope area to its condition prior to the violation, insofar as that is possible, within a reasonable time. Further, the Planning Commission shall have the authority to require an adequate performance guaranty in a form and amount deemed necessary by the Planning Commission to insure the restoration of the affected steep slope area.
 - (3) Stop-work order; revocation of permit. In the event that any person holding a permit issued pursuant to this chapter violates the terms of the permit, fails to comply with any of the conditions or limitations set forth in the permit, exceeds the scope of the activity as set forth in the application or operates so as to be materially detrimental to the public welfare or injurious to a steep slope area, the Planning Commission may suspend or revoke the permit, as follows.
 - (a) Suspension of a permit shall be by a written stop-work order. The stop-work order shall remain in effect until the Building Inspector is satisfied that the permittee has complied with all terms of the subject permit or until a final determination is made by the Planning Commission as provided in Subsection B(3)(b) immediately below.
 - (b) No steep slope work permit shall be permanently suspended or revoked until a public hearing is held by the Planning Commission. Written notice of such hearing shall be served on the permittee, either personally or by registered mail, and shall state the grounds for complaint or reasons for suspension or revocation and the time and place of the hearing to be held. Such notice shall be served on the permittee at least one

week before the next regularly scheduled public meeting of the Planning Commission. At such hearing, the permittee shall be given an opportunity to be heard and may call witnesses and present evidence on his behalf. At the conclusion the hearing, the Planning Commission shall determine whether the permit shall be reinstated, suspended or revoked.

- C. Fines. Any person deemed to have violated or disobeyed any provision hereof, any order of the Building Inspector or any condition duly imposed by the Planning Commission in an approval or work permit granted pursuant to this chapter, shall be punishable by a fine of not less than [\$500 or liquidated damages in the amount of \$100,000]. Each consecutive day of the violation shall be considered a separate offense.

§ 166-16. Injunctive relief.

The City is specifically empowered to seek injunctive relief restraining any violation or threatened violation of any provisions hereof and/or to compel the restoration of the affected steep slope area to its condition prior to the violation of the provisions of this chapter.

Section 2. Severability

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law that can be given effect without such invalid part or parts.

Section 3. Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

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

Part 1 – Project and Sponsor Information				
Name of Action or Project:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:			Telephone:	
			E-Mail:	
Address:				
City/PO:		State:	Zip Code:	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO	YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<input type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO	YES
If Yes, list agency(s) name and permit or approval:			<input type="checkbox"/>	<input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres				
4. Check all land uses that occur on, are adjoining or near the proposed action: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): </div> <div style="margin-top: 5px;"><input type="checkbox"/> Parkland</div>				

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest Agricultural/grasslands Early mid-successional Wetland <input type="checkbox"/> Urban Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO <input type="checkbox"/>	YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
49. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: _____ Date: _____ Signature: _____ Title: _____		

Project:

Date:

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing:		
a. public / private water supplies?		
b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Project:

Date:

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)



CITY COUNCIL AGENDA

DEPT.: City Manager's Office

DATE: February 2, 2022

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Continue the public hearing to adopt a new local law amending Chapter 53 "Architectural Review" of the Code of the City of Rye to amend authority and scope considered by the Architectural Review Board in reviewing applications.

FOR THE MEETING OF:

February 2, 2022

RECOMMENDATION: That the Council conduct the public hearing.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND: Attached hereto is the proposed local law and full environmental assessment form.

**CITY OF RYE
LOCAL LAW __ OF 2022**

A Local Law amending Chapter 53 “Architectural Review” to change membership requirements, timing of decisions, elements to consider during decision making process and standard of review and Chapter 197-86 Table A, Column 3, to include seasonal courts and rinks.

Section 1.

§ 53-1 Legislative findings; definitions.

- A. The Council hereby finds that excessive uniformity, dissimilarity, inappropriateness or poor quality of design in the exterior appearance of structures erected, reconstructed or altered in any residential, business and other areas in the City of Rye adversely affects the desirability of the immediate area and neighboring areas within the community and by so doing impairs the benefits of occupancy or use of real property in such areas, impairs the stability and value of both improved and unimproved real property in such areas, prevents the most appropriate development of such areas, produces degeneration of the property in such areas, with attendant deterioration of conditions affecting the health, safety, morals and general welfare of the inhabitants of the community, and/or destroys a proper relationship between the taxable value of real property in the community and the cost of municipal services provided therefor. It is the purpose of this chapter to prevent these and other harmful effects and thus to promote and protect the health, safety, morals and general welfare of the community.
- B. As used in this chapter, the following terms shall have the meanings indicated:
[Amended 5-31-1995 by L.L. No. 6-1995]

ERECTED, RECONSTRUCTED or ALTERED

As defined in Chapter 68, Building Construction, of the Code of the City of Rye and in the approved regulations of the Building Inspector.

ORDINARY MAINTENANCE AND REPAIR

As defined in Chapter 68, Building Construction, of the Code of the City of Rye and in the approved regulations of the Building Inspector.

SMALL PROJECT

Any addition to or alteration or modification of an existing single- or two-family residence structure:

[Amended 10-24-2013 by L.L. No. 3-2013]

- (1) For which a valid certificate of occupancy exists for all structures on the property;
- (2) Upon which property there are no open building permits and no building permit or

certificate of occupancy was issued within the immediate past 12 months;

- (3) That does not change the appearance visible from the street of any front or side facade or roof.

