

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

**REGULAR MEETING OF THE CITY COUNCIL  
COUNCIL CHAMBERS, CITY HALL  
Wednesday, October 18, 2023  
6:30 p.m.**

*Please note: The Council will convene at 5:30 p.m. and it is expected they will adjourn into Executive Session at 5:31 p.m. to discuss pending litigation, personnel matters, and pending contracts.*

1. Pledge of Allegiance.
2. Roll Call.
3. Draft unapproved minutes of the Regular Meeting of the City Council held October 4, 2023.
4. Flooding Update.
5. Consideration of a Resolution adopting a SEQR Negative Declaration and Finding of LWRP Coastal Consistency for the construction of new sidewalks on Forest and Manursing Avenues.
6. Consideration of a resolution to establish the 2024 Budgeted Fees and Charges for the Boat Basin.
7. Overview of 2023 Boat Basin and Channel Dredge.
8. Consideration of a resolution to complete the funding mechanism for the Boat Basin Dredge Project.
9. Continue the public hearing to amend Chapter 177 "Taxation", Article III, "Senior Citizens Exemption" to alter the income calculation used to determine exemptions.
10. Continue the public hearing to amend Chapter 177 "Taxation", Article VIII, "Exemption for Persons with Disabilities and Limited Incomes" to alter the income calculation used to determine exemptions.
11. Members of the public may be heard on matters for Council consideration that do not appear on the agenda.
12. Consideration of a request from SOUL RYEDERS for use of City streets on Sunday, May 19, 2024, from 7:30 am – 11:00 am for a half-marathon/5k fundraising event.

13. Acknowledgement of Milena Jovanovic as a new Volunteer Fire Fighter.
14. Old Business/New Business.
15. Adjournment

\* \* \* \* \*

The next regular meeting of the City Council will be held on Wednesday, November 8, 2023, 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](http://www.ryeny.gov) under "RyeTV Live".

***UNAPPROVED MINUTES*** of the Regular Meeting of  
the City Council of the City of Rye held in City Hall on  
October 4, 2023, at 7:00 P.M.

PRESENT:

JOSH COHN, Mayor  
LORI FONTANES  
BILL HENDERSON  
CAROLINA JOHNSON  
JOSHUA NATHAN  
JULIE SOUZA  
Councilmembers

ABSENT:

BENJAMIN STACKS  
Councilman

ALSO ATTENDING:

GREG USRY, CITY MANAGER  
KRISTEN WILSON, CORPORATION COUNSEL  
BRIAN SHEA, ASSISTANT CITY MANAGER  
CHRISTIAN MILLER, CITY PLANNER

The Council convened in a public meeting at 7:00 P.M. There was no Executive Session. The meeting was streamed live at [www.ryeny.gov](http://www.ryeny.gov) for public viewing.

1. [Pledge of Allegiance.](#)

Mayor Cohn led the Pledge of Allegiance.

2. [Roll Call.](#)

The Interim City Clerk called the roll and there was a quorum.

3. [Amend the approved City Council minutes of August 9, to the extent of reflecting that Councilwoman Fontanes, Councilwoman Johnson, Councilman Nathan and Mayor Cohn were present and participated in the Special City Council Meeting held on June 30, 2023 and the material underlined in brackets is deleted: \[Because there were only four Councilmembers present at this meeting, all four members needed to be present at the meeting where the vote was to be taken on this matter. Councilwoman Souza was absent at the August 9th meeting, therefore there was an absence of a quorum for this matter and a vote could not be taken.\]](#)

On motion by Councilman Nathan, seconded by Councilwoman Johnson, it was

**UNAPPROVED MINUTES** – Regular Meeting - City Council  
October 4, 2023

RESOLVED to amend the approved City Council minutes of August 9, to the extent of reflecting that Councilwoman Fontanes, Councilwoman Johnson, Councilman Nathan and Mayor Cohn were present and participated in the Special City Council Meeting held on June 30, 2023 and the material underlined in brackets is deleted: [Because there were only four Councilmembers present at this meeting, all four members needed to be present at the meeting where the vote was to be taken on this matter. Councilwoman Souza was absent at the August 9th meeting, therefore there was an absence of a quorum for this matter and a vote could not be taken.]

Adopted by the following vote:

AYES: Councilpersons Fontanes, Henderson, Johnson, Nathan, Stacks, Souza  
Mayor Cohn  
NAYS: None  
ABSENT: Councilman Stacks

4. [Draft unapproved minutes of the Regular Meeting of the City Council held September 13, 2023.](#)

On motion by Councilwoman Souza, seconded by Councilwoman Johnson, it was

Adopted by the following vote:

AYES: Councilpersons Fontanes, Henderson, Johnson, Nathan, Stacks, Souza  
Mayor Cohn  
NAYS: None  
ABSENT: Councilman Stacks

5. [Flooding Update](#)

Assistant City Manager, Brian Shea, spoke regarding the flooding from the storm that happened on Friday, September 30.

Todd Smith, 241 Forest Avenue, spoke about flooding in Rye as well as draining, suggesting possible solutions.

6. [Consultant presentation of latest revised plans and alternatives for the construction of new sidewalks on Forest and Manursing Avenues.](#)

City Planner, Christian Miller, introduced the City's engineering consultant, Creighton Manning, to present the latest revised plans and alternatives for the construction of new sidewalks on Forest and Manursing Avenues. The following residents spoke on the matter:

- Caitlin Layng, 4 Fieldstone Road
- Julie Schmidt, 329 Forest Avenue



***UNAPPROVED MINUTES*** – Regular Meeting - City Council  
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- James Ward, 50 Reymont Avenue

On motion of Councilwoman Souza, seconded by Councilwoman Fontanes, it was

RESOLVED to approve the latest proposed plans dated August 25, 2023, for the Forest Avenue Improvement Project including the alternative location of the sidewalk on the south side of Manursing Avenue between Forest and Davis Avenues.

Adopted by the following vote:

ROLL CALL

AYES: Councilpersons Fontanes, Henderson, Johnson, Nathan, Souza  
Mayor Cohn  
NAYS: None  
ABSENT: Councilman Stacks

7. [Consideration of a Resolution adopting a SEQR Negative Declaration and Finding of LWRP Coastal Consistency.](#)

This agenda item was adjourned to the October 18, 2023 meeting.

8. [Open a public hearing to amend Chapter 177 “Taxation”, Article III, “Senior Citizens Exemption” to alter the income calculation used to determine exemptions.](#)

On motion of Councilwoman Souza, seconded by Councilwoman Johnson, the hearing was opened.

On motion of Councilwoman Souza, seconded by Councilman Johnson, the hearing was adjourned to the October 18, 2023 meeting.

9. [Open a public hearing to amend Chapter 177 “Taxation”, Article VIII, “Exemption for Persons with Disabilities and Limited Incomes” to alter the income calculation used to determine exemptions.](#)

On motion of Councilwoman Johnson, seconded by Councilwoman Souza, the hearing was opened.

On motion of Councilwoman Johnson, seconded by Councilman Souza, the hearing was adjourned to the October 18, 2023 meeting.

10. Members of the public may be heard on matters for Council consideration that do not appear on the agenda.

No members of the public spoke.

11. [Approve appointments to the Boat Basin Commission.](#)

The Council acknowledged the appointment of Tara Kaplan to the Boat Basin Commission.

12. [CONSENT AGENDA](#)

- a) Consideration of a request by the Rye YMCA to use City streets for the 36th Annual Rye Derby on Sunday, April 24, 2024, from 7:00 a.m. to 10:30 a.m. As part of the request, the Rye YMCA would like to restrict parking on Purchase St and Locust Ave for the same time period.
- b) Consideration of a request by the American Legion Post 128 to conduct its usual Veterans' Day observance on the Village Green on Saturday, November 11, 2023, from 10:30 a.m. to 11:30 a.m. In case of rain, the American Legion Post 128 requests the use of City Hall on that date and time.
- c) Consideration of request from the Rye Free Reading Room to use the Village Green on Friday, September 13, 2024, through Monday, September 16, 2024. The book fair will take place from 12 - 5 pm on that Saturday and Sunday.
- d) Consideration of a request by the Rye Free Reading Room for the use of the Village Green, City Hall Parking and Haviland Lane lot to host the Annual Vehicle Fair Sunday, May 19, 2024, from 11:00 a.m. to 3:00 p.m.
- e) Consideration of a request by the Rye Free Reading Room to have three food trucks at the Annual Vehicle Fair on Sunday, May 21, 2024, from 11:00 a.m. to 3:00 p.m. The City Council will have to waive § 144-8D and G of the City Code.
- f) Consideration of a request from the Rye Free Reading Room (RFRR) to use the Village Green for various events on various days from July 2, 2024 – October 1, 2024.

On motion by Councilwoman Souza, seconded by Councilwoman Johnson, it was

RESOLVED to approve all Consent Agenda items.

Adopted by the following vote:

AYES:	Councilpersons Fontanes, Henderson, Johnson, Nathan, Stacks, Souza Mayor Cohn
NAYS:	None

***UNAPPROVED MINUTES*** – Regular Meeting - City Council  
October 4, 2023

ABSENT: Councilman Stacks

13. Old Business/New Business.

Nothing for Old Business/New Business.

14. Adjournment

On motion of Councilwoman Johnson made a motion, seconded by Councilwoman Souza, to adjourn the meeting at 8:20 P.M. The Council was in favor and the meeting was adjourned.

Respectfully submitted,

Kayla Garritano  
Interim City Clerk



# CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Flooding update.

**FOR THE MEETING OF:**

October 18, 2023

**RECOMMENDATION:** That the City Council hear the update.

**IMPACT:** ☒ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

**BACKGROUND:**



# CITY COUNCIL AGENDA

DEPT.: Planning

DATE:

CONTACT: Christian Miller, City Planner

**AGENDA ITEM:**

Consideration of a resolution adopting a SEQR Negative Declaration and Finding of LWRP Coastal Consistency in connection with the construction of new sidewalks on Forest and Manursing Avenues.

**FOR THE MEETING OF:**

October 18, 2023

**RECOMMENDATION:** The City Council should select the preferred alternative and adopt the attached resolution.

**IMPACT:** ☒ Environmental ☒ Fiscal ☒ Neighborhood ☐ Other:

**BACKGROUND:**

In October 2022, the City's engineering consultant, Creighton Manning, completed [draft plans](#) for new sidewalks and other pedestrian improvements on Forest Avenue and Manursing Avenues between Apawamis and Davis Avenues. On November 16, 2022, City staff and its consultants conducted a meeting with neighbors immediately adjacent to or on the opposite side of the proposed sidewalk to review and discuss the draft plan. Approximately 20 residents attended the [November meeting at the Damiano Center](#) and raised a [number of questions, comments and concerns](#). At its January 18, 2023 meeting, the City Council was provided with a presentation of the latest plans from the City's consultant and heard public comments. At the Council's February 1, 2023 meeting the action was referred to the Planning Commission for an advisory coastal consistency review, which found the project to be consistent with the 44 policies of the LWRP February 14, 2023 meeting.

The attached resolution, negative declaration and supporting LWRP forms and EAF were presented to the City Council at its last meeting. These forms have been revised to reflect the comments of the City Council for reconsideration for the October 18 meeting including changes to the Part I of the EAF to indicate that the project area is "suburban" rather than "urban", updated the project summary on the EAF to indicate that the sidewalk is proposed on the south side of Manursing Ave., revised the consistency application to indicate that a wall is proposed and added signatures to the documents.

## **RESOLUTION**

### **Adoption of a SEQRA Negative Declaration and Determination of LWRP Coastal Consistency in Connection with the Construction of New Sidewalks on Forest and Manursing Avenues Between Apawamis and Davis Avenues**

WHEREAS, on September 18, 2019, the Rye City Council adopted a resolution accepting a grant to implement the Forest Avenue Corridor Accessibility Improvement Project in the City of Rye, Westchester County, PIN 8762.52 (the "Project"); and

WHEREAS, the Project involves the construction of new sidewalks and other pedestrian improvements on Forest Avenue and Manursing Avenues between Apawamis and Davis Avenues; and

WHEREAS, the Proposed Action is located within the Waterfront Revitalization Area Boundary as identified in the City's 1991 Local Waterfront Revitalization Program (LWRP); and

WHEREAS, as required by Chapter 73, *Coastal Zone Management Waterfront Consistency Review*, of the Rye City Code, the Planning Commission is required to provide an advisory opinion to the City Council as to the consistency of the Proposed Action with the policies of the LWRP; and

WHEREAS, at its February 1, 2023, meeting, the City Council declared its intent to be Lead Agency with respect to the State Environmental Quality Review (SEQR) and referred the Proposed Action to the Planning Commission for its advisory review and comment; and

WHEREAS, in at its February 14, 2023, meeting, the Planning Commission found that the Proposed Action is consistent with the 44 policies of the City's LWRP; and

WHEREAS, an Environmental Assessment Form was presented to the City Council; and

WHEREAS, after circulation of a notice of intent and having no objection from any involved agency, the City Council hereby declares that it is the Lead Agency for the environmental review of this proposed action; and

WHEREAS, the City Council has reviewed the Environmental Assessment Form (EAF), LWRP Coastal Consistency Application, Coastal Assessment Form and the latest revised plans; and

WHEREAS, as part of its review and deliberations the City Council considered public comments at its January 18, February 1, October 4, 2023 and October 18, 2023 meetings;

NOW, THEREFORE, BE IT RESOLVED, that the City Council based on its review of the Environmental Assessment Form (EAF), the criteria listed in Section 617.7(c) of SEQRA and the complete record, the City Council finds that the proposed action will not have a significant adverse environmental impact and hereby issues a Negative Declaration; and

BE IT FURTHER RESOLVED that the City Council finds that based on its review of the coastal consistency application, the City's LWRP and the advisory opinion of the Rye City Planning Commission that the proposed action is consistent with the coastal consistency policies of the City's LWRP and the provisions of Chapter 73, *Coastal Zone Management Waterfront Consistency Review*, of the Rye City Code; and

BE IT FURTHER RESOLVED that the City Council authorizes the submission of the preliminary design report to the New York Department of Transportation (NYSDOT) for their review and approval.

x:\04-paving, curbs, sidewalks\sidewalks, curbs, and right of way\forest avenue sidewalks\seqr and lwrp\forest sidewalk neg dec and lwrp resolution 2023-10-04.docx

State Environmental Quality Review  
**NEGATIVE DECLARATION**  
Notice of Determination of Non-Significance

Project Number: N/A

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The **Rye City Council** as lead agency, has determined that the proposed action described below will not have a significant adverse environmental impact and a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** Forest Avenue Sidewalks (NYSDOT PIN 8762.52)

**SEQR Status:**

Type I  
Unlisted

☐  
☒

**Conditioned Negative Declaration:**

☐ Yes (see attachment)  
☒ No

**Description of Action:**

The proposed action involves the construction of approximately 4,300 l.f. of new sidewalk on Forest and Manursing Avenues connecting Apawamis and Davis Avenues. The project includes pedestrian activated flashing beacons (RRFB) at selected crosswalks, curbing and drainage improvements. A total of nine (9) trees are anticipated to require removal. The proposed action would create a sidewalk where none exists today and connect to existing sidewalks at Davis/Manursing and Forest/Apawamis. This section of Forest Avenue experiences high volumes of pedestrian and vehicular activity and lacks a dedicated walkway. The sidewalk design was selected as the preferred alternative from the 2016 *Forest Avenue/Manursing Avenue Pedestrian Improvement Study* and was reviewed by the Lead Agency and public at multiple public meetings during the design process from October 2022 to October 2023.

**Location:** (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

Forest and Manursing Avenue between Apawamis and Davis Avenues,  
City of Rye, Westchester County, New York



**Reasons Supporting This Determination:**

(See 617.7(a)-(c) for requirements of this determination; see 617.7 (d) for Conditioned Negative Declaration)

Based on the review of the Environmental Assessment Form (EAF), the criteria listed in Section 617.7(c) of SEQRA and the complete record, the Lead Agency finds that the proposed action will not have a significant adverse environmental impact due to the extent of the proposed improvements, the modest nature of reasonably expected impacts, modifications in the project design to reduce anticipated impacts and implementation of mitigation measures. More specifically, the Lead Agency finds that the proposed action will not have an adverse impact on any of the indicators of potential environmental impact listed in Sections 617.7(c)(1)(i) through (xii).

**If Conditioned Negative Declaration**, provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of publication in the ENB)

**For Further Information:**

Contact Person: Christian K. Miller, City Planner

Address: 1051 Boston Post Road, Rye, New York 10580

Telephone: (914) 967-7167 email: [cmiller@ryeny.gov](mailto:cmiller@ryeny.gov)

**A Copy of this Notice is sent to:**

*Lead Agency (For All Actions):*

☒ Rye City Council

*Involved Agencies (For Type I Actions and Conditioned Negative Declarations only):*

- ☐ Rye City Council
- ☐ City of Rye Zoning Board of Appeals, c/o Rye City Clerk
- ☐ City of Rye Board of Architectural Review, c/o Rye City Building Inspector
- ☐ Westchester County Department of Health
- ☐ Westchester County Department of Planning
- ☐ Westchester County \_\_\_\_\_
- ☐ New York State Department of State, Division of Coastal Resources
- ☐ New York State Department of Environmental Conservation Regional Office
- ☒ New York State Department of Transportation
- ☐ \_\_\_\_\_
- ☐ \_\_\_\_\_

*For All Type I Actions and Conditioned Negative Declarations:*

- ☐ Mayor of Rye, c/o Rye City Clerk
- ☐ ENB
- ☐ Applicant: \_\_\_\_\_
- ☐ Person(s) requesting a copy: \_\_\_\_\_

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DESIGN SUPERVISOR D. ADAMS  
JOB MANAGER J. ANDERSON  
DESIGN M. VAN WIE  
CHECK J. ANDERSON  
DRAFTING K. DETRICK  
CHECK D. BORIAS  
PROJECT MANAGER J. ANDERSON

AFFIX SEAL: DONALD ADAMS, P.E.  
ON:

ALTERED BY:  
ON:

DRAFT  
NOT FOR  
CONSTRUCTION

NOTES:  
1. CONTRACTOR SHALL COORDINATE REMOVAL OF LANDSCAPE ROCKS WITH PROPERTY OWNER. IF PROPERTY OWNER REQUESTS TO KEEP LANDSCAPE ROCKS, CONTRACTOR SHALL RELOCATE ROCKS TO A LOCATION OUTSIDE HIGHWAY BOUNDARY. COST OF REMOVAL OR RELOCATION OF LANDSCAPE ROCKS TO BE INCLUDED IN ITEM 203.02.

