

## **CITY OF RYE**

### **NOTICE**

There will be a regular meeting of the City Council of the City of Rye on Wednesday, October 8, 2014, at 8:00 p.m. in Council Chambers at City Hall. The meeting will be preceded by a Joint Meeting of the City Council of the City of Rye and the Rye City School District Board of Education from 7:00 p.m. to 8:00 p.m.

### **AGENDA**

1. Pledge of Allegiance.
2. Roll Call.
3. General Announcements.
4. Draft unapproved minutes of the regular meeting of the City Council held September 10, 2014.
5. Issues Update/Old Business.
6. Continuation of the Public Hearing to change the zoning designation of County-owned property located on Theodore Fremd Avenue and North Street to the RA-5 District to provide for the construction of affordable senior housing.
7. Continuation of Public Hearing to amend local law Article 6, "Council", Section § C6-2, "Powers and duties", Article 8 "City Manager", Section § C8-2, "Powers and duties of City Manager" and Article 12 "Department of Police", Section § C12-1, "Head of Department; subordinates" of the Charter of the City of Rye to provide the City Council with the authority to approve the appointment, suspension or removal of the Police Commissioner.
8. Continuation of Public Hearing to amend local law Chapter 197, "Zoning", of the Rye City Code by adding Section 197-15, "Special Permit for Historic Preservation in the B-2 Central Business District" to permit banks on the first floor of a building when certain conditions are met upon approval of a Special Use Permit by the City Council.
9. Continuation of Public Hearing to amend local law Chapter 76, "Dogs", Section §76-5, "Running at large prohibited" and Section §76-6, "When leash required" to establish regulations for the leashing of dogs at Rye Town Park.
10. Petition of Old Post Road Associates, LLC to change the zoning designation and amend the Zoning Ordinance for the property located at 120 Old Post Road to a new zone RA-6: Active Senior Resident District to provide for the construction of apartments for active seniors in an age-restricted development.
11. Summary of the 2015 Budget Process and Consideration of setting the 2015 Budget Workshop schedule.
12. Residents may be heard on matters for Council consideration that do not appear on the agenda.

13. Consideration of a request by the Leukemia and Lymphoma Society for use of city streets on Saturday, November 1, 2014 from 5:00 p.m. to 9:00 p.m. for their annual *Light the Night Walk* event.
14. Consideration of a request by the Recreation Department to hold their 38<sup>th</sup> annual *Turkey Run* on Saturday, November 29, 2014 during Thanksgiving Weekend.
15. Consideration of a request by the Rye Merchants Association to close a portion of Purchase Street on Sunday, November 30, 2014 from 10:00 a.m. to 3:00 p.m. for the *Mistletoe Magic* event.
16. Miscellaneous communications and reports.
17. New Business.
18. Adjournment.

\* \* \* \* \*

The next regular meeting of the City Council will be held on Wednesday, October 22, 2014 at 7:30 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".

\* Office Hours of the Mayor by appointment by emailing [jsack@ryeny.gov](mailto:jsack@ryeny.gov) or contacting the City Manager's Office at (914) 967-7404.



# CITY COUNCIL AGENDA

NO. 4

DEPT.: City Clerk

DATE: October 8, 2014

CONTACT: Dawn Nodarse

**AGENDA ITEM** Draft unapproved minutes of the regular meeting of the City Council held September 10, 2014, as attached.

**FOR THE MEETING OF:**

October 8, 2014

**RYE CITY CODE,  
CHAPTER  
SECTION**

**RECOMMENDATION:** That the Council approve the draft minutes.

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

**BACKGROUND:** Approve the minutes of the regular meeting of the City Council held September 10, 2014, as attached.

***DRAFT UNAPPROVED MINUTES*** of the  
Regular Meeting of the City Council of the City of  
Rye held in City Hall on September 10, 2014 at 7:30  
P.M.