STRUCTURE

Includes all buildings, accessory buildings, decks, signs and satellite earth station dish antennas as defined by Chapter **108**, Housing Standards, and Chapter **197**, Zoning, of the Code of the City of Rye.

§ 53-2 Membership of Architectural Review Board.

[Amended 2-1-2006 by L.L. No. 2-2006; 3-16-2011 by L.L. No. 1-2011]

In accordance with Article 19 of the Rye City Charter, there is hereby created a Board of Architectural Review which shall consist of seven members who shall serve without compensation. All members of the Board shall be lawful residents of the City and shall be specially qualified by reason of training or experience in architecture, land development, community planning, real estate, landscape architecture, architectural history, engineering, law, building construction or other relevant business or profession, or by reason of civic interest and sound judgment to judge the effect of a proposed erection, reconstruction or alteration of a structure upon the desirability, property values and development or preservation of surrounding areas and to understand and carry out the legislative findings and policy statements of the Council set forth in § **53-1**. There shall be no requirement that a member of the Board be a citizen of the United States. At least one member shall be a licensed ~~registered~~ architect in the State of New York. The Chair and other members of the Board shall be appointed by the Mayor, with the approval of the Council, for terms of three years, with staggered terms, such terms to be subject to renewals at the discretion of the Mayor, subject to the approval of the Council, except that one new appointment made in 2006 shall be for a two-year term, and one new appointment made in 2006 shall be for a one-year term so that term, and thereafter their successors, shall be appointed for terms of three years from and after the expiration of the term of their predecessors in office. In the same manner, vacancies shall be filled for the unexpired term of any member whose place has become vacant.

§ 53-3 Meetings and procedures of Board.

[Amended 2-1-2006 by L.L. No. 2-2006]

- A. Meetings of the Board of Architectural Review shall be held at the call of the Chair and at such other times as the Board may determine but shall be held within 31 ~~24~~ days of the date of referral to the Board of any application for building permit as required in § **53-4** of this chapter. The Chair or, in his/her absence, the Acting Chair may administer oaths and compel the attendance of witnesses. A majority of the appointed members of said Board shall constitute a quorum for the transaction of business. The Board shall keep minutes of

its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions. The Building Inspector shall act as the Secretary of the Board and shall keep in the City Hall a comprehensive record of all meetings and transactions by the Board. The Board shall have power from time to time to adopt, amend and repeal rules and regulations, not inconsistent with law or the provisions of this chapter and subject to review of the Council, governing its procedure and the transaction of its business and for the purpose of carrying into effect the standards outlined in § **53-5** of this chapter.

- B. Every rule or regulation, every amendment or repeal thereof and every order, requirement, decision or determination of the Board shall immediately be filed with the Building Department and shall be a public record.
- C. Notice. An applicant for a building permit needing Board of Architectural Review approval for any project, except small projects as defined in Chapter **53**, shall notify abutting property owners and property owners across the street of the application upon its filing and at least 14 days before the date of any Board of Architectural Review meeting. To facilitate notification of the public, a public notification list shall be prepared by the applicant, using the most current City of Rye Tax Maps and Tax Assessment Roll, showing the Tax Map sheet, block and lot number, the owner's name and owner's mailing address for each property as described by the rules and Schedule B of the Building Department. If a property within the notification area is a multifamily dwelling, apartment building, cooperative or similar-type residential structure, the applicant shall send the notice to the property owner of record. Such notices shall be mailed by first-class mail and the notice shall substantially conform to the model notice in Schedule A. The applicant must obtain a certificate of mailing for every notice mailed. All notices mailed must be sent via certified mail (no return receipt required). All certificates of mailing must be provided to the Building Department at least five days prior to the public hearing. **[Added 3-10- 2010 by L.L. No. 3-2010]**

§ 53-4 Referrals of applications for building permits.

- A. Every application for a building permit for the construction of any structure within the City of Rye or for the reconstruction or alteration of any structure, including any addition thereto, within the City of Rye that would affect the exterior appearance of such structure shall be referred by the Building Inspector to the Board of Architectural review within **31** ~~24~~ days of the date of the application, provided that it conforms in all respects to all other applicable laws and ordinances. The term "structure" shall be construed in accordance with the legislative findings and definitions set forth in § **53-1** of this chapter. The requirements of this section do not apply to "small projects" as defined in § **53-1** of this chapter and § A201-1 of the Rules of the Building Inspector, except for small projects that

require or have been granted a variance by the Zoning Board of Appeals; or that involve a recreational or accessory structure or facility; or when the Building Inspector refers the small project to the Board of Architectural Review upon finding that the small project may meet one or more of the guidelines for such referral as prepared by the Board of Architectural Review, thereby having a substantial aesthetic impact upon immediately neighboring properties. The requirements of this section do not apply to additions or alterations that meet the requirements of § 68-5F or 197-84C(5) of this Code. [Amended 5-31-1995 by L.L. No. 6- 1995]

- B. Applications must be accompanied by plans showing all elevations of new structures and all affected elevations in the case of reconstructions or alterations. When required by the Building Inspector or by the Board of Architectural Review, a site plan shall be submitted showing both existing and proposed contours at two-foot intervals, all existing trees with a trunk diameter of four inches or more at a point three feet above the ground level and whether such trees shall remain or be removed and/or other topographical features.

§ 53-5 Standards and considerations for approval.