AS-BUILT REVISIONS  
DESCRIPTION OF ALTERATIONS:

FOREST AVENUE CORRIDOR ACCESSIBILITY IMPROVEMENTS  
COUNTY: WESTCHESTER  
REGION: 8

PIN 8762.52

BRIDGES

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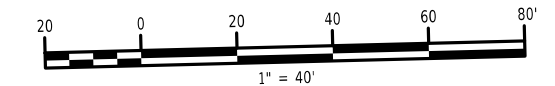
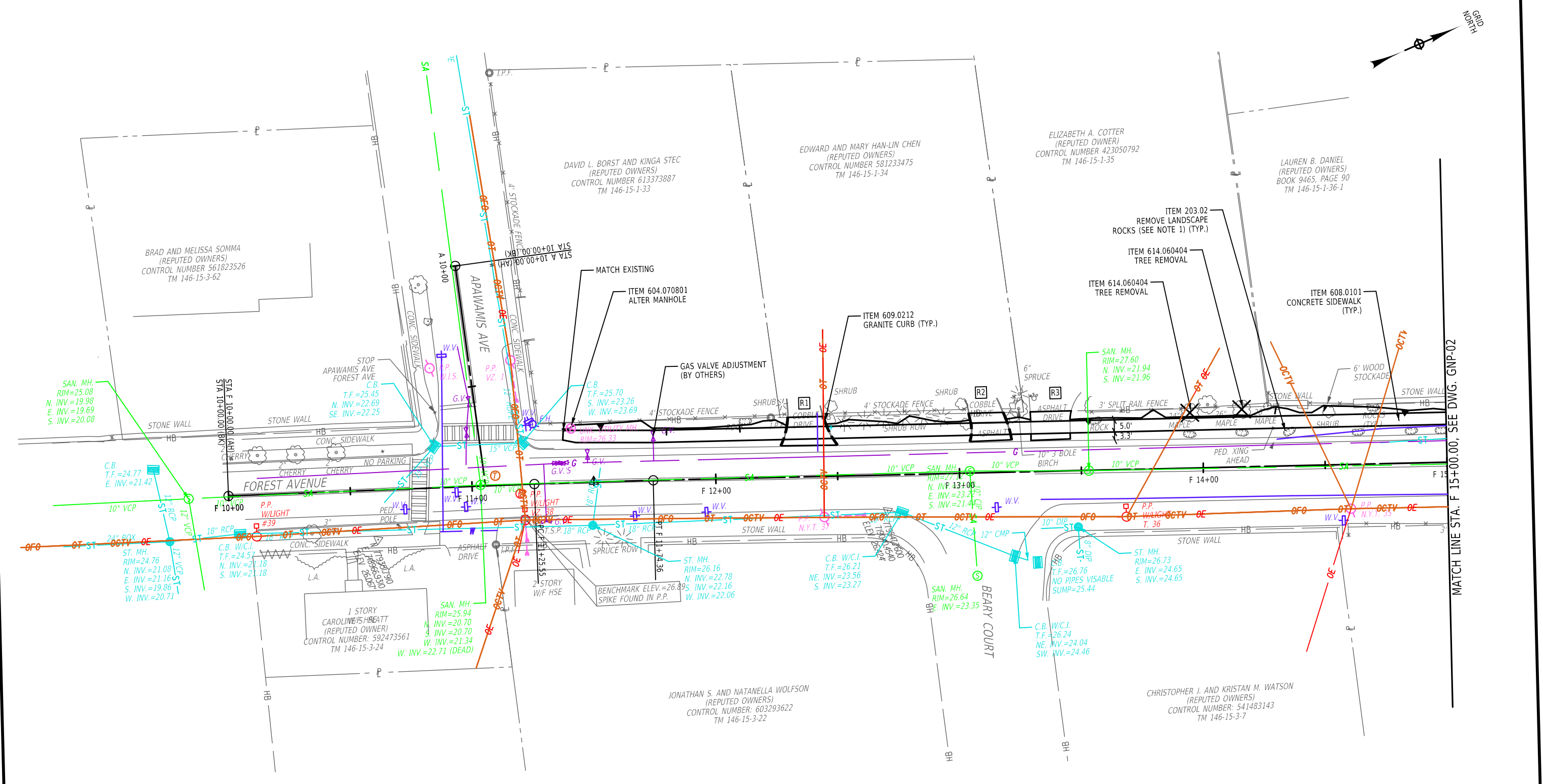
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CONTRACT NUMBER  
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DRAWING NO. 101

GENERAL PLAN

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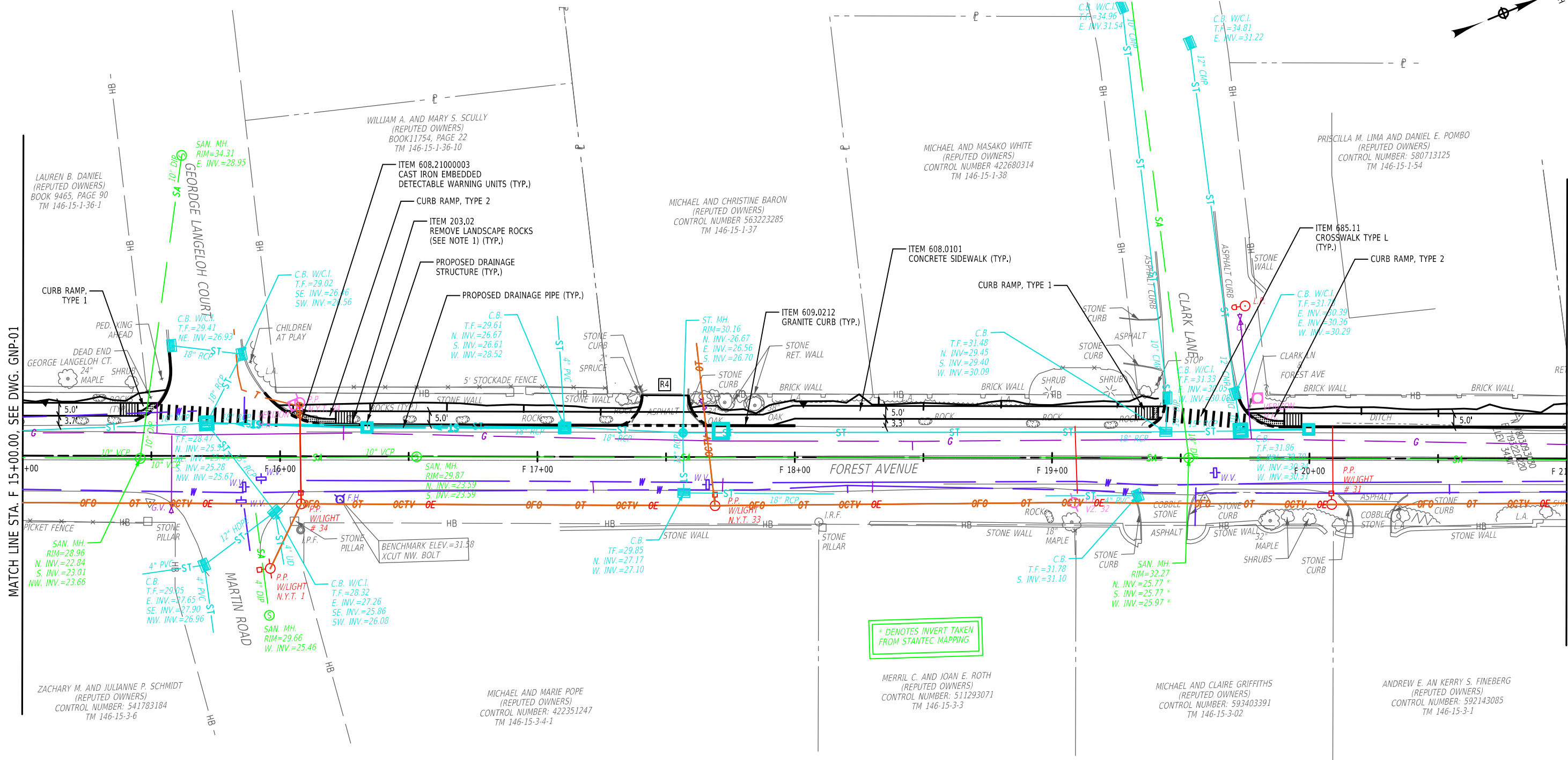


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JOB MANAGER J. ANDERSON  
DESIGN M. VAN WIE  
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CHECK D. BORJAS  
PROJECT MANAGER J. ANDERSON

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\* DENOTES INVERT TAKEN FROM STANTEC MAPPING

AFFIX SEAL: DONALD ADAMS, P.E.  
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DRAFT  
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AS-BUILT REVISIONS  
DESCRIPTION OF ALTERATIONS:

FOREST AVENUE CORRIDOR ACCESSIBILITY IMPROVEMENTS

PIN 8762.52

BRIDGES

CULVERTS

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CONTRACT NUMBER

GENERAL PLAN

DRAWING NO. GNP-02  
SHEET NO.

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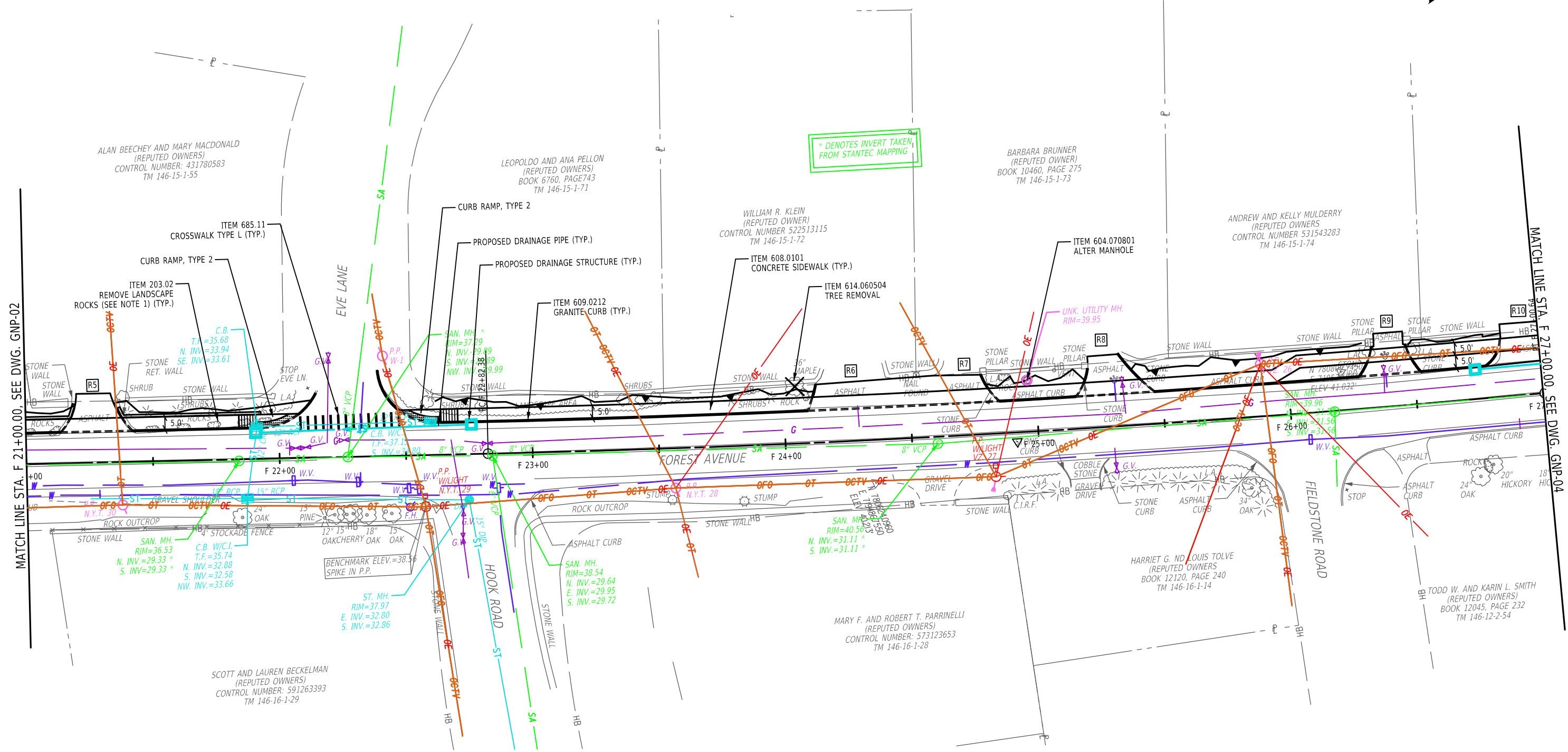


CITY OF RYE  
WESTCHESTER COUNTY,  
NEW YORK



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AS-BUILT REVISIONS  
DESCRIPTION OF ALTERATIONS:

FOREST AVENUE CORRIDOR ACCESSIBILITY IMPROVEMENTS

PIN 8762.52

COUNTY: WESTCHESTER

REGION: 8

BRIDGES

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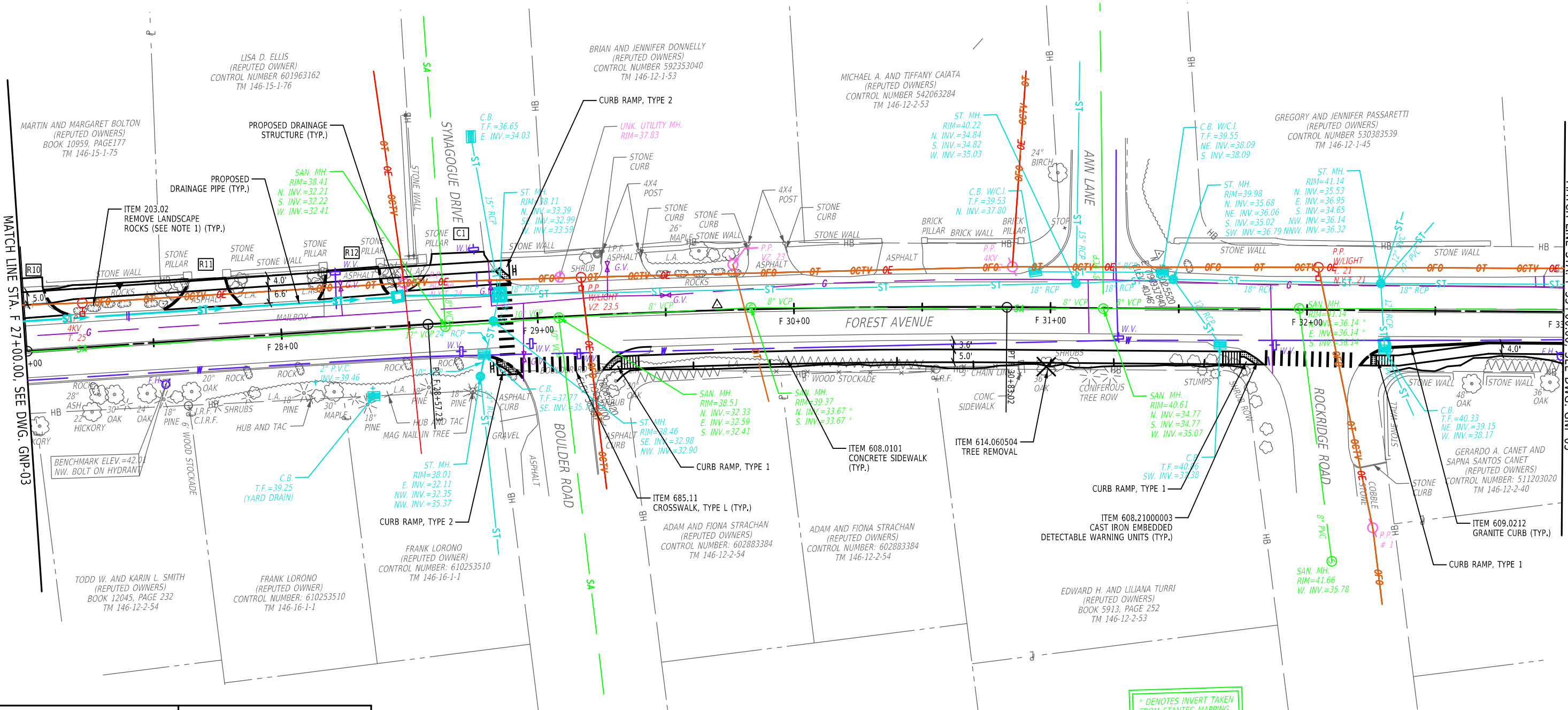
GENERAL PLAN

Creighton Manning

CITY OF RYE  
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AS-BUILT REVISIONS  
DESCRIPTION OF ALTERATIONS:

FOREST AVENUE CORRIDOR ACCESSIBILITY IMPROVEMENTS

PIN 8762.52

BRIDGES

CULVERTS

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CONTRACT NUMBER

GENERAL PLAN

DRAWING NO. GNP-04  
SHEET NO.