PRESENT:

JOSEPH A. SACK Mayor  
LAURA BRETT  
KIRSTIN BUCCI  
JULIE KILLIAN  
TERRENCE McCARTNEY  
RICHARD MECCA  
RICHARD SLACK  
Councilmembers

ABSENT:     None

The Council convened at 7:00 p.m. Mayor Sack made a motion, seconded by Councilman Mecca and unanimously carried to immediately adjourn into executive session to discuss personnel and litigation. Councilwoman Brett made a motion, seconded by Councilman Mecca and unanimously carried, to adjourn the executive session at 7:25 p.m. The regular meeting convened at 7:30 p.m.

1.     Pledge of Allegiance

Mayor Sack called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2.     Moment of Silence in remembrance of 9/11

Mayor Sack called for a moment of silence in memory of the victims of 9/11.

3.     Roll Call

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

4.     Presentation by Mayor and City Manager of Certificates of Public Service to members of the City staff who have reached milestones in their service to the City of Rye

Mayor Sack acknowledged the service of several staff members who were not in attendance:

<u>Employee</u>	<u>Department</u>	<u>Years of Service</u>
Todd Barnum (retired)	Fire	25.5



Lt. Jeffrey Reichert (retired)	Police	36
Sgt. Charles Hunter	Police	25
Edward Iannarelli	Public Works	26
Robert Slater	Public Works	26
Lt. Joseph Verille	Police	36

Presentations of Certificates of Appreciation were made to three employees in attendance by the Mayor, City Manager and their respective Department Heads:

<u>Employee</u>	<u>Department</u>	<u>Years of Service</u>
Sgt. Robert Vogel	Police	31
Craig Casterella	Public Works	31
Michael Pearce	Public Works	41

4A. Recognition of the Rye Little League 10 and 11 year old Baseball Team as winners of the 2014 New York District 20 Little League Baseball Championship

Mayor Sack and Councilman McCartney presented Proclamations to the Rye Little League 10 and 11-year old Baseball Team in recognitions of their winning the 2014 New York District 20 Little League Baseball Championship. Team members included: Aidan Ahearn, Jack Bartlett, Justin Cheigh, Tommy Junior, Liam Lavelle, Blake Norton, Dominic Sculti, Aidan Sullivan, Mark Surhoff, Matthew Tepedino, Sean Thompson and Kotaro Tsunematsu. The team was coached by Leon Sculti and Mark Surhoff and managed by Myles Lavelle.

4B. Approval of the election of one new member to the Rye Fire Department

Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried, to adopt the following Resolution:

**RESOLVED**, that the City Council of the City of Rye hereby approves the election of Daniel Ponignamo to the Poningoe Engine and Hose Company of the Rye Fire Department, as approved by the Fire Wardens at their August 4, 2014 meeting.

5. General Announcements by the Council

Announcements were made regarding various achievements, activities and events that may be of interest to members of the community.

6. Draft unapproved minutes of the regular meeting of the City Council held August 4, 2014

Councilwoman Brett made a motion, seconded by Councilwoman Killian and unanimously carried, to approve the regular minutes of the City Council meeting held on August 4, 2014, as submitted.

7. Issues Update/Old Business

County Legislator and former City Council Member Catherine Parker updated the Council on the following issues:

- Affordable Housing Settlement – The Huntington Analysis has been completed that looks for clusters of minority populations. The City of Rye is not on the list of communities where, under the Federal Standard, there is exclusionary housing. Ms. Parker read a section of the report that concludes that the City’s Zoning Code does not perpetuate racial and ethnic cluster by restricting multi-family or affordable housing to districts with a large minority population and does not restrict the development of housing that minority groups might use. She added that the Settlement is not about high-rise housing projects, but is subsidized rent or ownership for housing for people who earn up to 60% of the median income. Ms. Parker also reported on aspects of the Housing Settlement that are not specific to Rye.
- Playland – Ms. Parker said there may be an opportunity to get an experienced operator for Playland for 2015. There were two other proposals during the RFP process from experienced amusement park operators – one from a group called Standard Amusements, which would like to do a restoration of the park, and the other from a group called Central Amusements, which includes a former Director of Playland. She said that both groups are well funded and seem eager to work with the Rye community. Legislator Parker was urged to support the City’s position that anything that goes in at Playland should be subject to approval by the City through its land use boards. The beach at Playland will be open for dogs from September 22<sup>nd</sup> until April 26<sup>th</sup>.