- A. Approval or disapproval of any building permit shall be by a vote of a majority of the members of the Board of Architectural Review. In considering an application for a permit, the Board shall take into account natural features of the site and surroundings, exterior design and appearances of existing structures in the area and the character of the area and its peculiar suitability for particular purposes, with a view to conserving the values of property, encouraging the most appropriate use of property and preventing the harmful effects referred to in § 53-1 of this chapter.
- B. Findings for approval; conditions.
 - (1) The Board shall, subject to the provisions of Subsection B(2) of § 53-5, approve any application referred to it upon finding that the structure for which the permit was requested if erected, reconstructed or altered in accordance with the submitted plan would be in harmony with the purpose of this chapter, would not be visually offensive or inappropriate by reason of poor quality of exterior design, monotonous similarity or striking visual discord in relation to the site or surroundings, would not mar the appearance of the area, would not impair the user enjoyment and desirability or reduce the values of properties in the area, would not be detrimental to the character of the neighborhood, would not prevent

the most appropriate development or preservation and/or utilization of the site or of adjacent lands or would not adversely affect the economic stability, health, safety and general welfare of the community.

- (2) In approving any application, the Board may impose appropriate conditions and safeguards designed to prevent the harmful effects set forth in § 53-1 of this chapter. The Board may also suggest interior change(s) that would improve the exterior appearance.
- C. The Board may disapprove any application for a permit, provided that the Board has afforded the applicant an opportunity to confer upon suggestions for change of the plan, or provided that the Board finds and states that the structure for which the permit was requested would, if erected, reconstructed or altered as indicated, provoke one or more of the harmful effects set forth in § 53-1 of this chapter by reason of:
- (1) Excessive similarity to any other structure or structures existing or for which a permit has been issued or to any other structure included in the same permit application, ~~facing the same street~~ within 1,000 ~~500~~ feet of the proposed site, in respect to one or more of the following features of exterior design and appearance: apparently identical facade; substantially identical size and arrangement of either doors, windows, porticoes or other openings or breaks in the facade facing the street, including reverse arrangements; or other significant identical features, such as but not limited to material, roofline and height or other design elements, provided that a finding of excessive similarity shall state not only that such similarity exists, but further that it is of such a nature as to be expected to provoke **more likely than not [clear and convincing evidence]** ~~beyond a reasonable doubt~~ one or more of the harmful effects set forth in § 53-1 of this chapter.
 - (2) Excessive dissimilarity or inappropriateness in relation to any other structure or structures existing or for which a permit has been issued or to any other structure included in the same permit application, within 1,000 feet of the proposed site, in respect to one or more of the following features: cubical contents; gross floor area; height of building or height of roof; inappropriate relationship to the site, its contours, shape or natural characteristics; **inappropriate relationship to immediately adjacent properties**; dissimilarity related to the orientation of the front of the house in relationship to streets; inappropriate location of features incorporated into the structure, including but not limited to windows, doors, chimneys, stairs, porches, air conditioners or air-conditioning equipment, or of features ancillary to the structure, including but not limited to antennas, toolsheds, greenhouses, patios, decks, balconies, garages or refuse storage areas; or other significant design features, such as material or quality or architectural design, provided that a finding of excessive dissimilarity or inappropriateness exists, but further that it is of such nature as to be expected to provoke **more likely than not [clear and convincing evidence]** ~~beyond a reasonable doubt~~ one or more of the harmful effects set forth in § 53-1 of this chapter and

that the finding is not based on personal preference as to taste or choice of architectural style.

D. The Board of Architectural Review shall examine, review, approve or disapprove applications for permits for the following exterior facilities: swimming pools **(in ground and above ground)**, jacuzzis, hot tubs, tennis courts, paddle tennis courts and other **permanent or seasonal courts or rinks** (hereinafter collectively referred to as "recreational facility" or "recreational facilities") as to the necessary screening required by § 197-86 of the Code of the City of Rye, Table A, Column 3, Subsections (9)(a) and (9)(b). Approval or disapproval must be by majority vote of the total Board. A ten-foot wide landscape strip planted and maintained with at least a double row of alternately spaced evergreens, with an actual height of at least six feet above the natural grade when installed, is the preferred screening method for recreational facilities and must be approved by the Board. However, the Board may approve alternate screening under the following conditions:

- (1) There is existing landscaping on the lot between the recreational facility and the property line equal in effectiveness, height and density to the required evergreen screening.
- (2) There is an existing six-foot-high opaque fence or wall on the lot between the recreational facility and the property line, which is totally owned and controlled by the lot owner and in conformity with the fence height regulations of this chapter, provided that the Board further finds that the increased height of matured evergreen screening is not necessary to screen the recreational facility from the view of the abutting property and that the fence was installed at least two years prior to the application for the waiver.
- (3) The existing topography of the lot where the recreational facility is to be located, relative to the topography of the abutting property, is such that the recreational facility will not be within the view of the abutting property, provided that the Board further finds that it is reasonable to expect that this topographic relationship will not be adversely altered in order to facilitate future development of either property.
- (4) The soil conditions where the landscaping strip would be required to be installed are such that the evergreens cannot be expected to survive or to properly mature, provided that the Board further finds the recreational facility cannot be reasonably placed in another location with suitable soil conditions, and further provided that a six-foot-high opaque fence or wall which conforms to the fence height regulations of this chapter will be installed between the property line and the recreational facility in place of the landscaping strip.
- (5) Conditions do exist which are not specifically covered in Subsection C(1) through (4) above, but which are of a similar nature, provided that the Board further finds that

approval of the waiver will not be inconsistent with the spirit and intent of this section or less protective of the view from the abutting properties.