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Creighton Manning



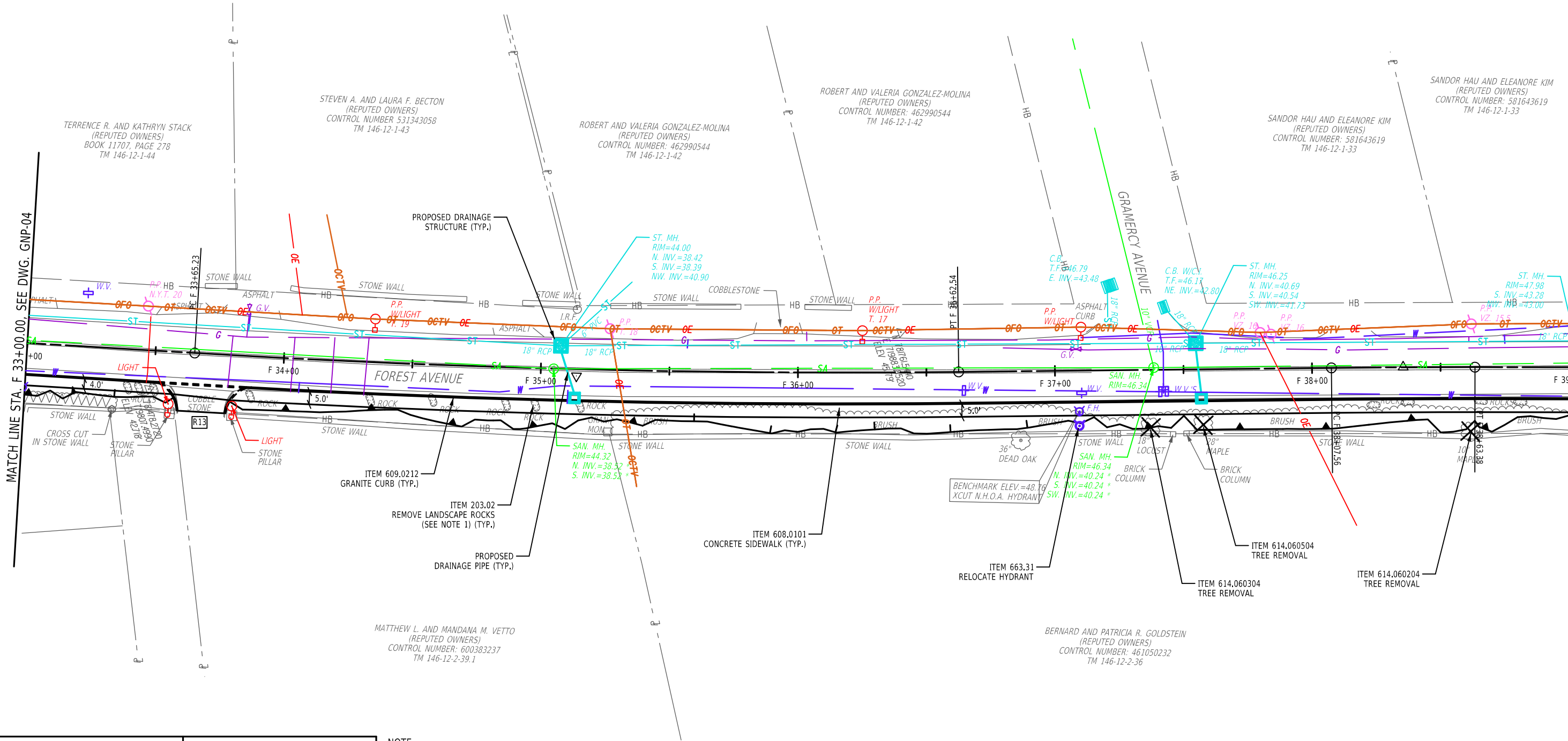
CITY OF RYE  
WESTCHESTER COUNTY,  
NEW YORK

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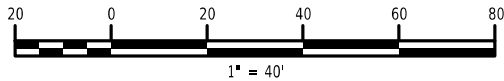
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NOTE:  
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AS-BUILT REVISIONS DESCRIPTION OF ALTERATIONS:	FOREST AVENUE CORRIDOR ACCESIBILITY IMPROVEMENTS	PIN 8762.52	BRIDGES	CULVERTS	ALL DIMENSIONS IN ft UNLESS OTHERWISE NOTED	CONTRACT NUMBER
					GENERAL PLAN	DRAWING NO. GNP-05 SHEET NO.
COUNTY: WESTCHESTER		REGION: 8				

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OR LAND SURVEYOR, TO ALTER AN ITEM IN ANY WAY. IF AN ITEM BEARING THE STAMP OF A LICENSED PROFESSIONAL IS ALTERED, THE ALTERING ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OR LAND SURVEYOR SHALL STAMP THE DOCUMENT AND INCLUDE THE NOTATION "ALTERED BY" FOLLOWED BY THEIR SIGNATURE, THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

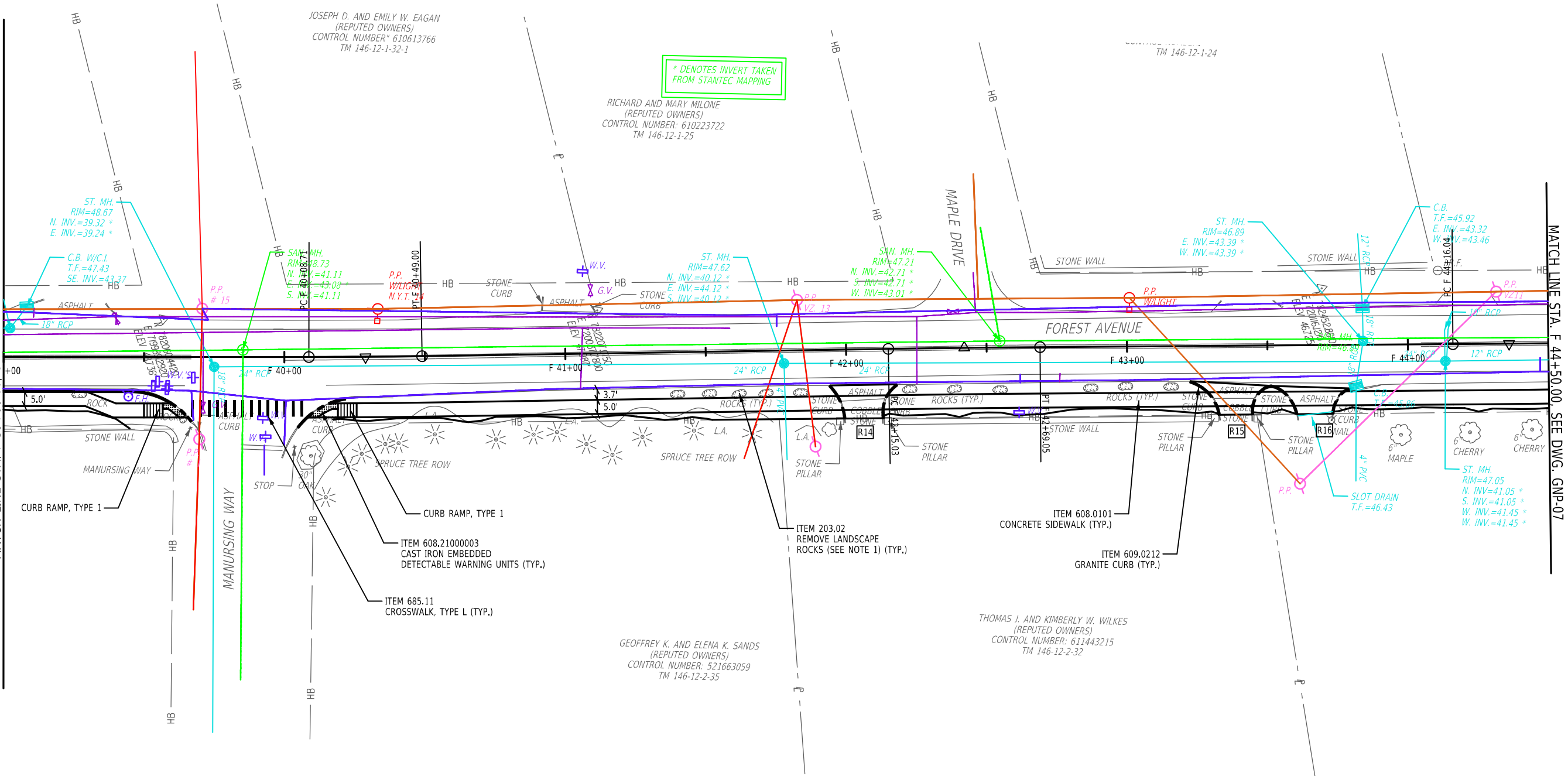




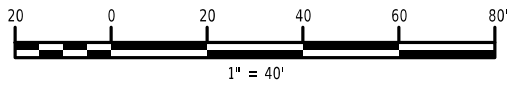
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DESIGN SUPERVISOR D. ADAMS  
JOB MANAGER J. ANDERSON  
DESIGN M. VAN WIE  
CHECK J. ANDERSON  
DRAFTING K. DETRICK  
CHECK D. BORJAS  
PROJECT MANAGER J. ANDERSON

MATCH LINE STA. F 39+00.00, SEE DWG. GNP-05



MATCH LINE STA. F 44+50.00, SEE DWG. GNP-07



AFFIX SEAL: DONALD ADAMS, P.E.  
ON:

ALTERED BY:  
ON:

NOTE:

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CONSTRUCTION

AS-BUILT REVISIONS  
DESCRIPTION OF ALTERATIONS:

FOREST AVENUE CORRIDOR ACCESIBILITY IMPROVEMENTS

PIN 8762.52

BRIDGES

CULVERTS

ALL DIMENSIONS IN ft UNLESS OTHERWISE NOTED

CONTRACT NUMBER

GENERAL PLAN

DRAWING NO. GNP-06  
SHEET NO.

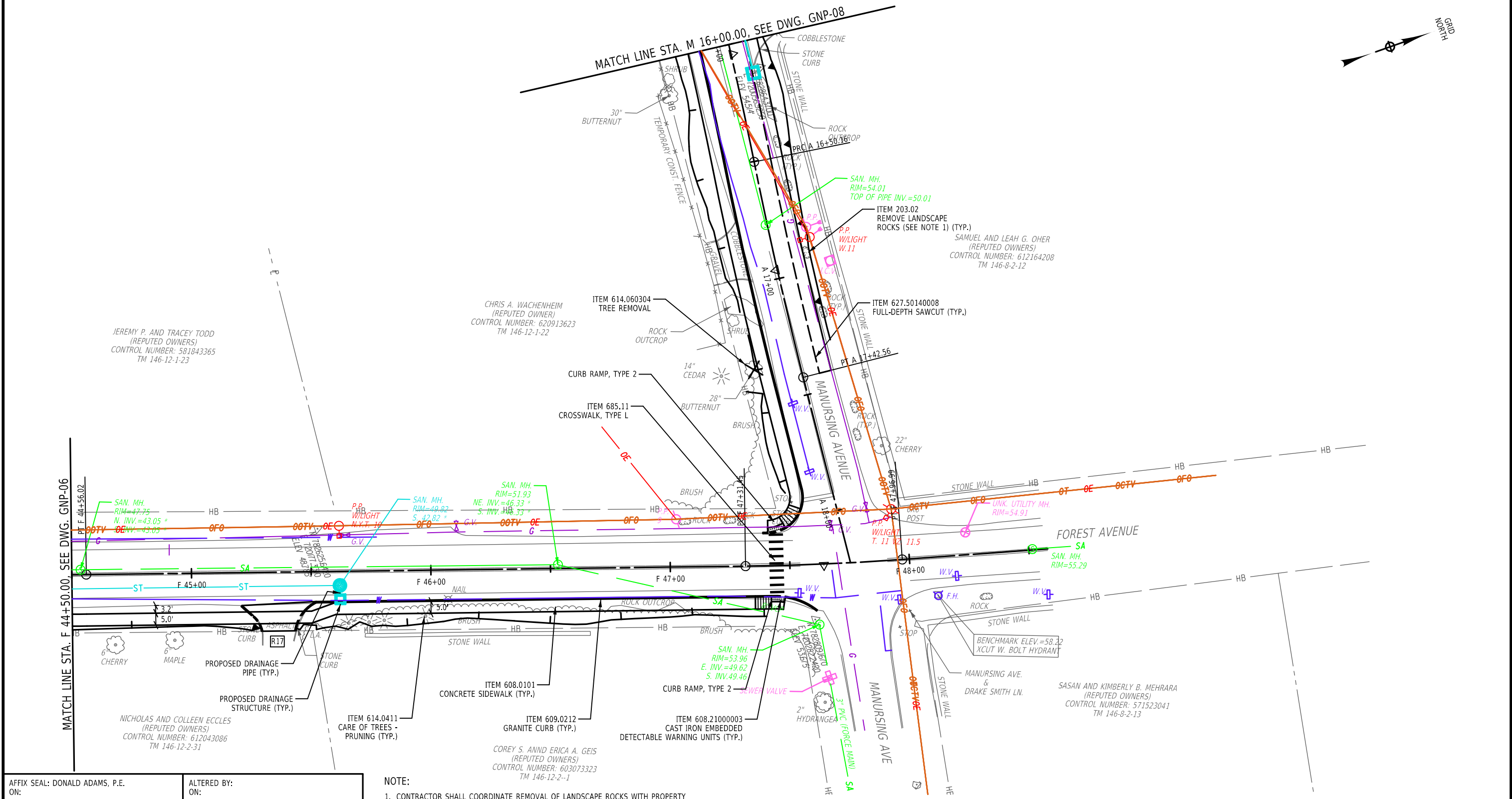
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CITY OF RYE  
WESTCHESTER COUNTY,  
NEW YORK

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DESIGN SUPERVISOR D. ADAMS  
JOB MANAGER J. ANDERSON  
DESIGN M. VAN WIE  
CHECK J. ANDERSON  
DRAFTING K. DETRICK  
CHECK D. BORJAS  
PROJECT MANAGER J. ANDERSON



AFFIX SEAL: DONALD ADAMS, P.E.  
ON:

ALTERED BY:  
ON:

DRAFT  
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AS-BUILT REVISIONS  
DESCRIPTION OF ALTERATIONS:

FOREST AVENUE CORRIDOR ACCESSIBILITY IMPROVEMENTS

COUNTY: WESTCHESTER

REGION: 8

PIN 8762.52

BRIDGES

CULVERTS

ALL DIMENSIONS IN ft UNLESS OTHERWISE NOTED

CONTRACT NUMBER

DRAWING NO. GNP-07  
SHEET NO.