Councilwoman Brett reported that the Landmarks Advisory Committee is working on designating historic districts for the community as a way to provide tax incentives. The first neighborhood being considered is the downtown area. She said there is a question about the process that would be followed. Corporation Counsel Wilson said that the City Council would have to hold a public hearing on the proposed historic district because it would require a change to the City Code.

8. Continuation of the Public Hearing to change the zoning designation of County-owned property located on Theodore Fremd Avenue and North Street to the RA-5 District to provide for the construction of affordable senior housing

Matthew Carroll of Tenen Environmental (Tenen) provided an update on the additional work requested by the Council at the previous meeting to prepare an “apples to apples” comparison of historic groundwater results to provide a better summary of where the samples were collected and what the concentration changes were over time; to complete a site inspection; and to review the future response from the applicant with regard to the Environmental

Assessment Form (EAF). They collected all the data that has been sampled over the years for the DEC, the Westchester County Department of Health, and the applicant, primarily from two wells, that shows a strong decrease until 2009 when the DEC closed out the spill and since then there have been low levels of concentrations from 2009 through March 2014 when the last groundwater samples were collected. Tenan was asked to collect a confirmatory round of groundwater samples to continue the historic record. The groundwater at the site is currently lower than what would be necessary to take similar representative samples. They will monitor the groundwater and if the situation arises where samples can be taken, they will notify the Council. The characteristics of the site layout are consistent with their initial recommendations to prevent any future groundwater or vapor from entering the site and to cap the soil outside of the building. They also reviewed the EAF provided by the applicant and ask that the applicant provide the City with a formal determination on endangered species on the site from the State. They also suggest that the applicant provide a wetland survey completed by a certified soil scientist to determine if there are federal or local wetlands. Documents received from the State regarding the adjoining Manufactured Gas Plant (MGP) are being reviewed. There does not appear to be any impacts from this site. They also believe that the applicant should provide the Council with any available archeological studies for the site.

Public Comment: *Carolyn Cunningham* said she believed that the contamination issue could be put at rest in connection with the issue of a Senior Affordable Housing site. *John Shoemaker* said he did not believe that the “apples to apples” comparison was done and that questions from the last meeting had not been answered. *Steven Rattner* spoke in favor of the project which he said would be good for Rye.

Mr. Cooper was asked to provide a graph memorializing data that the Council has been seeking and it was noted that the developer still has some items to provide to the City as per Council request.

Councilwoman Brett made a motion, seconded by Councilman Mecca and unanimously carried, to adjourn the public hearing to the October 8<sup>th</sup> meeting.

9. Continuation of Public Hearing to amend local law Chapter 197, “Zoning”, of the Rye City Code by adding Section 197-15, “Special Permit for Historic Preservation in the B-2 Central Business District” to permit banks on the first floor of a building when certain conditions are met upon approval of a Special Use Permit by the City Council

The Public Hearing remained open from the August meeting.

Public Comment: *Bob Zahm* said there was nothing in the documents that speaks to the “Smoke Shop” problem. He asked the Council if it was their intention to provide a way for the Smoke Shop to stay in place, how they would codify it. *John Zegras*, urged the Council to save the Smoke Shop calling it “a part of the life that has passed us by.” *Tony D’Onofrio* (owner of the Smoke Shop) said he wants to stay and the only option appears to be the bank.