- (6) The approval of any alternate screening as described in Subsection C(1) through (5) above and the acceptance of it by the owner shall also be subject to the following limitations and conditions:
 - (a) A variance has not been granted by the Board of Appeals permitting a reduction of the minimum property line setbacks required by this chapter.
 - (b) The recreational facility was not constructed prior to the application for approval, except that this limitation shall not apply to recreational facilities constructed prior to the effective date of the screening requirements for which an owner wishes to seek compliance.
 - (c) After construction of the recreational facility, the owners of the lot shall thereafter be required to maintain, repair and replace such existing landscaping, fencing, walls or topographical features which served as the basis for approval as if they were required by this chapter in the first instance and enforced in the same manner.
 - (d) The approval shall become null and void one year after its approval by the Board of Architectural Review unless the recreational facility has been substantially completed.
 - (e) The approval shall become null and void if the recreational facility is removed.
Temporary or seasonal recreational facilities will require new approvals each occasion or season erected/installed.

§ 53-6 Applications for sign; awning, marquee-type awning and canopy permits. [Amended 5-1-1991 by L.L. No. 6-1991; 1-20-1999 by L.L. No. 1-1999]

The Board of Architectural Review shall have the power to examine, review and, by majority vote of the total Board, approve or disapprove applications for permits for signs, awnings, marquee-type awnings and canopies affixed to any structure or erected in connection with any structure, pursuant to § 165-2 of the Code of the City of Rye.

§ 53-7 Applications for dish antennas. [Amended 9-18-1996 by L.L. No. 7-1996]

The Board of Architectural Review shall have the power to examine, review and, by majority vote of the total Board, approve or disapprove applications for the installation of satellite earth station dish antennas, subject to the provisions of § 197-9D of the Code of the City of Rye. Satellite earth station dish antennas which measure one meter or less in diameter are permitted as of right in residential zones and are not subject to the provisions of this section or § 197-9D. Such antennas, which measure two meters or less in diameter, are permitted as of right in non-residentially zoned areas.

§ 53-8 Advisory powers.

The Board of Architectural Review shall advise with respect to public buildings and such other matters as the Council, the Planning Commission, the Landmarks Advisory Committee (NOTE: or Landmarks Preservation Commission, if so changed by City Council) and/or any other public agency, Board or Commission may refer to it.

§ 53-9 Effect of disapproval or failure to act.

The Building Inspector shall refuse any building permit application disapproved as provided in § **53-5** of this chapter. If the Board of Architectural Review shall fail to approve or disapprove any building permit application referred to it under § **53-4** of this chapter within **21** ~~31~~ days of the date of referral of such application to it, the application shall be considered to have been approved, and the Building Inspector shall forthwith issue the permit unless the applicant shall have agreed to an extension of time.

§ 53-10 Appeals.

Any applicant aggrieved by the action of the Board of Architectural Review in disapproving a building permit application and of the Building Inspector in denying such permit because of such disapproval may request the Board to make formal findings of fact. In the event of such a request, the Board shall make findings of fact within 30 days after the request is filed in the office of the City Clerk, shall thereafter provide the applicant with an opportunity to answer the findings by the submission of formal proof and shall reconsider the application on the basis of such answer. If the application is disapproved after such reconsideration, the applicant may take an appeal therefrom to the duly constituted Board of Appeals of the City of Rye. The standard of review shall be whether the decision of the Board of Architectural Review was arbitrary, capricious and/or unsupported by substantial evidence of record. The Board of Appeals may reverse or affirm the action of the Board of Architectural Review and reverse or affirm any action taken by the Building Inspector pursuant to that action of the Board of Architectural Review.

§ 53-11 Powers of Board under Chapter 117.

Chapter **117**, Landmarks Preservation, of the Code of the City of Rye ascribes certain responsibilities and powers to the Board of Architectural Review, and these are hereby included in this Chapter **53**.

Section. 6. Section 197-86 Table A, Colum 3.

(9)(b) Outdoor swimming pools, **seasonal courts and rinks**, including accessory equipment shall:

- [1] Not be located in a required front yard.
- [2] Be set back, including accessory equipment, from side and rear property

lines at least 20 feet in R.1 Districts and 15 feet in all other districts.

[3] Be screened, including accessory equipment, from the view of the street and abutting residentially zoned properties along the side and rear property lines. Such screening shall be reviewed and approved by the Board of Architectural Review pursuant to §§ **53-3** and **53-4** and the standards contained therein before a permit may be issued. [Amended 12-1-1982 by L.L. No. 12-1982]

[4] Be completely surrounded by fences, freestanding walls and/or the walls of a building containing no doors, at least four feet high above grade at all points, and each gate or door opening through the fence or freestanding wall shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times and shall be locked when the pool is not in actual use.

[5] Have no floodlighting, directly or indirectly, and all other lighting shall be arranged and shaded as to reflect light away from adjoining premises or a public street.

[6] Be located at least 25 feet away from any septic tank and its fields.

Section 7. Severability

If any part of this Local Law is deemed by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Local Law.