GENERAL PLAN

Creighton Manning

CITY OF RYE

CITY OF WESTCHESTER COUNTY, NEW YORK



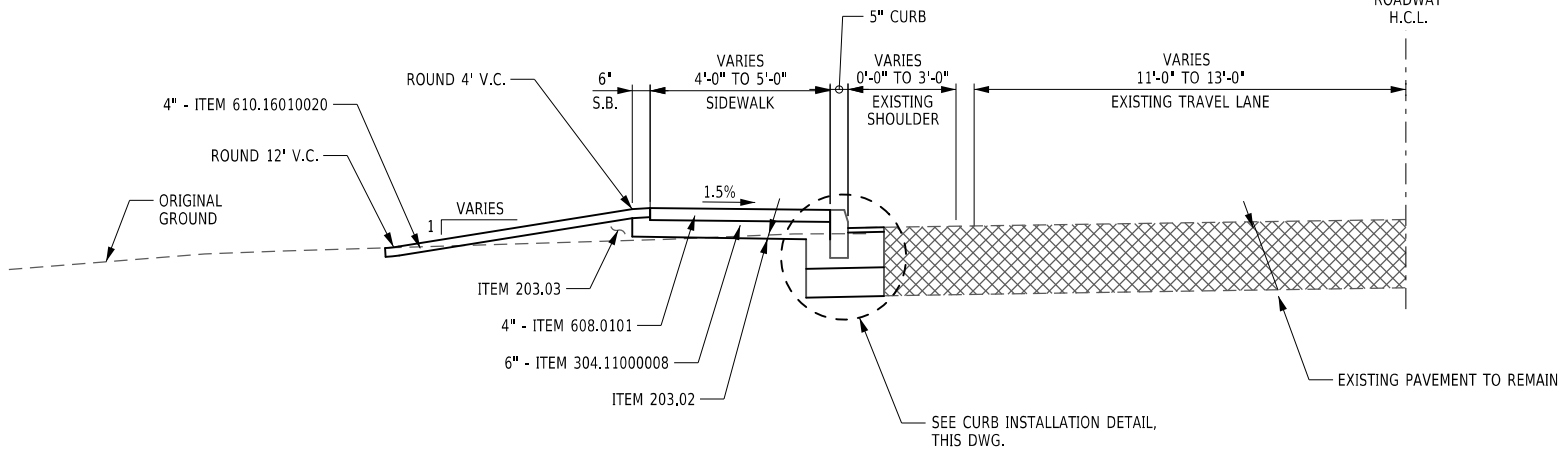


CITY OF RYE  
WESTCHESTER COUNTY,  
NEW YORK

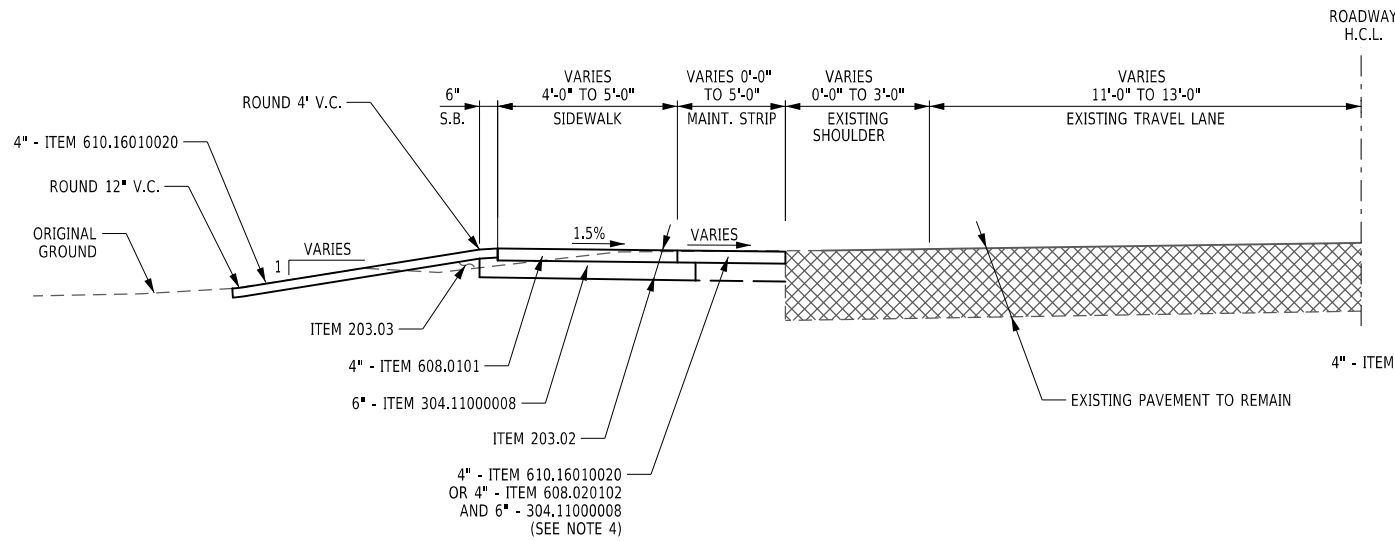
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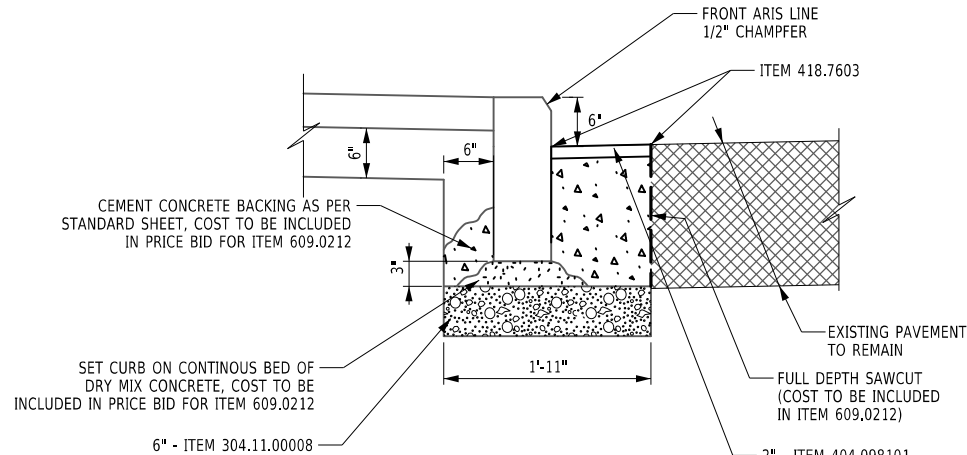
DESIGN SUPERVISOR D. ADAMS  
JOB MANAGER J. ANDERSON  
DESIGN M. VAN WIE  
CHECK J. ANDERSON  
DRAFTING K. DETRICK  
CHECK D. BORJAS  
PROJECT MANAGER J. ANDERSON



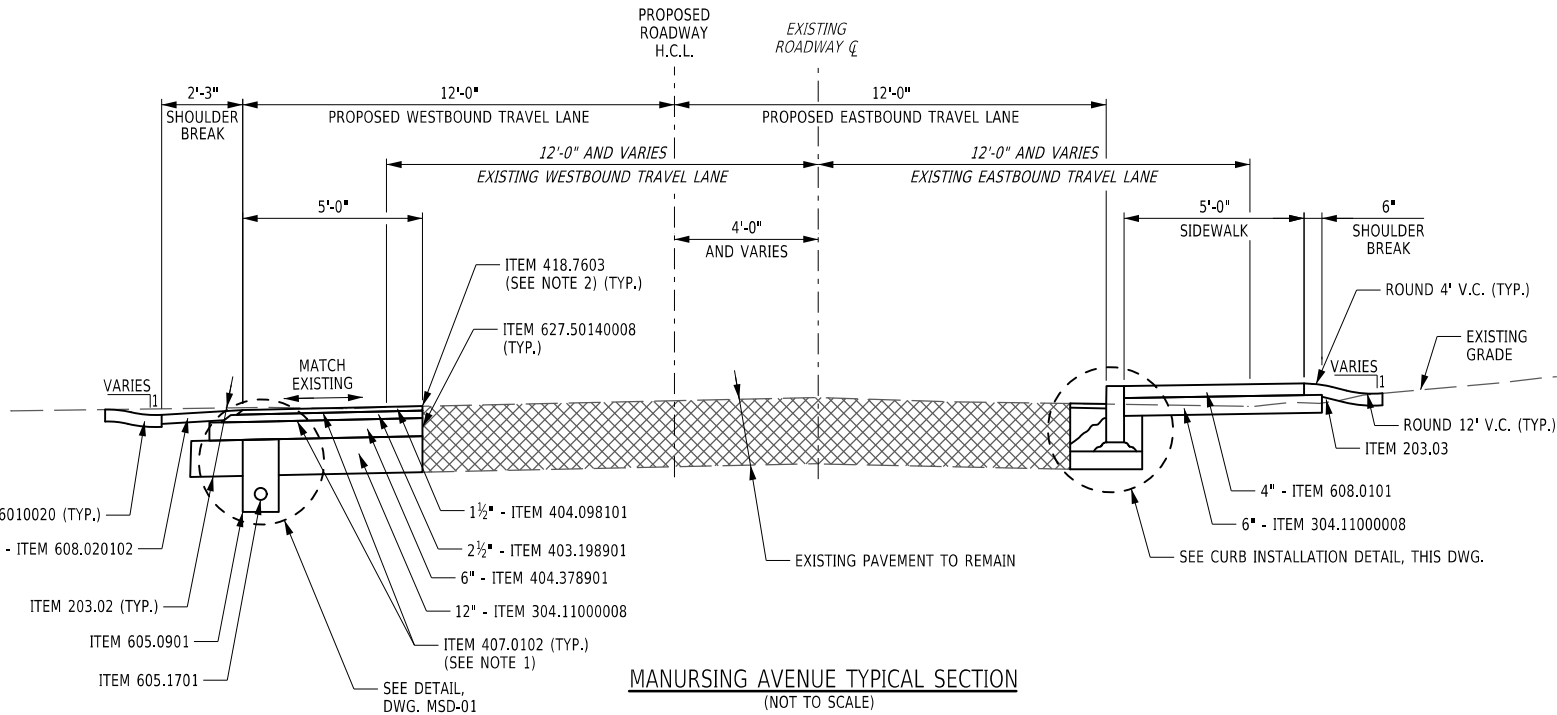
TYPICAL SIDEWALK SECTION WITH CURB  
(MIRROR FOR RIGHT SIDE OF ROAD)  
(NOT TO SCALE)





FOREST AVENUE TYPICAL SIDEWALK SECTION WITHOUT CURB  
(MIRROR FOR RIGHT SIDE OF ROAD)  
(NOT TO SCALE)



CURB INSTALLATION DETAIL  
ITEM 609.0212



MANURSING AVENUE TYPICAL SECTION  
(NOT TO SCALE)

		ITEM NO.	DESCRIPTION	UNIT	ITEM NO.	DESCRIPTION	UNIT	NOTES:							
AFFIX SEAL: DONALD ADAMS, P.E. ON:	ALTERED BY: ON:	203.02	UNCLASSIFIED EXCAVATION AND DISPOSAL	CY	605.0901	UNDERDRAIN FILTER TYPE 1	CY	1. ITEM 407.0102 DILUTED TACK COAT SHALL BE APPLIED TO ALL SAWCUTS, ON EXISTING SURFACES, AND BETWEEN ALL PAVEMENT LIFTS.  2. ITEM 418.7603 ASPHALT PAVEMENT JOINT ADHESIVE SHALL BE APPLIED WHERE PROPOSED SURFACE COURSE MEETS THE CURB FACE OR FOR ALL JOINTS ON THE SURFACE COURSE.  3. IN DRIVEWAY AREAS, CONTRACTOR SHALL INSTALL 6" ITEM 608.0101, CONCRETE SIDEWALKS AND DRIVEWAYS, AND 8" ITEM 304.11000008, SUBBASE COURSE (MODIFIED).  4. FOR MAINTENANCE STRIPS LESS THAN 3-FT WIDE, CONTRACTOR SHALL INSTALL 4" ITEM 608.020102, HMA VEGETATION CONTROL STRIPS, AND 6" ITEM 304.11000008, SUBBASE COURSE (MODIFIED).							
		203.03	EMBANKMENT IN PLACE	CY	605.1701	OPTIONAL UNDERDRAIN PIPE, 4 INCH DIAMETER	LF								
304.11000008	SUBBASE COURSE (MODIFIED)	CY	608.0101	CONCRETE SIDEWALKS AND DRIVEWAYS	CY										
404.098101	9.5 F1 TOP COURSE WMA, 80 SERIES COMPACTION	TON	608.020102	HOT MIX ASPHALT (HMA) SIDEWALKS, DRIVEWAYS AND BICYCLE PATHS,AND VEGETATION CONTROL STRIPS	TON										
DRAFT NOT FOR CONSTRUCTION		404.198901	19 F9 BINDER COURSE WMA, 80 SERIES COMPACTION	TON	609.0212	STONE CURB NEAR VERTICAL FACE (NVF)	LF	BRIDGES				CULVERTS	ALL DIMENSIONS IN ft UNLESS OTHERWISE NOTED	CONTRACT NUMBER	
		404.378901	37.5 F9 BASE COURSE WMA, 80 SERIES COMPACTION	TON	610.16010020	TURF ESTABLISHMENT - PERFORMANCE	SY								
		407.0102	DILUTED TACK COAT	GAL	627.50140008	CUTTING PAVEMENT	LF								
		418.7603	ASPHALT PAVEMENT JOINT ADHESIVE	LF											
		AS-BUILT REVISIONS DESCRIPTION OF ALTERATIONS:			FOREST AVENUE CORRIDOR ACCESIBILITY IMPROVEMENTS										PIN 8762.52
					COUNTY: WESTCHESTER			REGION: 8		TYPICAL SECTION				DRAWING NO. TYP-01 SHEET NO. XX	
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														CITY OF RYE WESTCHESTER COUNTY, NEW YORK	

DRAFT  
NOT FOR  
CONSTRUCTION



CITY OF RYE  
WESTCHESTER COUNTY,  
NEW YORK

# 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.

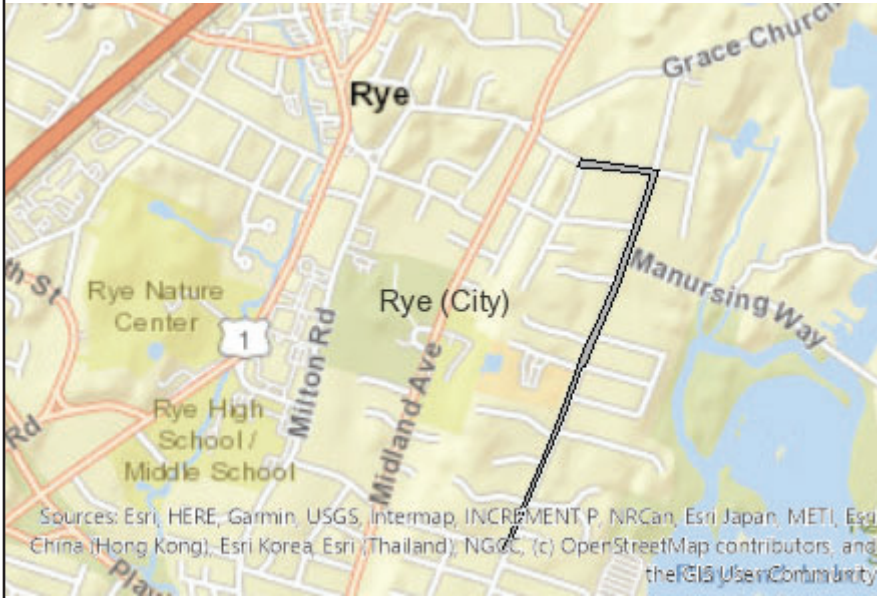
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: Forest Avenue Pedestrian Improvements			
Project Location (describe, and attach a location map): Forest Avenue and Manursing Avenue, City of Rye, Westchester County, NY			
Brief Description of Proposed Action: Construction of a new sidewalk on Forest Avenue and Manursing Avenue which tie into existing sidewalks.			
Name of Applicant or Sponsor:  City of Rye		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 checked="" type="checkbox"/>	YES <input 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: FHWA - Funding, USFWS - Endangered Species Determination, NYSHPO - Historical Resources Determination, NYSDOT		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		4.7 acres	
b. Total acreage to be physically disturbed?		0.9 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		4.7 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" 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,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? Name:Long Island Sound, Reason:Exceptional or unique character, Agency:Westchester County, Date:1-31-90 If Yes, identify: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" 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: N/A - Pedestrian Improvement Project	NO <input checked="" 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: _____ Sidewalk construction will not impact the existing water supply network.	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____ Sidewalk construction will not impact the existing wastewater treatment network.	NO <input checked="" 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? Upon consultation with the NYSHPO, the NYSHPO has determined that there will be No Historic Properties Affected (No Effect) by the proposed undertaking.	NO <input checked="" type="checkbox"/>	YES <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 checked="" 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 <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" 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 <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" 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? <small>Although a screening through USFWS indicates the presence of federally endangered Northern Long Eared Bat species, USFWS has determined that there will be No Effect to these species based on the project type and extent.</small>	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, <div style="margin-left: 20px;">           a. Will storm water discharges flow to adjacent properties?             b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?         </div> If Yes, briefly describe: <div style="border-bottom: 1px solid black; height: 20px; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 20px; margin-top: 5px;"></div>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<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: <div style="border-bottom: 1px solid black; height: 20px; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 20px; margin-top: 5px;"></div>	NO	YES
	<input checked="" 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: <div style="border-bottom: 1px solid black; height: 20px; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 20px; margin-top: 5px;"></div>	NO	YES
	<input checked="" 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: <div style="border-bottom: 1px solid black; height: 20px; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 20px; margin-top: 5px;"></div>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor/name: <u>Creighton Manning</u>      Date: <u>10/6/23</u></p> <p>Signature: _____ Title: <u>Project Engineer</u></p>		





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



Part 1 / Question 7 [Critical Environmental Area]	Yes
Part 1 / Question 7 [Critical Environmental Area - Identify]	Name:Long Island Sound, Reason:Exceptional or unique character, Agency:Westchester County, Date:1-31-90
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

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?	<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:

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.

The Forest Avenue Pedestrian Improvements project will provide an ADA accessible pedestrian sidewalk along Forest and Manursing Avenues. The sidewalk will begin on the west side of Forest Avenue at Apawamis Avenue, north to the Forest Avenue/Boulder Road intersection. A crosswalk will then be provided to the east side of Forest Avenue, where sidewalk will continue north to the Forest Avenue/Manursing Avenue/Drake Smith Lane intersection. A crosswalk will then be provided to the west side of Forest Avenue. Lastly, the sidewalk will continue west along the south side of Manursing Avenue to Davis Avenue. Sidewalk will be installed in areas where they do not presently exist, filling a gap between existing sidewalk segments in the City. Safety conditions will improve for those who walk along both Forest and Manursing Avenues by separating the pedestrian walkway from the travel lanes and shoulders.

Access to places of worship, recreation and schools will improve, such as the Community Synagogue of Rye, Rye Playland, the Westchester Children's Museum, Midland Elementary School and Rye High/Middle Schools. Connectivity will improve to the Westchester Bee Line Bus System, Routes 13, 75 and 91. The sidewalks will have the added benefit of reducing the use of vehicles for these trips.

The project will be constructed in areas that have all been previously disturbed for the original construction of Forest and Manursing Avenues.

The project will have short term impacts to daily life during construction in the form of lane closures and typical construction noise. These impacts will cease at the end of construction.

The addition of these sidewalks and the reduction of vehicle trips will have a positive impact on the surrounding environment.

- ☐ 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.

Rye City Council

10/6/23

Name of Lead Agency

Date

Josh Cohn

Mayor

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**



Christian K. Miller  
City Planner  
1051 Boston Post Road  
Rye, New York 10580




Tel: (914) 967-7167  
Fax: (914) 967-7185  
E-mail: [cmiller@ryeny.gov](mailto:cmiller@ryeny.gov)  
<http://www.ryeny.gov>

**CITY OF RYE**  
**Department of Planning**

**Memorandum**

---

To: Rye City Council

From: Christian K. Miller, City Planner 

cc: Rye City Planning Commission

Date: September 12, 2023

Subject: **Forest Avenue Sidewalks Advisory Coastal Consistency Review**

At its February 1, 2023 meeting, the Rye City Council adopted a resolution referring the latest plans, Local Waterfront Revitalization Program (LWRP) application form and coastal consistency form to the City Planning Commission for its advisory review and comment in connection with the proposed construction of sidewalks on Forest and Manursing Avenues between Apawamis and Davis Avenues. This advisory review is required by Chapter 73, *Coastal Zone Management Waterfront Consistency Review*, of the Rye City Code prior to the City Council's coastal consistency determination.

The Planning Commission reviewed and discussed the plans, project, and forms. At its February 14, 2023 meeting, the Commission agreed that the project is consistent with the 44 policies included in the LWRP and the requirements of Chapter 73 of the Rye City Code.