Section 8. Effective Date

This Local Law shall take effect immediately upon filing with the New York Secretary of State.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

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

Part 1 – Project and Sponsor Information			
Name of Action or Project: A Local Law Amending City Code Chapter 53, "Architectural Review"			
Project Location (describe, and attach a location map): City of Rye, New York			
Brief Description of Proposed Action: The proposed action involves the adoption of a new local law amending Chapter 53 "Architectural Review" of the Code of the City of Rye to amend authority and standards of review considered by the Board of Architectural Review in reviewing exterior building permit applications. The proposed location law also modifies the Board of Appeals review criteria in considering applicant appeals of Board of Architectural Review decisions, changes the membership requirements and timing of board decisions. The proposed action involves the adoption of a local law that would apply to future development projects and does not involve a specific construction activity at a specific location. The proposed action will not have any significant adverse environmental impact.			
Name of Applicant or Sponsor: Rye City Council		Telephone: 914-967-7404 E-Mail: gusry@ryeny.gov	
Address: 1051 Boston Post Road			
City/PO: Rye		State: NY	Zip Code: 10580
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action: <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	N/A <input type="checkbox"/> <input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input type="checkbox"/>

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Rye City Council</u> Date: <u>January, 2022</u>		
Signature: <u>Christian K. Miller, preparer</u> Title: <u>City Planner</u>		

Project: BAR Local Law

Date: January 2022

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project: BAR LL

Date: January 2022

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Rye City Council

Date

January 2022

Print or Type Name of Responsible Officer in Lead Agency

Josh Cohn, Mayor

Title of Responsible Officer

Christian K. Miller, City Planner

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

PRINT FORM



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: February 2, 2022

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Resolution to send a letter to the US Coast Guard regarding their planned removal of Federal Channel buoys.

FOR THE MEETING OF:
February 2, 2022

RECOMMENDATION: That the Mayor and Council authorize the outreach to the US Coast Guard.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND:

According to a Local Notice from the United States Coast Guard (USCG) received January 22, 2022, the USCG intends to remove channel markers used as navigational aids in Milton Harbor. The Local Notice, states that mariners and other interested parties in this proposed action are encouraged to submit any comments prior to February 11, 2022. In an effort to prevent this detrimental action from occurring, the City Council may consider sending the attached letter to the USCG by the proposed deadline.



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: February 2, 2022

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Authorization for the City Manager to enter into an Intermunicipal Agreement with the County of Westchester Department of Public Works and Transportation for Bus Passenger Shelters.

FOR THE MEETING OF:

February 2, 2022

RECOMMENDATION: That the Mayor and Council authorize the City Manager to enter into the agreement with Westchester County.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: Westchester County provides and maintains bus passenger shelters at various locations within the County pursuant to a License Agreement between the County and Signal Outdoor Inc. The County requires the City enter into an IMA with the County for the bus passenger shelter located at the Rye Train Station. The new agreement is for the five-year period commencing July 1, 2021 through June 30, 2026

See attached.

George Latimer
County Executive

Department of Public Works and Transportation

Hugh J. Greechan, Jr., P.E., Commissioner

Gayle M. Katzman, P.E., First Deputy Commissioner

Hernane De Almeida, P.E., Deputy Commissioner



December 16, 2021

Honorable Mayor Josh Cohn
City of Rye
1051 Boston Post Road
Rye, New York 10580

Dear Honorable Mayor Josh Cohn and Members of City Council:

The Westchester County Department of Public Works & Transportation has entered into a license agreement with Signal Outdoor, Inc. to operate and maintain the County's bus shelters. As with previous agreements, a portion of the revenue from this agreement will be distributed to the municipalities based on the number of bus shelters that are located in each municipality. To facilitate this arrangement, attached is an Inter-Municipal Agreement for your review and signature.

If you have any questions regarding the County's Bus Shelter program or the Inter-Municipal Agreement, please contact:

Michael Swee, Director of Surface Transportation
995-1647
Mas9@westchestergov.com

Sincerely,

Hugh J. Greechan, Jr., P.E.
Commissioner
Westchester County Department of Public Works and Transportation

HJG/MAS

INTERMUNICIPAL AGREEMENT

THIS AGREEMENT entered into this ____ day of _____, 20__ by and between

THE COUNTY OF WESTCHESTER, a municipal corporation of the State of New York, having an office and place of business in the Michaelian Office Building, 148 Martine-Avenue, White Plains, New York 10601 (the "County"),

and

THE CITY OF RYE, a municipal corporation of the State of New York, having an office and place of business at 1051 Boston Post Road, Rye, NY 10580 (the "Cooperating Municipality").

W I T N E S S E T H:

WHEREAS, the County has entered into a License Agreement with a private franchisee to operate and maintain bus passenger shelters at various locations within the County as well as provide advertising on bus shelters; and

WHEREAS, the Cooperating Municipality is desirous of having the County provide bus passenger shelters within the Cooperating Municipality pursuant to said License Agreement for the comfort and benefit of its citizens.

NOW, THEREFORE, in consideration of the terms and conditions herein contained, the parties agree as follows:

FIRST: The County is hereby authorized to provide and maintain shelters pursuant to a License Agreement between the County and Signal Outdoor Advertising, LLC, or its successors or assigns (the "County Licensee"), at locations within the Cooperating Municipality, all as shown on Attachment "A" attached hereto and made a part hereof. The Cooperating Municipality further certifies and guarantees that the sites designated on Attachment "A" are legally designated bus stop locations or that the sites will be so designated prior to installation of new bus passenger shelters. If such designation is the responsibility of a governmental agency

other than the Cooperating Municipality, the Cooperating Municipality will use its reasonable efforts to obtain such designation.

Attachment "A" shall consist of:

1. A list of all bus shelters built under the County Bus Shelter Program located in the Cooperating Municipality.
2. A list of all necessary permits and the name of the municipal official who should be contacted. As the bus shelters are going to be provided as a municipal service, all permit fees shall be waived.