# Coastal Assessment Form

## City of Rye, New York Planning Department

1051 Boston Post Road, Rye, New York 10580

Phone: (914) 967-7167

Fax (914) 967-4641

[www.ci.rye.ny.us/planning.htm](http://www.ci.rye.ny.us/planning.htm)

### A. INSTRUCTIONS (Please print or type all answers)

1. Applicants or in the case of direct actions, city agencies, shall complete this Coastal Assessment Form (CAF) for proposed actions which are subject to the consistency review law. This assessment is intended to supplement other information used by a city agency in making a determination of consistency.
2. Before answering the questions in Section C, the preparer of this form should review the policies and explanations of policy contained in the Local Waterfront Revitalization Program (LWRP), a copy of which is on file in the City Clerk's office. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the coastal area.
3. If any question in Section C on this form is answered "yes", then the proposed action may effect the achievement of the LWRP policy standards and conditions contained in the consistency review law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to making a determination that it is consistent to the maximum extent practicable with the LWRP policy standards and conditions. If an action cannot be certified as consistent with the LWRP policy standards and conditions, it shall not be undertaken.

### B. DESCRIPTION OF SITE AND PROPOSED ACTION

1. Type of city agency action (check appropriate response):
  - (a) Directly undertaken (e.g capital construction, planning activity, agency regulation, land transaction): Capital Construction
  - (b) Financial assistance (e.g. grant, loan, subsidy): Federal Aid
  - (c) Permit, approval, license, certification: City Council Approval
  - (d) Agency undertaken action: Rye City Council
2. Describe nature and extent of action:  
Sidewalk, curb and closed drainage installation
3. Location of action (including street or site description):  
Forest Avenue from Apawamis Ave to Manursing Ave / Manursing Ave from Forest Ave to Davis Ave
4. Size of site: Approximately 4,300 LF of sidewalk
5. Present land use: Residential
6. Present zoning classification: R-1 One-Family / R-3 One-Family



# Coastal Assessment Form

## City of Rye, New York Planning Department

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7. Describe any unique or unusual forms on the project site (i.e. bluffs, dunes, swales, ground, depressions, other geological formations):  
None \_\_\_\_\_
8. Percentage of site which contains slopes of 15% or greater 0% \_\_\_\_\_
9. Streams, lakes, ponds or wetlands existing within or contiguous to the project area?
- (a) Name: N/A \_\_\_\_\_
- (b) Size (in acres): \_\_\_\_\_
10. If an application for the proposed action has been filed with the city agency, the following information shall be provided:
- (a) Name of applicant: \_\_\_\_\_
- (b) Mailing address: \_\_\_\_\_
- (c) Telephone number: Area Code: \_\_\_\_\_
- (d) application number, if any: \_\_\_\_\_
11. Will the action be directly undertaken, require funding, or approval by a state or federal agency?
- ☒ Yes      ☐ No      If yes, which state or federal agency?
- \_\_\_\_\_
- NYS Department of Transportation / Federal Highway Administration \_\_\_\_\_



# Coastal Assessment Form

## City of Rye, New York Planning Department

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**C. COASTAL ASSESSMENT** Check either "yes" or "no" for each of the following:

	YES	NO
1. Will the proposed action be located in, or contiguous to, or have a potentially adverse effect upon any of the resource areas identified on the coastal area map?:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(a) Significant fish or wildlife habitats?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Scenic resources or local or statewide significance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Natural protective features in an erosion hazard area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Note: If the answer to any question above is yes, please explain in Section D any measures which will be undertaken to mitigate any adverse effects.</i>		
2. Will the proposed action have a <u>significant adverse effect</u> upon:		
(a) Commercial or recreational use of fish and wildlife resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Scenic quality of the coastal environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Development of future, or existing water dependent uses?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Land or water uses within a small harbor area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Stability of the shoreline?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Surface or groundwater quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Existing or potential public recreation opportunities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Structures, sites or districts of historic, archaeological or cultural significance to the city, State or nation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Will the proposed action <u>involve</u> or <u>result</u> in any of the following:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(a) Physical alteration of land along the shoreline, land under water or coastal waters?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Physical alteration of two (2) acres or more of land located elsewhere in the coastal area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Expansion of existing public services or infrastructure in undeveloped or low density area of the coastal area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Energy facility not subject to Article VII or VIII of the Public Service Law?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Mining, excavation, filling or dredging in coastal waters?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Reduction of existing or potential public access to or along the shore?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Sale or change in use of publicly-owned lands located on the shoreline or underwater?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Development within a designated flood or erosion hazard area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i) Development on a beach, dune, barrier island or other natural feature that provides protection against flooding or erosion?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(j) construction or reconstruction of erosion protective structures?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(k) Diminished surface or groundwater quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>



# Coastal Assessment Form

## City of Rye, New York Planning Department

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	YES	NO
(l) Removal of ground cover from the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Project	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(a) If project is to be located adjacent to shore:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(1) Will water-related recreation be provided?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) Will public access to the foreshore be provided?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Does the project require a waterfront site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4) Will it supplant a recreational or maritime use?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(5) Do essential public services and facilities presently exist at or near the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(6) Is it located in a flood prone area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(7) Is it located in an area of high erosion?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If the project site is publicly owned:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(1) Will the project protect, maintain and/or increase the level and types of public access to water-related recreation resources and facilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) If located in the foreshore, will access to those and adjacent lands be provided?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Will it involve the siting and construction of major energy facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4) Will it involve the discharge of effluents from major steam electric generating and industrial facilities into coastal facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Is the project site presently used by the community neighborhood as an open space or recreation area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Does the present site offer or include scenic views or vistas known to be important to the community?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Is the project site presently used for commercial fishing or fish processing?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) will the surface area of any waterways or any wetland areas be increased or decreased by the proposal?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Does any mature forest (over 100 years old) or other locally important vegetation exist on this site which will be removed by the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Will the project involve any waste discharges into coastal waters?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i) Does the project involve surface or subsurface liquid waste disposal?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(j) Does the project involve transport, storage, treatment or disposal of solid waste or hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(k) Does the project involve shipment or storage of petroleum products?	<input type="checkbox"/>	<input checked="" type="checkbox"/>



# Coastal Assessment Form

## City of Rye, New York Planning Department

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- |   | YES                                 | NO                                  |
|---|-------------------------------------|-------------------------------------|
| (l) Does the project involve discharge of toxics, hazardous substances or other pollutants into coastal waters?                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (m) Does the project involve or change existing ice management practices?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (n) Will the project affect any area designated as a tidal or freshwater wetland?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (o) Will the project alter drainage flow, patterns or surface water runoff on or from the site?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (p) Will best management practices be utilized to control storm water runoff into coastal waters?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| (q) Will the project utilize or affect the quality or quantity of sole source or surface water supplies?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (r) Will the project cause emissions which exceed federal or state air quality standards or generate significant amounts of nitrates or sulfates? | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**D. REMARKS OR ADDITIONAL INFORMATION.** (Add any additional sheets necessary to complete this form.)

Proposed sidewalks will be installed solely within the City right of way along Forest Avenue and Manursing Avenue. Furthermore, sidewalks in this area will increase multi-modal accessibility to the Rye Town Beach and its associated recreation facilities.

Surface runoff will be designed to tie into existing drainage systems.

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

Preparer Name Jared Anderson, PE Date 10/6/2023

Signature  Title Consultant Project Manager



# LWRP Consistency Application

## City of Rye, New York Planning Department

1051 Boston Post Road, Rye, New York 10580

Phone: (914) 967-7167

Fax (914) 967-4641

[www.ci.rye.ny.us/planning.htm](http://www.ci.rye.ny.us/planning.htm)

The undersigned applicant hereby applies to the Rye City Council for determination of consistency in accordance with Chapter 73, Coastal Zone Management Waterfront Consistency review, of the Rye City Code, and, therefore, represents and states as follows:

**A. Application Name:** Forest Avenue Pedestrian Improvements Project

**B. Applicant** (If Applicant is not owner, attach document confirming interest in property):

Name: City of Rye

Address: 1051 Boston Post Road

City: Rye State: NY Zip: 10580

Phone: 914-967-7167

Fax: \_\_\_\_\_

Email: cmiller@ryeny.com

**C. Property Owner:**

Name: City of Rye

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

**D. Architect/Landscape Architect/Engineer or Surveyor:**

Name: Creighton Manning Engineering, LLP

Address: 2 Winners Circle

City: Albany State: NY Zip: 12205

Phone: 518-689-1880

Fax: 518-446-0397

### For Planning Department Use Only:

Application Receipt Date:

--

Application No.: \_\_\_\_\_

Application No.: \_\_\_\_\_

Fee Check No.: \_\_\_\_\_

Prior Approvals: \_\_\_\_\_

Prior Approvals: \_\_\_\_\_



# LWRP Consistency Application

## City of Rye, New York Planning Department

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### F. Property Information:

Street Address:	Forest Avenue - Apawamis Ave to Manursing Ave / Manursing Ave - Forest Avenue to Davis Avenue				
City:	Rye	State:	NY	Zip:	10580
Property Area (Acres):					
Tax Map Designation:	Sheet:	Block:	Lot(s):		
	Sheet:	Block:	Lot(s):		
	Sheet:	Block:	Lot(s):		
Zoning District:	R-1 One Family / R-3 One-Family				
Flood Insurance Zone:	None				

### G. Fee (as per City of Rye Fee Schedule)

Please include application fee and indicate amount here: \$ N/A

### H. City Naturalist's Determination:

Please attach a copy of the City Naturalist's wetland determination (separate form required).

### I. Coastal Assessment Form

Please attach a completed copy of the Coastal Assessment Form required by Chapter 73 (separate form required).

### J. Statement of Proposed Work and Purpose Thereof:

Please provide as statement of the proposed work and purpose thereof (If the space provided is insufficient, please attach additional sheet(s)):

This project will provide an ADA accessible pedestrian sidewalk along Forest and Manursing Avenues. The sidewalk will begin on the west side of Forest Avenue at Apawamis Avenue, north to the Forest Avenue/Boulder Road intersection. A crosswalk will then be provided to the east side of Forest Avenue, where sidewalk will continue north to the Forest Avenue/Manursing Avenue/Drake Smith Lane intersection. A crosswalk will then be provided to the west side of Forest Avenue. Lastly, the sidewalk will continue west along the south side of Manursing Avenue to Davis Avenue. Sidewalk will be installed in areas where they do not presently exist, filling a gap between existing sidewalk segments in the City. Safety conditions will improve for those who walk along both Forest and Manursing Avenues by separating the pedestrian walkway from the travel lanes and shoulders. The project will provide the City with a continuous ADA accessible pedestrian access route increasing multi-modal accessibility.





# LWRP Consistency Application

## City of Rye, New York Planning Department

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### K. Evaluation of Consistency with LWRP Policies:

Actions to be undertaken within the Coastal Area must be evaluated for consistency in accordance with the LWRP policy standards and conditions, which are explained and described in Section III of the Rye City LWRP, a copy of which is on file in the City Clerk's and City Planner's Office and available for inspection during normal business hours. In the case of direct actions, the agency shall also consult with Section IV of the LWRP in making their consistency determination.

In making its determination, the City Council must consider the following factors, and issue written findings with respect to those factors that are applicable. Please give any pertinent information that will permit the Planning Commission to make a determination that this action is consistent with the following policies:

(1) Revitalize deteriorated and under utilized waterfront areas (Policy 1).

The sidewalk will not serve to directly revitalize any deteriorated or under utilized waterfront areas.

(2) Retain and promote recreational water-dependent uses (Policy 2).

The sidewalk will directly expand pedestrian facilities and expand multi-modal access to the adjacent waterfront sites at Rye Playland and on Manursing Island.

(3) Strengthen the economic base of smaller harbor areas by encouraging traditional uses and activities (Policy 4).

The sidewalk will increase multi-modal accessibility to the Milton Harbor by expanding the existing sidewalk infrastructure currently within the City.



# LWRP Consistency Application

## City of Rye, New York Planning Department

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- (4) Ensure that development occurs where adequate public infrastructure is available to reduce health and pollution hazards (Policy 5).

The sidewalk project is proposed within the City of Rye right of way. Within this area public infrastructure exists, such as closed drainage. This project will connect to the existing infrastructure as needed and ensure the affected infrastructure is sufficient for the project needs.

- (5) Streamline development permit procedures (Policy 6).

Pertinent government agencies taking part in the Waterfront Revitalization Program will be communicated with to ensure that the goals of the sidewalk construction project do not interfere with their tasks.

- (6) Protect significant and locally important fish and wildlife habitats from human disruption and chemical contamination (Policies 7, 7A, 7B and 8).

The sidewalk will not directly serve to protect or preserve the local fish and wildlife habitats from human activity. No impact to fish and wildlife habitats is anticipated.

- (7) Maintain and expand commercial fishing facilities to promote commercial and recreational fishing opportunities (Policies 9 and 10).

The sidewalk will expand multi-modal accessibility within the City of Rye increasing access to recreational fishing opportunities in the nearby area.



# **LWRP Consistency Application**

## **City of Rye, New York Planning Department**

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- (8) Minimize flooding and erosion hazard through non-structural means, carefully selected, long-term structural measures and appropriate siting of structures (Policies 11, 12, 13, 14, 16, 17, and 28).

The sidewalks proposed will be constructed to minimize flooding and erosion concerns within the project area by implementing drainage designs consistent with the area.

- (9) Safeguard economic, social and environmental interests in the coastal area when major actions are taken (Policy 18).

No major actions are proposed in the waterfront area.

- (10) Maintain and improve public access to the shoreline and to water-related recreational facilities while protecting the environment (Policies 2, 19, 19A, 19B, 20, 21 and 22).

The sidewalk will increase multi-modal accessibility to water-related recreational facilities by expanding the existing sidewalk network within the City.

- (11) Protect and restore historic and archaeological resources (Policy 23).

The sidewalk project will not adversely impact any local historic or archaeological sites.



# **LWRP Consistency Application**

## **City of Rye, New York Planning Department**

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- (12) Protect and upgrade scenic resources (Policy 25).

The proposed sidewalks will not impact coastal scenic resources.

- (13) Site and construct energy facilities in a manner which will be compatible with the environment and contingent upon the need for a waterfront or water location (Policies 27, 29 and 40).

No energy facilities are proposed as part of this project.

- (14) Prevent ice management practices which could damage significant fish and wildlife and their habitats (Policy 28).

The State coastal policy regarding ice management practices is not applicable to the project.

- (15) Protect surface and groundwaters from direct and indirect discharge of pollutants and from overuse (Policies 30, 31, 32, 33, 34, 35, 36, 37 and 38).

The proposed sidewalks will not adversely affect surface and groundwaters.



# **LWRP Consistency Application**

## **City of Rye, New York Planning Department**

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- (16) Perform dredging and dredge spoil disposal in a manner protective of natural resources. (Policies 15 and 35).

The sidewalk will not involve any dredging in its construction.

- (17) Handle and dispose of hazardous wastes and effluents in a manner which will not adversely affect the environment nor expand existing landfills (Policy 39).

No hazardous waste are anticipated to need remediation as part of this project.

- (18) Protect air quality (Policies 41, 42 and 43).

The sidewalk construction will not violate Federal or State air quality standards. Providing ADA compliant pedestrian facilities will add another option of travel for the public.

- (19) Protect tidal and freshwater wetlands (Policy 44).

The sidewalk will not adversely affect any local tidal or freshwater wetlands.



# LWRP Consistency Application

## City of Rye, New York Planning Department

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### L. Evaluation of Actions Inconsistent with LWRP Policies:

If it is determined that the action would not be consistent with one or more of the LWRP policy standards and conditions, such action shall not be undertaken unless the determining agency makes a written finding with respect to the proposed action. If applicable, please give any pertinent information that will permit the Planning Commission to make a determination on the following: (If the space provided is insufficient, please attach additional sheet(s))

- (1) No reasonable alternatives exist which would permit the action to be undertaken in a manner that would not substantially hinder the achievement of such LWRP policy standards and conditions.

- (2) The action would be undertaken in a manner that will minimize all adverse effects on such LWRP policy standards and conditions.

- (3) The action will advance one or more of the other LWRP policy standards and conditions.

The sidewalk construction project will serve to improve local pedestrian mobility within the City of Rye. As such, the sidewalk will serve to progress local water-dependent recreation, increase public access to waterfronts and encourage their economic development.



# LWRP Consistency Application

## City of Rye, New York Planning Department

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- (4) The action will result in an overriding city, regional or statewide public benefit.

### M. Regulatory Compliance

1. Will the proposed project place any fill or a structure within a Flood Zone? ☐ Yes ☒ No  
(If yes, Chapter 100, Floodplain Management, may apply)
2. Is the proposed activity located within a designated preservation area? ☐ Yes ☒ No  
(If yes, Chapter 117, Landmarks Preservation, may apply)
3. Is a fence or wall proposed as part of the application? ☒ Yes ☐ No  
(If yes, Chapter 90, Fences and Walls, may apply)
4. Does the application also involve site plan approval? ☐ Yes ☒ No  
(If yes, Chapter 197, Zoning, may apply)
5. Does the application also involve the subdivision of a property? ☐ Yes ☒ No  
(If yes, Chapter 170, Subdivision of Land, may apply)

### N. Prior Approvals – Application Checklist for Permits:

To facilitate the approval process, the City of Rye requests that applicants indicate below all permit applications that are **pending**, have been **approved** or have been **rejected** for the subject property. The following checklist will allow the City authorities to be more familiar with properties that are the subject of the current application. Please indicate all applications submitted for the property in question, including those that were prepared for projects separate from the current one. Intentionally omitting any items from this checklist is cause for delay or rejection of the application(s) being considered.