Upon mutual agreement between the County and the Cooperating Municipality, additional bus passenger shelters other than those in Attachment "A" may be installed. Any new approved shelters will be installed according to site suitability and passenger usage.

SECOND: The term of this Agreement shall be for five (5) years commencing on July 1, 2021 and expiring on June 30, 2026, which term coincides with the expiration of the License Agreement with the County Licensee (currently Signal Outdoor Advertising, LLC). A copy of the License Agreement is on file with the Westchester County Department of Public Works and Transportation ("WCDPWT") and may be examined by an authorized representative of the Cooperating Municipality upon reasonable notice to the County. This Agreement shall encompass presently existing bus passenger shelters and those constructed pursuant to the License Agreement.

THIRD: The design and installation of any bus passenger shelters to be erected within the Cooperating Municipality shall be similar to, but may vary in details from the design drawings entitled "Westchester County Bus Shelter Detail" and dated December, 2010, copies of which are on file with the Cooperating Municipality and the County (hereinafter the "Design Drawings"). In no event, however, shall the size and illumination of the advertising signs vary

from those shown in the Design Drawings without prior approval of the Cooperating Municipality.

Prior to the County's commencement of any work in connection with the design and construction of any new bus passenger shelters, the Cooperating Municipality shall convey to the County and its successors, assigns, invitees, contractors and agents, a non-exclusive easement, in substantially the form attached hereto as Attachment "B" (the "Easement"), in, upon, under and over any property interest of the Cooperating Municipality as depicted on the maps and legal descriptions contained in Schedule "A" to the Easement, attached hereto and made a part hereof, for the purpose of creating a financeable property interest allowing the County to issue tax exempt general obligation bonds to fund the design and/or construction of any new bus passenger shelters (the "County Bonds"). Said Easement shall be in effect for so long as the County Bonds are outstanding. Upon maturity or redemption of the County Bonds, the County's Easement will automatically terminate. The Cooperating Municipality acknowledges and agrees that the new bus passenger shelters shall be owned by the County. The Cooperating Municipality agrees to execute or cause to be executed any and all such documents as are necessary and appropriate to effectuate County ownership.

FOURTH: The revenue received by the County from the County Licensee shall be divided between the County and the Cooperating Municipalities on a 50/50 ratio. The share of the revenue due the Cooperating Municipality will be determined by the ratio of that number of shelters operated by the County Licensee and producing revenue in the Cooperating Municipality to the total County-wide number of shelters operated under the License Agreement during one annual payment period. Payment will be made by the County to the Cooperating Municipality on or around August 31st of each year of this Agreement, beginning on August 31, 2022.

FIFTH: Pursuant to the aforementioned License Agreement, or other written agreement, the County represents that the County Licensee shall be required to hold harmless and defend the Cooperating Municipality and its employees, officers and agents from all claims, suits and actions arising from the construction and maintenance of the shelters. The County represents that during the term of the aforementioned License Agreement, the Cooperating Municipality

shall be named as an additional insured under the insurance certificate provided by the County Licensee.

SIXTH: All advertising to be displayed on the bus passenger shelters will be submitted to the County Commissioner of WCDPWT for approval. The Cooperating Municipality agrees that this approval shall be sufficient approval for the display of such advertising within the Cooperating Municipality. The County agrees that no political or religious advertising shall be allowed. The County further agrees that no advertising for tobacco products will be allowed, nor shall the County accept any advertising which does not meet reasonable standards of good taste.

SEVENTH: The County shall use reasonable efforts to ensure that the County Licensee shall maintain all shelters in good condition. In accordance with the aforementioned License Agreement, the County Licensee shall clean each shelter on a regular basis, and shall be required to repair any damaged shelter.

EIGHTH: During the term of this Agreement, the Cooperating Municipality shall not enter into bus shelter advertising programs on its own. The Cooperating Municipality shall waive all municipal fees for the bus shelters.

NINTH: If during the term of this Agreement any bus passenger shelter is required to be removed or relocated for any reason at the request of the Cooperating Municipality and upon approval of the County, said approved removal or relocation shall be done only by the County Licensee or the County and/or its contractors.

TENTH: This Agreement and its attachments constitute the entire Agreement between the parties with respect to the subject matter hereof and shall supersede all previous negotiations, commitments and writings. It shall not be released, discharged, changed or modified except by an instrument in writing signed by a duly authorized representative of each of the parties.

ELEVENTH: All notices of any nature referred to in this Agreement shall be in writing and either sent by registered or certified mail postage pre-paid, or delivered by hand or overnight

courier, as set forth below or to such other addresses as the respective parties hereto may designate in writing. Notice shall be effective on the date of receipt. Notices shall be sent to the following:

To the County:

Commissioner
Department of Public Works & Transportation
County of Westchester
Michaelian Office Building, Room 500
148 Martine Avenue
White Plains, New York 10601

with a copy to:

County Attorney
Michaelian Office Building, Room 600
148 Martine Avenue
White Plains, New York 10601

To the Municipality:

TWELFTH: This Agreement shall not be enforceable until signed by both parties and approved by the Office of the County Attorney.

THIRTEENTH: This Agreement may be executed simultaneously in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument. This Agreement shall be construed and enforced in accordance with the laws of the State of New York.

FOURTEENTH: In the event of any conflict between the terms of this Agreement and those of its attachments, the terms of the Agreement shall control.

[NO FURTHER TEXT ON THIS PAGE. SIGNATURE PAGE FOLLOWS.]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in triplicate.

THE COUNTY OF WESTCHESTER

By: _____
Hugh J. Greechan, Jr., P.E.
Commissioner of Public Works And
Transportation

COOPERATING MUNICIPALITY

By: _____

(Name & Title)

Authorized by the Board of Legislators of the County of Westchester pursuant to Act No. 152-2021 adopted on the 20th day of September, 2021.

Authorized by the governing board of the Cooperating Municipality on the ____ day of _____, 20__.

Approved:

Sr. Assistant County Attorney
County of Westchester

Corporate Counsel
Cooperating Municipality

MUNICIPALITY'S ACKNOWLEDGEMENT

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

On this _____ day of _____, 20____, before me personally came
_____, to me known, and known to me to be the
_____ of _____,
the municipal corporation described in and which executed the within instrument, who being by me duly sworn did
depose and say that he, the said _____ resides at

and that he is _____ of said municipal corporation.

Notary Public County

CERTIFICATE OF AUTHORITY

(Municipality)

I, _____,
(Officer other than officer signing contract)

certify that I am the _____ of the
(Title)

(Name of Municipality)

(the "Municipality") a corporation duly organized in good standing under the

(Law under which organized, e.g., the New York Village
Law, Town Law, General Municipal Law)

named in the foregoing agreement that _____
(Person executing agreement)

who signed said agreement on behalf of the Municipality was, at the time of execution
_____ of the Municipality,
(Title of such person),

that said agreement was duly signed for on behalf of said Municipality by authority of its

(Town Board, Village Board, City Council)

thereunto duly authorized, and that such authority is in full force and effect at the date hereof.

(Signature)

STATE OF NEW YORK)

ss.:

COUNTY OF WESTCHESTER)

On this _____ day of _____, 20____, before me personally came _____
_____ whose signature appears above, to me known, and know to be the
_____ of _____,
(title)

the municipal corporation described in and which executed the above certificate, who being by me duly
sworn did depose and say that he, the said _____
resides at _____, and that
he is the _____ of said municipal corporation.
(title)

Notary Public County

ATTACHMENT "A"

[LIST OF SHELTERS LOCATED IN MUNICIPALITY TO BE INSERTED.]

ATTACHMENT "B"

SAMPLE EASEMENT

THIS EASEMENT AGREEMENT, made the ____ day of _____, 20__, by

THE CITY, TOWN OR VILLAGE, a municipal corporation of the State of New York, having an office and place of business at **ADDRESS** (hereinafter referred to as the "Grantor" or the "Municipality"),

and

THE COUNTY OF WESTCHESTER, a municipal corporation of the State of New York, having an office and place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601 (hereinafter referred to as the "County" and/or the "Grantee").

W I T N E S S E T H:

WHEREAS, Grantor is the owner of the fee title of those certain parcels of real property located in the **[Insert Municipality Name]**, New York and identified on the tax maps of the Town as: Section __, Block __, Lot __, which real property is more particularly described in Schedule "A," which is annexed hereto and made a part hereof (the "Subject Property").

That the Grantor in consideration of the sum of One (\$1.00) Dollar lawful money of the United States, paid by the Grantee, receipt of which is hereby acknowledged, does hereby grant and release unto the Grantee, its successors and assigns, a non-exclusive easement (the "Easement") in, on, over, under and through the Subject Property, as more particularly described in Schedule "A" which is attached hereto and made a part hereof for the purpose of accessing, constructing, operating, maintaining, repairing, replacing, inspecting, and/or restoring certain improvements (the "Improvements") as described in a separate inter-municipal agreement between the Grantor and Grantee, to construct, operate, maintain, repair, replace, inspect, and/or restore the Improvements.

The Easement granted herein is subject to the following restrictions:

The Grantor covenants that, until such time as the Bonds (defined below) have matured or been fully redeemed, neither it, nor its successors or assigns, shall do anything, or allow anything to be done, which in the reasonable opinion of the County would injure, endanger, impede use of or impair the Improvements in any material respect, or the operation thereof, located within the Subject Property.

The Grantor acknowledges that the easement rights of the County granted herein regarding the Improvements constructed in, on, over, under or through the Subject

Property shall encumber such Improvements for so long as the bonds of the County (the "Bonds"), which made funds available for said Improvements are outstanding, pursuant to the terms of a certain inter-municipal agreement by and between the Municipality and the County. The Grantee shall not interfere with or disturb the construction, use, operation, maintenance or repair of any improvements now or hereafter situated within or upon the Subject Property.

The Easement shall run with the land and the provisions contained herein shall be binding upon and inure to the benefit of and be enforceable by the County, its successors and assigns until the Bonds have matured or been fully redeemed.

TO HAVE AND TO HOLD the Easement granted herein unto the County, its successors and assigns, until such time as the Bonds have matured or been fully redeemed.

IN WITNESS WHEREOF, the Grantor has executed this instrument the day and year first above written.

[GRANTOR MUNICIPALITY]

By: _____

COUNTY OF WESTCHESTER

By: _____

Record and Return to:

MUNICIPALITY'S ACKNOWLEDGMENT

STATE OF NEW YORK)
 ss.:
COUNTY OF WESTCHESTER)

On the _____ day of _____ in the year 20__ before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument; and, acknowledged if operating under any trade name, that the certificate required by the New York State General Business Law Section 130 has been filed as required therein.