# LWRP Consistency Application


## City of Rye, New York Planning Department

Page 10 of 10


Board, Commission or Inspector:	Date(s) of Prior Approval(s):	City Identifier Reference(s):	Previous Action(s) on Application(s):	New Permit(s) Applied for: (Check Boxes)
Appeals	N/A			<input type="checkbox"/>
Architectural Review	N/A			<input type="checkbox"/>
Conservation	N/A			<input type="checkbox"/>
Landmarks	N/A			<input type="checkbox"/>
Planning Commission	1/12/23	Advisory LWRP		<input type="checkbox"/>
Building Inspector	N/A			<input type="checkbox"/>
City Engineer	N/A			<input type="checkbox"/>
Naturalist	N/A			<input type="checkbox"/>
City Planner	N/A			<input type="checkbox"/>
Other:	N/A			<input type="checkbox"/>

### O. Signatures

By signing this application the applicant attests that to the best of his or her knowledge all information provided herein is accurate and truthful. The signature of the applicant and owner also grants consent to having any City Staff or City Board or Commission members responsible for of the review or approval of this application(s) to enter the property of the subject application.

  
Applicant Signature

10/6/2023  
Date

  
Property Owner Signature(s)

10/11/23  
Date





# CITY COUNCIL AGENDA

DEPT.: Boat Basin

CONTACT: Rodrigo Paulino, Harbor Master

**AGENDA ITEM:** Resolution to establish the 2024 Budgeted Fees and Charges for Boat Basin.

**FOR THE MEETING OF:**

October 18, 2023

**RECOMMENDATION:** That the City Council adopt the resolution for the new budgeted fees and charges.

**IMPACT:** ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

**BACKGROUND:**

Please see attached.

Rodrigo Paulino  
Boat Basin Supervisor  
650 Milton Rd  
Rye, New York 10580



Tel: (914) 967-2011  
E-mail: [Rpaulino@ryeny.gov](mailto:Rpaulino@ryeny.gov)  
<http://www.ryeny.gov>

# Boat Basin

## Memorandum

To: Greg Usry, City Manager  
From: Rodrigo Paulino, Harbor Master  
Date: 10/11/2023  
Re: 2024 Boat Basin Fee Increases

The Boat Basin Commission is requesting that the City Council adopt the following 2024 Fees and Charges for the Boat Basin Enterprise Fund (**pending approval of the boat basin commission on 10/17/23**):

### Resident Slip Fees:

- Up to 20/ft boat- Current \$66/ft – New Increased Fee \$76/ft (15% increase)
- 21/ft-26/ft – Current \$86/ft – New Increased Fee \$96/ft (12% increase)
- 27/ft-32/ft – Current \$94/ft – New Increased Fee \$105/ft (12% Increase)
- 33/ft-37/ft - Current \$104/ft – New Increased Fee \$117/ft (12% Increase)

### Non-Resident Slip Fees:

- Up to 20/ft boat- Current \$95/ft – New Increased Fee \$98/ft (3% Increase)
- 21/ft-26/ft – Current \$132/ft – New Increased Fee \$135/ft (2% increase)
- 27/ft-32/ft – Current \$142/ft – New Increased Fee \$145/ft (2% Increase)
- 33/ft-37/ft - Current \$156/ft – New Increased Fee \$159/ft (2% Increase)

[Type here]

- Finger Slip Fees: Currently \$250 – New Increased Fee \$280 (12% Increase)
- Summer Land Boat Storage: Currently \$50/ft – New Increased Fee \$56/ft (12% Increase)
- Summer Trailer Storage: Currently \$350 – New Increased Fee \$395 (13% Increase)
- Winter Trailer Storage: Currently \$650 – New Increased Fee \$725 (12% Increase)
- Winter Storage on Land Non-Resident – Currently \$58/ft – New Increased Fee \$62/ft (7% Increase)
- Winter Storage on Land Resident – Currently \$45/ft – New Increased Fee \$48/ft (7% Increase)
- Winter Storage on Land Resident/Non-Slip Holder – Currently \$48/ft – New Increased Fee \$51/ft (7% Increase)
- Winter Storage on Land Non-Resident/Non-Slip Holder – Currently \$62/ft – New Increased Fee \$66/ft (7% Increase)

**New Fees to be added to the Fee Schedule:**

- Emergency Vessel pump out - \$150
- Emergency Vessel Towing within the marina - \$125/hr
- Labor charge for marina personnel - \$95/hr

[Type here]



# CITY OF RYE

## **RESOLUTION OF THE RYE CITY COUNCIL TO ADOPT NEW BOAT BASIN FEES AND CHARGES FOR FY2024 FOR THE De PAUW MUNICIPAL BOAT BASIN**

WHEREAS, the City of Rye owns and operates the De Pauw Municipal Boat Basin in Milton Harbor; and

WHEREAS, pursuant the Charter of the City of Rye the City Council has the authority to adopt new fees and charges; and

WHEREAS, after an examined analysis of the associated fees and charges for the Boat Basin, it has been determined that an increase in those fees and charges is necessary to offset costs; and

WHEREAS, a list of those fees and charges have been furnished to the City Council and attached herein; and

WHEREAS, the Boat Basin Commission approved these fees and charges on October 17, 2023;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby adopts the proposed 2024 fees and charges as detailed herein.



# CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Overview of 2023 Boat Basin and Channel Dredge.

**FOR THE MEETING OF:**

October 18, 2023

**RECOMMENDATION:** That the City Council hear the overview.

**IMPACT:** ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

**BACKGROUND:**

Greg Usry  
City Manager  
1051 Boston Post Road  
Rye, New York 10580



Tel: (914) 967-7404  
E-mail: [gusry@ryeny.gov](mailto:gusry@ryeny.gov)  
<http://www.ryeny.gov>

## **CITY OF RYE**

### **Office of the City Manager**

---

**To:** Mayor Josh Cohn and Rye City Council

**From:** Greg Usry

**Cc:** Boat Basin Commission

**Date:** October 13, 2023

**Re:** 2023 Federal Channel and Boat Basin Dredge

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In September 2022, the City Council approved a series of actions to undertake a dredge of the Federal Channel and the Boat Basin. Following years of operational and financial planning, this year the City will complete the first comprehensive dredge in over 15 years, providing for both safe navigation and recreational enjoyment throughout the tide cycles. As you recall, to provide for the disposal of Basin silt (deemed to be of such toxicity to require upland disposal) we negotiated contacts with a dredge operator and disposal site to split the dredge over two seasons. In November 2022, a significant portion of the Channel was dredged. Starting next month, we expect to supplement the Channel dredge with additional silt removal, as well as complete the Boat Basin Marina Dredge. For your information I have attached the briefing information previously presented, as well as prior Council meeting presentations.

#### **Channel Dredge**

In 2022 we contracted to dredge the Federal Channel to a width of 75 feet for its full length. Our permits restricted the total volume to 21,000 cubic yards of silt and a depth not to exceed five feet. Of the permitted removal our post dredge survey indicated approximately 18,000 cubic yards of silt was removed. However, due to ongoing silting there are locations where depths only reached 3-3.5 feet at mean low tide. In recent months we have been working with the various regulatory agencies to amend our permit; with the hope of removing up to 25,000 cubic yards (an estimated additional 7,000 cubic yards over the 2022 dredge). We have been further coordinating with Coastline Consulting and the dredge operator to reach a greater uniform depth. We are now reasonably optimistic that we will receive permission to remove the additional silt. The total cost of the Fall 2022 dredge was \$810k, not including the City's

portion of the fixed mobilization expense (\$535k). As discussed, and agreed to by the Council and Basin Commission, the mobilization expense (\$1.07mm) is being split 50/50 between the City and Boat Basin Enterprise Fund. Including all estimated costs, plus potential addition Channel dredging, we believe the Channel can be completed this year at a cost of \$1.6-1.7mm. The accompanying resolution requests an additional transfer of \$100k from the \$177k received from FEMA for the Ida silting of the Federal Channel.

### **Boat Basin Dredge**

As approved by the Council last year, we have secured both the dredge operator and disposal location for a full dredge of the Boat Basin this year. The dredge permit for the Basin totals 42,650 cubic yards, of which approximately 20-25,000 cubic yards will be removed this year (limited based upon the Enterprise Fund financial resources). The goal is to achieve a dept of 4-5 feet throughout most of the Basin. In recent years, the Basin Enterprise Fund has accumulated significant financial resources due to improved operational and administrative performance. Based upon 2022-year end fund balance, expected 2023 net income and FEMA reimbursement for silting during Ida the available Enterprise Fund Balance at year end will total approximately \$3.9mm.

In 2022 we calculated preliminary cost estimates for the Basin Dredge that included fixed costs for equipment mobilization (50% of total cost) and dock and pilings removal/replacement, as well as variable costs based upon the actual silt dredged and disposal. There were some unknowns at the time due to fuel costs. Based upon revised costs we can now estimate the cost of the Basin Dredge based upon the following:

<b>Dredge Scenarios -y(3)</b>	<b>20,000</b>	<b>22,000</b>	<b>25,000</b>
Dredge (\$56)	1,120,000	1,232,000	1,400,000
Disposal (\$90)	<u>1,800,000</u>	<u>1,980,000</u>	<u>2,250,000</u>
	2,920,000	3,212,000	3,650,000
Docks/Pilings	200,000	200,000	200,000
Mobilization	<u>535,000</u>	<u>535,000</u>	<u>535,000</u>
<b>Total</b>	<b>3,655,000</b>	<b>3,947,000</b>	<b>4,385,000</b>

Based upon conversations with the Boat Basin Commission and our Harbor Master, there is a desire to achieve an estimated uniform depth of 5 feet (mean low tide). To achieve that depth, we would assume 22-25,000 cubic yards of silt removal. To meet that request the City would have to provide a short-term loan to the Basin Enterprise Fund of \$100-500k. In doing so the Fund would retain \$100k as a fund balance at 2023-year end and would agree to repay the borrowed amount over five years (following State law regarding borrowing terms for a maintenance dredge). Should the Council approve this request the Basin would retain its

obligation to pay the annual Enterprise Fund Transfer plus the loan payment (at an assumed borrowing rate of 5%).

<b>Boat Basin Dredge Scenarios</b>			
<b>Boat Basin Dredge (y3)</b>	<b>20,000</b>	<b>22,000</b>	<b>25,000</b>
<b>Gross Dredge Expense(\$)</b>	3,655,000	3,947,000	4,385,000
<b>Basin Utilized Fund Balance(\$)</b>	3,947,000	3,947,000	3,947,000
<b>Unfunded Dredge Cost(\$)</b>	-	-	438,000
<b>Annual Debt Service(\$)</b>	-	-	87,600
<b>Basin Net Income(\$)-Yr 1</b>	350,000	350,000	350,000
<b>Net Income after D/S(\$)-Yrs 1-5</b>	350,000	350,000	262,400

<b>Pro forma Fund Balance and Dredge Capacity(1)</b>			
<b>Pro forma 5 Year Fund Balance (\$)</b>	1,700,000	1,700,000	1,450,000
<b>Pro form 10 Year Fund Balance (\$)</b>	3,550,000	3,550,000	3,100,000
<b>Pro forma 5 Year Dredge (yrds) - \$200 (y3)</b>	8,500	8,500	7,250
<b>Pro forma 10 Year Dredge (yrds) - \$240 (y3)</b>	14,792	14,792	12,917
<b>(1) Assumes 3% growth in net income annually</b>			

## 2023 Council Actions

For the October 18 Agenda you will be asked to approve the following:

1. Authorize the transfer of \$535k from the Basin Enterprise Fund to the Federal Channel Dredge Project Fund. This is to reimburse the City for 50% of the equipment mobilization cost approved by the City Council and paid in 2022.



2. Authorize the appropriation of \$2.665 million from the Basin Enterprise Fund for the Basin dredge.
  3. Authorize the appropriation of the 2023 Basin Enterprise fund net income (estimated to be \$570k) for the Basin dredge.
  4. Authorize the appropriation of \$177k received from FEMA for Basin silting related to IDA for the Basin dredge.
  5. Authorize the appropriation of \$100k received from FEMA for Channel silting related to IDA for the Channel dredge.
  6. Authorize the loan to the Boat Basin of not to exceed \$500,000 for a term of five years at an interest cost of 5% of the outstanding balance.
- 

**Attachments:**

September 14, 2022 Council Presentation

July 20, 2022 Council Presentation

September 17, 2021 Council Memo

# CITY OF RYE DREDGE UPDATE



September 14, 2022





# DREDGE EXPENSE BREAKDOWN

	Basin Dredge		Channel Dredge
	20,000	15,000	21,000
<b>Equipment Mobilization (1)</b>	20.85	23.75	20.36
<b>Dredge (\$/y3)</b>	90.00	90.00	45.00
<b>Disposal (\$/y3)</b>	95.00	95.00	
<b>Docks/Pilings Removal (\$165k)</b>	8.25	11.00	
<b>Total \$/y3</b>	<u>\$214.10</u>	<u>\$219.75</u>	<u>\$65.36</u>
<b>Total \$mm</b>	<b>4,282,000</b>	<b>3,296,250</b>	<b>1,372,560</b>

(1) Total mobilization for Basin/Channel Dredge is \$855k; apportioned based upon % of total dredged in each area (15k dredge in Basin is 41.66% of total; 20k dredge in Basin is 48.78% of total)





# BASIN DREDGE SCENARIOS

Dredge Cubic Yards \$/Yrds	July 20, 2022		September 6, 2022 Update	
	20,000 180	15,000 180	20,000 214	15,000 220
Gross Dredge Expense (\$)	3,600,000	2,700,000	4,282,600	3,296,250
Basin Fund Balance (\$)	3,510,000	3,510,000	3,050,000	3,050,000
Unfunded Dredge Cost (\$)	(90,000)	NA	(1,232,000)	(246,250)
Annual Debt Service (\$)	(18,000)		(246,400)	(49,250)
Basin Net Incomes (\$)	<u>584,000</u>	<u>584,000</u>	<u>490,000</u>	<u>490,000</u>
Net Income after D/S (\$)	566,000	584,000	243,600	440,750
Pro forma 5 Year Fund Balance (\$)	2,830,000	3,730,000	1,218,000	1,957,500
Pro forma 5 Year Dredge (yrds)	14,150	18,650	6,090	9,788
Annual Silting Amount (yrds)	2,500	2,500	2,500	2,500
5 Year New Accumulation (yrds)	12,500	12,500	12,500	12,500
Net 5 year Dredge Benefit (yrds)	1,650	6,150	(6,410)	(2,713)
Next 5 Year Dredge Benefit (yrds)	21,650	21,150	13,590	12,288



# CITY OF RYE BOAT BASIN DREDGE OVERVIEW



July 20, 2022





# BOAT BASIN DREDGE HISTORY

YEAR	LOCATION	QUANTITY	BID AMOUNT	FUNDING
1991	Basin Only to -7.0 MLW	25,000 CY	\$198,500	Unknown
2002	Basin to -6.0 MLW Channel to -8.0 (100' wide to just south of Milton Harbor House)	20,000 CY	\$229,000	City
2008	Basin to -6.0 MLW Channel to -6.0 (100' wide to just south of Milton Harbor House)	23,000 CY	\$1,845,000	Boat Basin Fund Balance (\$1.6M) FEMA Flood Recovery (\$317,000)
2013	Western portion of Basin to -6.0 MLW Channel to -8.0 (100' wide just south of Milton Harbor House)	20,811 CY	\$518,842	City Funded, FEMA disaster funds reimbursement





# SILT REMOVAL REGULATIONS

- Until recently, all dredged silt was removed and deposited off shore in the Long Island Sound.
- As a result of statutory and regulatory changes regarding environmental issues, off-shore disposal is now extremely restrictive.
- For silt that is deemed chemically and/or physically unsuitable for off shore disposal, the options are quite limited and significantly more expensive.
- Under current regulations, the New England Army Corps of Engineers reviews sediment data for proposed dredge projects and makes a determination if the material is suitable for off shore disposal.
- The Army Corps and New York State have taken a more rigorous view of sediment, based upon requirements of the Clean Water Act, Marine Protection Research and Sanctuaries Act, 2016 Dredged Material Management Plan, Regional Implementation Manual (RIM), and the New York State Coastal Management Program.
- All of this contributes to the significantly higher cost of dredging and disposal.