Signature and Office of individual
taking acknowledgment

COUNTY'S ACKNOWLEDGMENT

STATE OF NEW YORK)
 ss.:
COUNTY OF WESTCHESTER)

On the _____ day of _____ in the year 20__ before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument; and, acknowledged if operating under any trade name, that the certificate required by the New York State General Business Law Section 130 has been filed as required therein.

Signature and Office of individual
taking acknowledgment

SCHEDULE "A"

[Legal Description of the Easement.]

COMMUNITY	NUMBER	ON STREET	CROSS STREET	LOCATION
Rye	R01	Rye Railroad Station		



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: January 28, 2022

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Consideration of a request by the American Legion Post 128 and the Ladies Auxiliary of Post 128 to approve a parade to commemorate Memorial Day to be held on Monday, May 30, 2022 from 9:00 a.m. to 10:30 a.m.

FOR THE MEETING OF:

February 2, 2022

RECOMMENDATION: That the Council consider granting the request.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:

The American Legion Post 128 and the Ladies Auxiliary of Post 128 is requesting the Council approve a parade to commemorate Memorial Day to be held on Monday, May 30, 2022 from 9:00 a.m. to 10:30 a.m.

See attached request from Tim Moynihan of Rye American Legion Post 128.

Timothy Moynihan <timmo@broadcom.com>
Mon 1/31/2022 11:35 AM

To: Ruttenberg, Noga P.; frederickdebarros@gmail.com

Hi Noga,

Please see our requests below:

1. Parade

The Rye American Legion Post 128 Auxiliary respectfully requests to have a parade from Rye train station to Rye City Hall on Memorial Day, May 30, 2022. We plan to assemble at the train station around 8:30 and for the march to begin at 9:00. We would then proceed down Purchase Street to Rye City Hall for the ceremony.

2. Ceremony

Rye American Legion Post 128 plans to conduct its usual Memorial Day observance on Monday, May 30, 2022. We request to use the Village Green for the Memorial Day ceremony. Kindly grant us permission to use the Village Green for that purpose.

The ceremony will commence at 10:30 AM and will last for approximately one hour. Please provide a speakers' stand, PA system, and seating. Would you also be kind enough to see that City Hall's doors are unlocked so that members of the gathering have access to rest rooms?

Thank you for your assistance.

Sincerely,

Tim Moynihan
Rye American Legion Post 128 Adjutant

Phone: (914) 420-5264



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: January 28, 2022

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Consideration of request by the American Legion Post 128 to use the Village Green to hold their Memorial Day Ceremony on Monday, May 30, 2022, from 10:30 a.m. to 11:30 a.m.

FOR THE MEETING OF:
February 2, 2022

RECOMMENDATION: That the City Council approve the request.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☒ Other:

BACKGROUND:

This event is held annually on the Village Green without incident, complaints, or problems.



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: January 28, 2022

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Consideration of a request by the American Legion Post 128 and the Ladies Auxiliary of Post 128 to have a food truck at the Memorial Day event to be held on Monday, May 30, 2022 from 9 a.m. to 12 p.m.

FOR THE MEETING OF:

February 2, 2022

RECOMMENDATION: That the Council consider granting the request.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND:

The American Legion Post 128 and the Ladies Auxiliary of Post 128 will host the parade and event to commemorate Memorial Day on Monday, May 30, 2022 from 9 a.m. to 12 p.m. They are requesting approval from the City Council for a food truck to be set up on Haviland Lane for the duration of the event.

Re: Memorial Day

TM

Timothy Moynihan <timmy@aol.com>
Mon 1/31/2022 2:12 PM

To:

Ruttenberg, Noga P.

Yes please

-----Original Message-----

From: Ruttenberg, Noga P. <nruttenberg@ryeny.gov>
To: Timothy Moynihan <timmy@aol.com>
Sent: Mon, Jan 31, 2022 2:04 pm
Subject: Re: Memorial Day

Yes to food truck?

On Jan 31, 2022, at 12:14 PM, Timothy Moynihan <timmy@aol.com> wrote:

Oh yes, please. Thanks very much, Tim

-----Original Message-----

From: Ruttenberg, Noga P. <nruttenberg@ryeny.gov>
To: Timothy Moynihan <timmy@aol.com>
Sent: Mon, Jan 31, 2022 11:41 am
Subject: Re: Memorial Day

Thank you so much! So no food truck request this year?



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: February 2, 2022

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Consideration of a request by the Rye Free Reading Room (RFRR) for use of the Village Green on Wednesday, May 18, 2022 at 7pm, with a rain date of Thursday, May 19 at 7pm to offer a community program of conversation and support for teens and adults in partnership with Rye Youth Council, pRYEd, the Rye High School GSA, and RyeACT.

FOR THE MEETING OF:

February 2, 2022

RECOMMENDATION: That the City Council grant this request.

Resolved that the City Council authorizes use of the Village Green.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND:

See attached request from the RFRR.



January 24, 2022

Honorable Joshua Cohn, Mayor
Rye City Council

Dear Mayor Cohn:

The Rye Free Reading Room respectfully requests the use of the Village Green to offer a community program of conversation and support for teens and adults in partnership with Rye Youth Council, pRYEd, the Rye High School GSA, and RyeACT.

The event is scheduled for Wednesday, 5/18 @7pm, with a rain date of Thursday, 5/19 @7pm.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Shoemaker', with a long horizontal flourish extending to the right.

Chris Shoemaker
Library Director