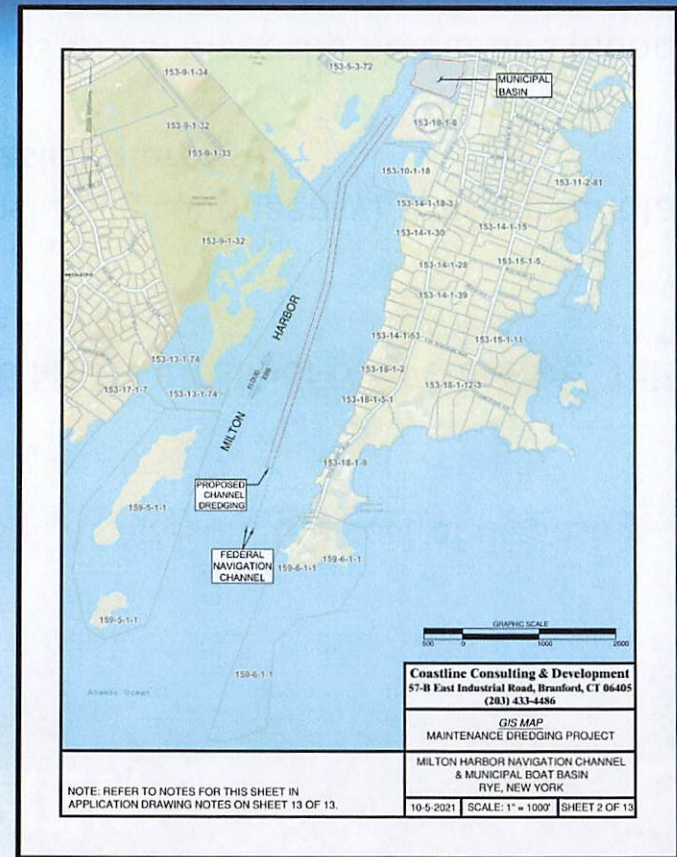
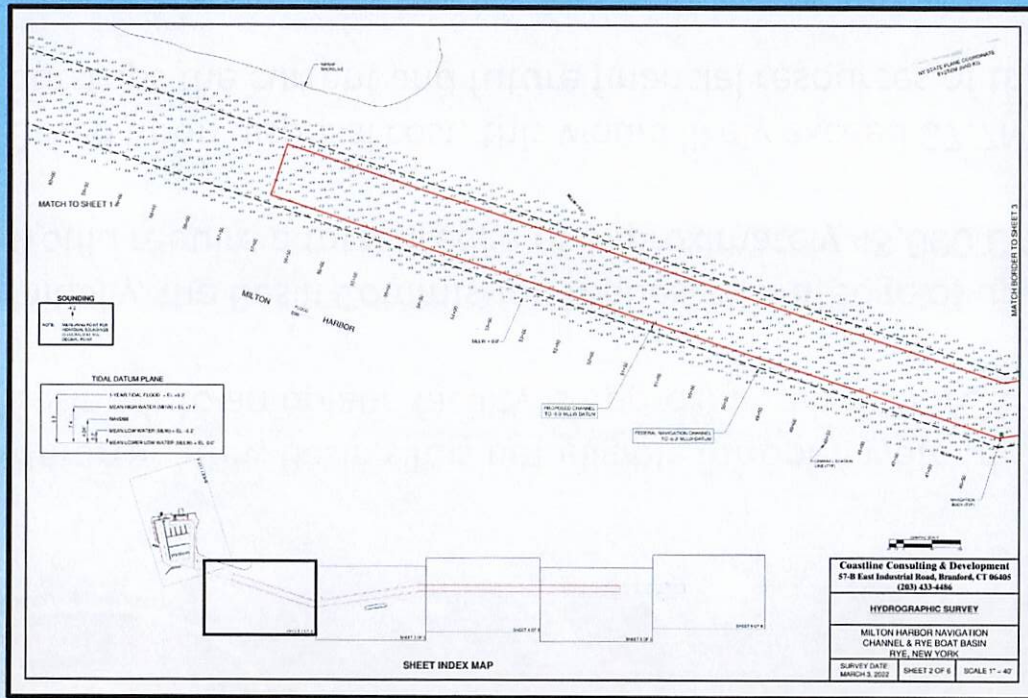
# CHANNEL DREDGE OVERVIEW

- In order to make the Channel navigable for most boats, the Channel will need to be dredged to a depth of 5 feet and width of 75 feet from the area just south of the Boat Basin to the mouth of Milton Harbor.
- Historically, the channel has been dredged to its full width of 100 feet and a depth of 8 feet. However, due to permit limitations for open water disposal (25,000 CY max) the proposed channel will be a width of 75 feet to a depth of 5 feet.
- The ACOE and relevant state agencies have deemed the Channel silt to be clean enough to dispose offshore.
- Based upon this finding, and the current estimated cost of dredging and transporting, the estimated total cost is approximately \$1.5M (\$60 per CY plus a 20% contingency).





# CHANNEL DREDGE OVERVIEW







## BASIN DREDGE OVERVIEW

- Unfortunately, Basin silt is not eligible for open water disposal. As a result, the cost of disposing of the Basin silt to an upland facility is approximately \$160/CY.
- Initially, the Basin Commission requested a dredge of up to 6 feet, with a foot of overdredge. This would require a total dredge of approximately 43,000 CY.
- Based upon disposal cost, this would likely exceed \$7.7M (including contingency). This amount far outstrips the current and future financial resources of the Basin Enterprise.
- The Commission and Basin Supervisor are examining scenarios which meet slip-holder and mooring needs, while providing the financial resources for necessary future dredges. Under these scenarios the initial dredge would total approximately 20,000 CY with additional dredges every five years.









# BASIN DREDGE FINANCIAL PLAN

- Over the last several years, the Commission has accumulated a significant fund balance.
- Assuming similar financial results at year end, we expect the fund balance to be approximately \$3.5M.
- Depending upon the cost of the dredge and transport (assumed \$150/CY + contingency) the Basin can dredge approximately 20,000 CY with its current resources
- Any additional dredge amount would have to be advanced by the City (with Council approval.)
- The dredge plan must seek to make the Basin financially sustainable with regular periodic dredges.





# BASIN DREDGE SCENARIOS

Dredge Cubic Yards \$/Yrds	43,000 180	25,000 180	25,000 200	20,000 180	15,000 180
Gross Dredge Expense (\$)	7,740,000	4,500,000	5,000,000	3,600,000	2,700,000
Basin Fund Balance (\$)	<u>3,510,000</u>	3,510,000	3,510,000	3,510,000	3,510,000
Unfunded Dredge Cost (\$)	<b>(4,230,000)</b>	<b>(990,000)</b>	<b>(1,490,000)</b>	<b>(90,000)</b>	<b>N/A</b>
Annual Debt Service (\$)	(846,000)	(198,000)	(298,000)	(18,000)	
Basin Net Incomes (\$)	<u>584,000</u>	<u>584,000</u>	<u>584,000</u>	<u>584,000</u>	<u>584,000</u>
Net Income after D/S (\$)	<b>(262,000)</b>	<b>386,000</b>	<b>286,000</b>	<b>566,000</b>	<b>584,000</b>
Pro forma 5 Year Fund Balance (\$)	N/A	1,930,000	1,430,000	2,830,000	3,730,000
Pro forma 5 Year Dredge (yrds)		<b>9,650</b>	<b>7,150</b>	<b>14,150</b>	<b>18,650</b>
Annual Silting Amount (yrds)		2,500	2,500	2,500	2,500
5 Year New Accumulation (yrds)		12,500	12,500	12,500	12,500
Next 5 Year Dredge Benefit (yrds)		<b>(2,850)</b>	<b>(5,350)</b>	<b>1,650</b>	<b>6,150</b>





# PRELIMINARY DREDGE SCHEDULE

TASK	DATE
<b>Bid Document Prepared and Distributed</b>	August
<b>Bids Received</b>	September
<b>City Council Appropriates funds (Channel and Basin)</b>	September 14
<b>All boats removed from slips and moorings</b>	September 1- October 1
<b>All docks and pillings removed from Basin</b>	October 1
<b>Dredge Permit Begins</b>	October 1
<b>Dredge – Based upon Contractor availability</b>	October 1 - December 31



THANK YOU





## CITY OF RYE

**To: Mayor Cohn and City Council**  
**From: Greg Usry, City Manager**  
**Re: Channel and Boat Basin Dredge Update**  
**Date: September 17, 2021**

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### Background

The City of Rye Boat Basin dates back to the 1950's when the City purchased the land to build the marina. Because of factors related to tidal changes and the run off from the Blind Brook, the Channel and Basin require regular removal of silt (dredging) to remain navigable. Following the initial dredge by the City in the late 1950s, regular dredging took place every 5-7 years, with the Federal Government (Army Corps of Engineers) taking responsibility for the channel dredge. The last regular dredge completed by the ACOE was in 1992. In 2013 FEMA funded the channel dredge as part of the SANDY storm reimbursement

Until recently, all dredged silt was removed and deposited off shore in the Long Island Sound. However, as a result of statutory and regulatory changes regarding environmental issues, off-shore disposal is now extremely restrictive. For silt that is deemed chemically and/or physically unsuitable for off shore disposal, the options are quite limited and significantly more expensive.

Under current regulations, the New England Army Corps of Engineers reviews sediment data for proposed dredge projects and makes a determination if the material is suitable for off shore disposal. The Army Corps and New York State have taken a more rigorous view of sediment, based upon requirements of the Clean Water Act, Marine Protection Research and Sanctuaries Act, 2016 Dredged Material Management Plan, Regional Implementation Manual (RIM), and the New York State Coastal Management Program. All of this contributes to the significantly higher cost of dredging and disposal while, at the same time, the Federal government has become particularly selective about which channels it dredges.

### Current Scope

For the last several years, Coastline Consulting has been retained by the City to analyze conditions in Milton Harbor and the Boat Basin. Over this time, there have been numerous analysis of sediment toxicity, rates of silting and review of disposal options. Coastline has also been charged with administering the permitting process with the US Army Corps of Engineers and the respective environmental departments of New York and Connecticut. Based upon current facts, a proposed dredge is comprised of two distinct (but related) plans:

- Channel dredge with offshore deposit
- Basin dredge with upland disposal



For additional information concerning the permit process, summary of upland disposal facilities, silting survey information, including silting frequency and related information, please see the attached material.

### *Channel Dredge*

In order to make the Channel navigable for most boats, it will need to be dredged to a depth of five feet and width of 75 feet from the area just south of the Boat Basin to the mouth of Milton Harbor. Historically, the channel has been dredged to its full width of 100 feet and a depth of 8 feet. However, due to permit limitations for open water disposal (25,000cy max) the proposed dredge narrowed the channel. Based upon Coastline's most recent survey, this would require the removal of approximately 21,000 cubic yards of silt. The ACOE and relevant state agencies have deemed the Channel silt to be clean enough to dispose offshore. Based upon this finding, and the current estimated cost of dredging and transporting, the estimated total cost is approximately \$1.5mm (\$60 per cubic yard plus a 20% contingency).

### *Basin Dredge*

Although there was early hope that a biological test of the Basin silt could allow for open water disposal, this is not an option. As a result, the cost of disposing of the Basin silt to an upland facility is approximately \$160/cubic yard. Initially, the Basin Commission requested a dredge of up to six feet, with a foot of over-dredge. This would require a total dredge of approximately 43,000 cubic yards. Based upon disposal cost, this would likely exceed \$7.7 mm (including contingency). This amount far outstrips the current and future financial resources of the Basin Enterprise.

Alternatively the Commission and Basin Supervisor are examining scenarios which meet slip-holder and mooring needs, while providing the financial resources for necessary future dredges. Under these scenarios the initial dredge would total 20-25,000 cubic yards with additional dredges every five years. This plan and the financial impact are discussed in greater detail below.

## **Timeline**

The Channel and Basin are on slightly different timelines and are currently under regulatory review, however, assuming no extraordinary review comments we anticipate having everything in hand to go to bid by early fall of next year (2022). Assuming the City and Commission identify the funding sources and the Council decides to proceed, it is hopeful that the dredges can be completed by the 2023 season. It is important to note that once the permits are granted, they may be used for five to ten years (in whole or in part).

### ***Channel Estimated Timeline:***

Sept '21 – obtain update suitability determination from NE USACE  
Oct '21 – submit update suitability determination to NYDEC/USACE  
Oct '21 – file CT-DEEP disposal permit application (3+ month review)  
June '22 – dredging/disposal permit decisions (x3): DEC, USACE, CT-DEEP  
Summer '22 - City SEQRA  
August '22 - Bid/receipt process  
October '22 – January '23 - Dredge underway/complete

### ***Basin Estimated Timeline:***

Aug '21 - obtain preliminary acceptance letters from disposal facilities  
Sept'21- file permit application with the NY agencies (DEC, USACE, DOS, OGS)  
Spring '22 – conduct sample/testing for disposal facilities to accept material  
June '22 – dredging permit decisions  
Summer '22 – City SEQRA  
August '22 - Bid/receipt process  
October '22 – January '23 Dredge underway/complete

The items noted above are in process and will be completed over the remainder of the year and into 2022. To the extent the Council wishes to advance the dredge project(s), they will be integrated into the City's priority capital projects finance plan.

## **Financial Impact and Planning**

### ***Channel***

Similar to City streets and general infrastructure, regular reinvestment will be required to assure the sustainability of the Channel. Based upon surveys over the last five years, Coastline estimates that the silting of the Channel amounts to approximately 2,225 cubic yards annually. With this silting rate, and further assuming that a target depth/width of 5ft./75ft., it will be necessary to dredge approximately every five – ten years at a cost of \$800k-1.6mm (at current cost estimates). Should the Council wish to make this part of the priority capex program, it will be integrated in the current financial plan.

Similar to the Basin dredge discussed below, the submissions and analysis required for the Channel permits are in process and will be unaffected by the developing financial plan. In the coming months, as the capital projects financial model is refined further, we can integrate the Channel dredge into our cost estimates and financial impact.

### ***Boat Basin***

As originally scoped, the Basin would require a dredge of approximately 43k cubic yards. This amount was based upon a goal of achieving a depth of approximately six feet throughout the Marina, with an additional foot of over-dredge. The cost to achieve that dredge amount is estimated to be in excess of \$7.7mm, based upon the upland disposal cost of \$150/cubic yard and 20% contingency. Assuming current Basin Commission financial resources and an ongoing net income amount of \$430k, that dredge is not realistic nor sustainable. Summarized in the chart below are various dredge amount options, including cost scenarios, resulting annual net income and potential future dredges.

<b>Basin Dredge Scenarios</b>				
	<i>Base Case(100%)</i>	<i>30K</i>	<i>25k</i>	<i>20k</i>
<b>Silt Removed (cubic yards)</b>	43,000	30,000	25,000	20,000
<b>\$ Cost / cubic yard</b>	150	150	150	150
<b>\$ Contingency (20%)</b>	30	30	30	30
<b>Estimated Basin Dredge Cost</b>	\$ 7,740,000	\$ 5,400,000	\$ 4,500,000	\$3,600,000
<b>Basin Cap Reserve (Dec '22)<sup>1</sup></b>	<u>(3,320,000)</u>	<u>(3,320,000)</u>	<u>(3,320,000)</u>	<u>(3,320,000)</u>
<b>Dredge cost to be financed</b>	\$ 4,420,000	\$ 2,080,000	\$ 1,180,000	\$ 280,000
<b>Annual Debt Service (5 yrs)</b>	\$ 884,000	\$ 416,000	\$ 236,000	\$ 56,000
<b>Basin Annual Net Income</b>	\$ 430,000	\$ 430,000	\$ 430,000	\$ 430,000
<b>Pro forma NI (after D/S)</b>	\$ (454,000)	\$ 14,000	\$ 194,000	\$ 374,000
<b>Fund Balance (5 yr)<sup>2</sup></b>	\$ -	\$ 70,000	\$ 970,000	\$1,870,000
<b>Estimated y3 Dredge in 5 yrs<sup>3</sup></b>		<u>389</u>	<u>5,389</u>	<u>10,389</u>
<sup>1</sup> Current reserve of \$2.46mm + assumed \$430k net income for 2021 and 2022 <sup>2</sup> Fund balance after 5 years, assuming \$430k of annual net income, less annual debt cost of 2022 dredge. <sup>3</sup> Estimated dredge in 5 years, assuming accumulated fund balance above and dredge cost of \$160 per cubic yard and 20% contingency				

As of the end of 2020, the Basin enterprise fund had an accumulated fund balance of \$2.46mm. Last year, the Basin produced \$430k of net income and it is reasonable to assume the same result for 2021 and 2022. Based upon this assumption, the expected/assumed accumulated fund balance is approximately \$3.32mm for a dredge in late 2022. The scenarios above lay out potential dredge options based upon the use of fund balance, and possible borrowings for the additional funds needed to complete the requisite amount. Because any borrowing would be done so via the City, consideration must be given to the City Code and the resulting impact on Council Authorized debt. Per the City Code, for an enterprise fund to borrow, it is required to meet certain financial tests, including a pro forma fund balance and debt service coverage test. As plans evolve, the Basin's financial situation will have to be evaluated in the context of this test. Otherwise, any borrowing will reduce the Council's authorized debt amount for City projects.

Alternatively, were the Basin to undertake a dredge of 20,000 cubic yards or less, it could do so solely utilizing its existing fund balance and a minimal loan from the City. Further, assuming the same financial performance in future years, it could complete a second dredge in five years totaling approximately 10k cubic yards (based upon current cost estimates). Based upon surveys over the last five years, the annual silting of the Basin is estimated to be 2,347 per year. This would allow for maintenance of the target depths, as well as, additional dredged silt. Although the silting is not uniform across the marina, it does provide a sense of the sustainability.

The financial plan for the Basin will be an ongoing development. Because the requisite permits and operational process are underway, and will not be completed until late summer/early fall 2022, we will have the remainder of the year to finalize the plan. Once permits are in hand, a choice can be made to dredge any amount up to the expected 43,000 cubic yard permit. This would be determined prior to the bid documents.



# CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Consideration of a resolution to complete the funding mechanism for the Boat Basin Dredge Project.

**FOR THE MEETING OF:**

October 18, 2023

**RECOMMENDATION:** That the City Council adopt the resolution.

**IMPACT:** ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

**BACKGROUND:**

See attached resolution.



## **CITY OF RYE**

**RESOLUTION OF THE RYE CITY COUNCIL AMDENDING “RESOLUTION OF THE RYE CITY COUNCIL AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY STEPS TO SIGN A CONTRACT WITH CLEAN EARTH TO PROCESS AND DISPOSE OF THE MILTON HARBOR DREDGE MATERIAL IN 2023” TO ALLOCATE FUNDS FOR THE BOAT BASIN DREDGE AND TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A LOAN AGREEMENT WITH THE BOAT BASIN COMMISSION FOR THE TERM OF FIVE YEARS TO COMPLETE THE FUNDING MECHANISM FOR THE BOAT BASIN DREDGE**

WHEREAS, the City of Rye City owns and operates the De Pauw Municipal Boat Basin in Milton Harbor; and

WHEREAS, the dredging of the Federal channel has commenced, and it is anticipated it will be completed this year; and

WHEREAS, on September 28, 2022, the Rye City Council adopted a resolution authorizing the dredging of the Boat Basin and allocating the funds necessary to undertake that portion of the project; and

WHEREAS, as the Boat Basin dredge project has progressed, it has become necessary to restructure the allocation of funds needed to finance the project;

NOW, THEREFORE, BE IT RESOLVED, the Rye City Council hereby authorizes the transfer of \$535,000 from the Basin Enterprise Fund to the Federal Channel Dredge Project Fund as reimbursement to the City for fifty percent (50%) of the equipment mobilization cost approved by the City Council and paid in 2022; and

BE IT FURTHER RESOLVED, the Rye City Council hereby authorizes the appropriation of \$2.665 million from the Basin Enterprise Fund for the Basin Dredge Project; and

BE IT FURTHER RESOLVED, the Rye City Council hereby authorizes the appropriation of the 2023 Basin Enterprise fund net income (estimated to be \$570,000) for the Basin Dredge Project; and

BE IT FURTHER RESOLVED, the Rye City Council hereby authorizes the appropriation of \$177,000 received from FEMA for silting related to Tropical Storm Ida for the Basin Dredge Project; and

BE IT FURTHER RESOLVED, the Rye City Council hereby authorizes the appropriation of \$100,000 received from FEMA for silting related to Tropical Storm Ida for the Federal Channel Dredge Project; and

BE IT FURTHER RESOLVED, the Rye City Council hereby authorizes the City Manager to enter into and execute a loan agreement with the Boat Basin Commission for a loan amount not to exceed \$500,000 from the General Fund for a term of five (5) years at an interest rate of five percent (5%) and at such other terms and conditions deemed appropriate by the City Manager for the Boat Basin Dredge Project.



# CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Continue a public hearing to amend Chapter 177 "Taxation", Article III, "Senior Citizens Exemption" to alter the income calculation used to determine exemptions.

**FOR THE MEETING OF:**

October 18, 2023

**RECOMMENDATION:** That the Mayor and the Council continue the public hearing.

**IMPACT:** ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

**BACKGROUND:** See attached memo and draft law.





## CITY OF RYE

### Inter-Office Memorandum

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**To:** Greg Usry, City Manager  
Kristen Wilson, Esq., Corp. Counsel

**From:** Jon Flynn, City Assessor

**Date:** September 7, 2023

**Re:** Amendment to the Income Calculation for Senior and Disabled with Limited Income Exemptions

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New York State recently adopted a law which redefines the income calculation under Real Property Tax Law (RPTL) 467, Partial Tax Exemption for Real Property of Senior Citizens, and Real Property Tax Law (RPTL) 459-C, Partial Tax Exemption for Real Property of Persons with Disabilities and Limited Income. To qualify for these exemptions the combined income of all owners must not exceed the income threshold adopted by each taxing jurisdiction, \$37,400 under RPTL 467 and \$29,000 under RPTL 459-C. The income calculation for these exemptions previously was derived from various items on the applicant's Federal or State tax returns. To simplify this calculation, the State has determined the Federal Adjusted Gross Income (FAGI) will now be used as the starting point for all adjustments. Under the new law, local governments and school districts can opt to include, or exclude, up to 3 separate provisions pertaining to how income is added or subtracted from FAGI.

The new provision would allow applicants to deduct IRA distributions from FAGI, which could potentially increase the number of qualifying candidates. Historically, IRA distributions were never deducted from the total income. In order to maintain the status quo, the City Council would have to adopt a local law to include IRA distributions as income.

The City also has the option to exclude Social Security benefits from the income calculation. These benefits have always been accounted for in the past as they are typically the primary source of income for a majority of applicants. No action is required to maintain the current calculation.

Lastly, the new law provides an option to deduct medical and prescription drug expenses not covered by insurance. Similar to the IRA distributions, a deduction of these expenses is a departure from the current calculation and could increase the

number of qualifying applicants. Again, no action is required to preserve the current method.

Currently, there are 53 total Senior Citizen and Disabled with Limited Income Exemptions in the City of Rye which account for \$29,560 in tax savings amongst all applicants.

Please let me know if you have any questions regarding this matter.

LOCAL LAW NO. \_\_\_\_\_-2023

**A Local Law to amend Chapter 177, “Taxation”, Article III, “Senior Citizens’ Exemption” of the Code of the City of Rye, by amending § 177-26, “Conditions of exemption” only to the extent of further defining the term income and income calculation.**

**§ 177-26. Conditions of exemption. [Amended 5-2-1973 by L.L. No. 1-1973; 11-20-1974 by L.L. No. 1-1974; 11-16-1977 by L.L. No. 7-1977; 9-19-1979 by L.L. No. 3-1979; 12-3-1980 by L.L. No. 10-1980; 4-6-1983 by L.L. No. 2-1983; 11-2-1983 by L.L. No. 9-1983; 3-4-1987 by L.L. No. 1-1987; 4-4-1990 by L.L. No. 8-1990; 5-1-1996 by L.L. No. 3-1996]**

No exemption shall be granted:

- A. If the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the maximum sum permitted by the schedule of exemptions contained in § 467 of the Real Property Tax Law. Where title is vested in either the husband or wife, their combined income may not exceed such sum. Such income, **as defined in the Real Property Tax Law §467(3)**, shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, [and] net income from self-employment **and any distribution received from an individual retirement account or an individual retirement annuity** but shall not include supplemental security income, a return of capital, gifts or inheritances.
- B. Unless the owner shall have held an exemption under this section for his previous residence and unless the title of the property shall have been vested in the owner or one of the owners of the property for at least 12 consecutive months prior to the date of making application for exemption. Where a residence is sold and replaced with another within one year and both residences are within the state, the period of ownership of both properties shall be deemed consecutive for purposes of the exemption.
- C. Unless the property is used exclusively for residential purposes.
- D. Unless the real property is the legal residence of and is occupied in whole or in part by the owner or by all of the owners of the property.



# CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Continue a public hearing to amend Chapter 177 "Taxation", Article VIII, "Exemption for Persons with Disabilities and Limited Incomes" to alter the income calculation used to determine exemptions.

**FOR THE MEETING OF:**

October 18, 2023

**RECOMMENDATION:** That the Mayor and Council continue the public hearing.

**IMPACT:** ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

**BACKGROUND:** See attached memo and draft law.

LOCAL LAW NO. \_\_\_\_\_-2023

**A Local Law to amend Chapter 177, “Taxation”, Article VIII, “Exemption for Persons with Disabilities and Limited Incomes” of the Code of the City of Rye, by amending § 177-38, “Eligible persons and property; income level; conditions for exemption” only to the extent of further defining the source components of income.**

**§ 177-38. Eligible persons and property; income level; conditions for exemption.**

Real property owned by one or more persons with disabilities, as defined in New York State Real Property Tax Law § 459-c, or owned by a husband, wife, or both, or by siblings, at least one of whom has a disability, shall be exempt from taxes up to a maximum of 50% of the assessed valuation, pursuant to the following schedule and subject to the following conditions:

Annual Income	Percentage of Assessed Value Exempt From Taxation
\$0 to \$20,500.00	50%
\$20,500.01 to \$21,499.99	45%
\$21,500.00 to \$22,499.99	40%
\$22,500.00 to \$23,499.99	35%
\$23,500.00 to \$24,399.99	30%
\$24,400.00 to \$25,299.99	25%
\$25,300.00 to \$26,199.99	20%
\$26,200.00 to \$27,099.99	15%
\$27,100.00 to \$27,999.99	10%
\$28,000.00 to \$28,899.99	5%

- A. The income of the owner or the combined income of the owners of the property, from all sources, **including social security benefits and any distribution received from an individual retirement account or an individual retirement annuity** as set forth in New York State Real Property Tax Law § 459-c, for the income tax year immediately preceding the date of making application for exemption must not exceed \$28,899.99. "Income tax year" shall mean the twelve-month period for which the owner or owners file a federal personal income tax return or, if no such return is filed, the calendar year.
- B. Only that portion of property used exclusively for residential purposes shall be eligible for exemption pursuant to this article.
- C. Except as otherwise provided for in New York State Real Property Tax Law § 459-c, to be eligible for exemption pursuant to this article, property must be the legal residence, and be occupied, in whole or in part, by the disabled person.
- D. Any exemption provided by this article shall be computed after all other partial exemptions allowed by law have been subtracted from the total amount assessed; provided, however, that no parcel may receive both an exemption pursuant to this article and a senior citizens tax exemption pursuant to Article III of this chapter.

- E. Notwithstanding any other provision of this article to the contrary, the provisions of this article shall apply to real property held in trust solely for the benefit of a person or persons who would otherwise be eligible for a real property tax exemption, pursuant to this article, were such person or persons the owner or owners of such real property.

Changes or additions in text are indicated by **bold and underline**, deletions by [brackets]



# CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Consideration of a request from SOUL RYEDERS for use of City streets on Sunday, May 19, 2024 from 7:30 am – 11:30 am for a half-marathon/5k fundraising event.

**FOR THE MEETING OF:**

October 18, 2023

**RECOMMENDATION:** That the Council consider the request.

**IMPACT:** ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

**BACKGROUND:** See attached.



October 6, 2023

Josh Cohn, Mayor  
Lori Fontanes, Councilmember  
Bill Henderson, Councilmember  
Carolina Johnson, Councilmember  
Josh Nathan, Councilmember  
Julie Souza, Councilmember  
Ben Stacks, Councilmember

Dear Mayor Cohn and Rye City Councilmembers,

On behalf of SOUL RYEDERS, a 501(c)3 local cancer support non-profit based in Rye, NY, and in my role as Director of Operations, I am respectfully requesting permission to hold our annual Half Marathon & 5k event on Sunday, May 19, 2024. This past May 21st, SOUL RYEDERS held its inaugural Half Marathon & 5k throughout the streets of Rye. We had an incredible turnout of over 1100 participants crossing the finish line. The participants were split roughly half and half between the half marathon and the 5k races.

Throughout the planning process, we engaged Playland, the City of Rye, the Rye Police Department, the Rye Fire Department and the Westchester County Police as integral partners. Post event, we met with each of our planning partners and sent out post-race surveys to all participants in order to gauge the success, viability and any potential adjustments needed to continue holding this event. Participants, the Rye community and our partners shared positive feedback on the event and its well thought out and organized management. We also had some constructive comments which we have taken into consideration as we plan our 2024 event. An important goal of ours is to ensure our Half Marathon & 5k is an event that can grow to engage more local businesses and community participation. Specific learnings can be found in detail [here](#).

One change is a proposed adjusted course (a draft of the proposed revised course can be found [here](#)) which would comprise some of the streets in the Village of Port Chester. I have spoken with both the Village Manager and the Port Chester Police Department and am presenting the event to the Village of Port Chester Board of Trustees at their October 16, 2023. Our goal is to create a safe, successful and sustainable event with your support.

Many thanks for your consideration

Lesley Findlay  
Director of Operations

SOUL RYEDERS  
1091 Boston Post Road, Rye, NY 10580  
[soulryeders.org](http://soulryeders.org)  
[soul@soulryeders.org](mailto:soul@soulryeders.org)





# HALF MARATHON & 5K 2024 PROPOSAL



# SOUL RYEDERS' MISSION

SOUL RYEDERS provides personalized resources, innovative programs and community support to anyone in the New York Tri-State area impacted by any type of cancer.

# 2023 EVENT OVERVIEW

- Inaugural 2023 event was an overwhelming success: 1446 registered and over 1100 participants crossed the finish line
  - 38% of participants were from Rye
  - Other states include: NY, CT, NJ, UT, FL, PA, AZ, DC, CA, MA, SC, RI, MI, MO
  - Other countries: India, France, Peru, Canada, Brazil, South Africa
- 234 volunteer positions were filled by community members (aged 16 and up) to ensure a safe, fun event for all
- Event was made possible - and successful - through close working relationships with our partners and within the community
- Feedback from participants was overwhelming positive: “most well organized race event”, “beautiful course”, “great community outpouring of support”
- Rye’s community came out all along the course to cheer, play music and cool off the participants



# SOUL RYEDERS' LEARNINGS

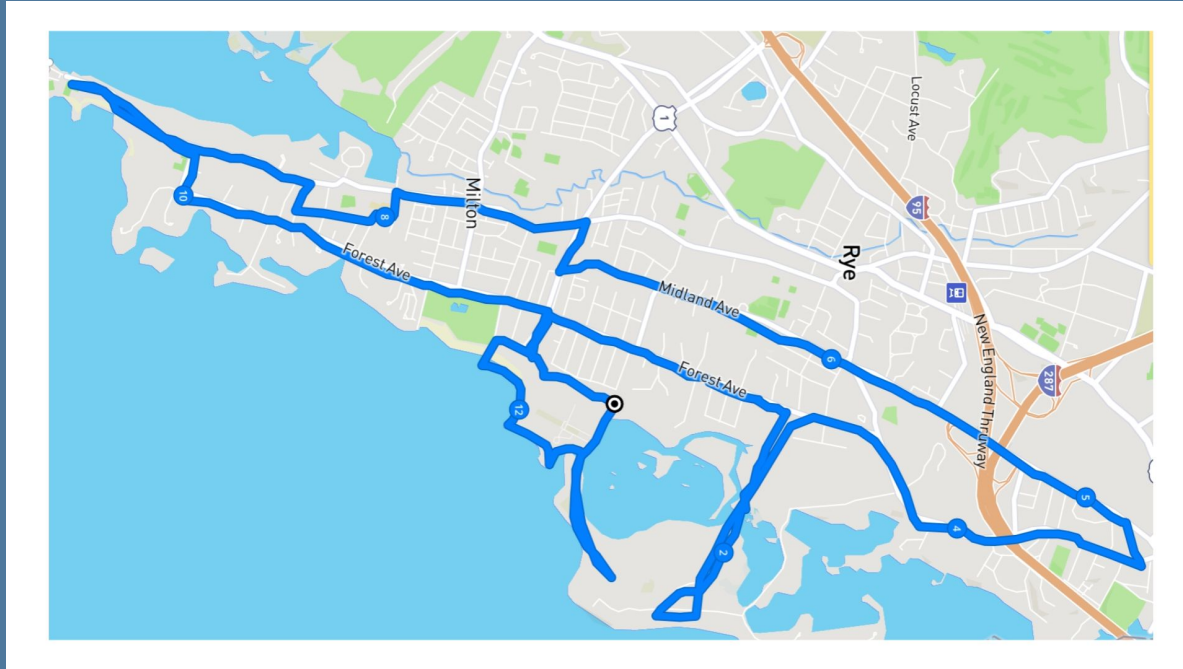
Post-event SOUL RYEDERS met with each of our partners, sent out event surveys to every participant to gain insight for planning 2024 event

- Adjust the course to eliminate the Playland Parkway to 95 portion for increased safety
- Ensure more detailed timing of races and map of course is included in all pre-race communications to the community. (Ex: these details will be sent to the houses of worship so they can publish to their congregants)
- Engage more local businesses
- Extend the course into the Village of Port Chester
- Create a mentor/pace runner program for our clients
- Larger medical tent for White Plains Hospital; on-site ice freezer
- Better direction for the volunteer/run-off parking

# 2024 EVENT PARTNERS

- Rye City Council
- Rye City Manager and Rye Police Commissioner of Safety
- Village of Port Chester Board of Trustee
- Port Chester Police Department
- Standard Amusements/Playland
- County Legislator, Catherine Parker
- Westchester County Police
- Rye Town Park and Edith Read Sanctuary
- ARE Event Production (race mgmt company)
- Port Chester, Rye, Rye Brook EMS
- White Plains Hospital

# 2024 Proposed Route



Proposed route extends into part of Village of Port Chester;  
optimized for safety as well as enjoyment of participants.

# INSURANCE, LIABILITY WAIVERS, PERMITS

- As per 2023, SOUL RYEDERS will work with our insurance carrier to include all entities as co-insured for this event
- SOUL RYEDERS' attorneys, ProBono Partnership, created a solid liability waiver for all participants and volunteers
- SOUL RYEDERS' will work with NYDOT to obtain permit for the Sand Street to Cottage Street portion of Port Chester



# EVENT SCHEDULE

## Saturday, May 18, 2024:

- 9am - 3pm: Race packet pick-up at Playland pool parking lot
- On-site registration at Playland pool parking lot
- Start / Finish Line and finish chute barricade set-up at Playland main parking lot
- Route markers placed
- Set up materials to be locked up overnight

## Sunday, May 19, 2024:

- 5am - 7:45am: On-site registration at Playland main parking lot
- Race mgmt place water stations throughout course
- 8:00am: Start of Half Marathon
- 5K to start after marathoners
- 10:00am: Last of 5K walkers are through Playland property
- 11:30am - 12:00pm: Last walker/runner crosses Finish Line
- 3:00pm: Playland main parking lot is clear of all event materials

SOUL RYEDERS is excited about this event and what it could mean for our community as a whole. We anticipate bringing together people of all ages from Rye and beyond to participate in various ways.

We ask Rye City Council for permission to hold this event on Sunday, May 19, 2024.



# CITY COUNCIL AGENDA

DEPT.: Department of Public Safety

CONTACT: Mike Kopy, Commissioner of Public Safety

**AGENDA ITEM:** Acknowledgment of Milena Jovanovic as new Volunteer Firefighter for the City of Rye Fire Department.

**FOR THE MEETING OF:**

October 18, 2023 2023

**RECOMMENDATION:** That the Council acknowledge the new Volunteer Firefighter for the City of Rye Fire Department.

**IMPACT:** ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

**BACKGROUND:**

See attached memo.

Michael A. Kopy  
Public Safety Commissioner  
Department of Public Safety  
Rye, New York 10580



**CITY OF RYE**

Tel: (914) 967-1234  
Fax: (914) 967-8867  
E-mail: [mkopy@ryeny.gov](mailto:mkopy@ryeny.gov)  
<http://www.ryeny.gov>

# Department of Public Safety

## Memorandum

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To: Greg Usry, City Manager  
From: Michael Kopy, Public Safety Commissioner  
Date: 10/12/2023  
Re: Volunteer Firefighter

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A background investigation was completed and it has been determined that applicant, Milena Jovanovic a resident of Rye, NY, is a viable candidate for the position of Volunteer Firefighter with the City of Rye Fire Department.

Milena is a current Rye High School senior who has been a camp counselor at the Rye Nature Center since 2021, and a hostess at the Manursing Island Club for the 2022 summer season.

Ms. Jovanovic aspires to continue her service to the City of Rye as a career firefighter.

We have accepted Milena Jovanovic as new Volunteer Firefighter, she will be registered for firefighter training as they become available.