Mayor Sack said there was a two part process: (1) pass the legislation to allow for the special use permit, and, (2) negotiation of the terms of the permit. There was a discussion among

the members of the Council on the mechanics of how the special use permit would work; the discretion the Council would have in negotiating the terms of the permit; and public policy reasons for the change. Corporation Counsel Wilson said that the proposed law could not preserve an actual business but could require a particular type of use. Mayor Sack suggested that the public hearing should be kept open and preliminary discussions held to come up with a draft special use permit.

Councilman McCartney made a motion, seconded by Councilwoman Killian and unanimously carried to continue the public hearing to the October 8<sup>th</sup> meeting.

10. Continuation of Public Hearing to amend local law Chapter 191, "Vehicles and Traffic", of the Rye City Code by amending Section §191-7, "Speed limits", to lower the speed limit to 25 miles per hour on select roads, including Stuyvesant Avenue, Van Wagenen Avenue, Forest Avenue, Oakland Beach Avenue, and Milton Road, during the Pilot Study recommended by the Traffic and Pedestrian Safety Committee

Mayor Sack said he believed the Council was probably prepared to adopt the proposed local law but they are also concerned about addressing safety issues that include the removal of rocks in the right-of-ways. There was a discussion among the members of the Council on the best way to approach the removal of the illegal rocks in the right-of-ways, including: sending notices of violation to residents asking them to remove the rocks on their own before the City removes them and bills them; including removal of rocks as a requirement for passing the speed reduction pilot; creating a plan for the City-wide removal of rocks over time; giving the City Manager the discretion to implement a plan for rock removal, or, not voting on the local law until a plan for rock removal is in place.

Councilwoman Killian made a motion, seconded by Councilwoman Brett, to adopt the following local law:

**CITY OF RYE  
LOCAL LAW NO. 3 2014**

**A local law to amend the City Code of the City of Rye Chapter 191 "Vehicles and Traffic" Part 1, Article II "Traffic Regulations" Section 191-7 "Speed limits" to reduce the speed limit down to twenty-five miles per hour on roads, or portions thereof, for a pilot study as follows:**

**Section 1:**

**Article IV, *Traffic Regulations*, of the Code of the City of Rye is hereby amended:**

**§ 191-7. Speed Limits.**

It shall be unlawful for any person to operate any motor vehicle or motorcycle in any street in the City at a speed in excess of 30 miles per hour, except as indicated in

subsection A and where otherwise indicated by signs erected by the Police Department of the City.

- A. The speed limit shall be 25 miles per hour for the block bordered by Stuyvesant Avenue, Van Wagenen Avenue, Forest Avenue, Oakland Beach Avenue and Milton Road. The 25 miles per hour limit shall be posted along each of the streets indicating what sections are governed by the 25 miles per hour speed limit.

**Section 2.**

If any clause, sentence, paragraph, section or part of any section of this title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered.

**Section 3: This local law will take effect on November 1, 2014 and shall be effective for twelve (12) months.**

**ROLL CALL:**

AYES: Mayor Sack, Councilmembers Brett, Bucci, Killian, McCartney, Mecca and Slack  
NAYS: None  
ABSENT: None

The Local Law was adopted by a 7-0 vote.

11. Continuation of Public Hearing to amend local law Chapter 76, "Dogs", Section §76-5, "Running at large prohibited" and Section §76-6, "When leash required" to establish regulations for the leashing of dogs at Rye Town Park

Corporation Counsel Wilson noted that the correct version of the draft law had not been included in the agenda packets. She said that a more recent version has been used in discussions with the Rye Town Park Commission. Councilwoman Brett said that the City has been trying to coordinate with the Rye Town Park Commission on the law in order to get the Commission to accept the "off leash" policy.

*Suki van Dijk* spoke in favor of the Council passing the law.

Councilwoman Brett made a motion, seconded by Councilwoman Killian and unanimously carried, to continue the public hearing to the October 8, 2014 City Council meeting.

12. Public Hearing to amend local law Article 6, "Council", Section § C6-2, "Powers and duties", Article 8 "City Manager", Section § C8-2, "Powers and duties of City Manager" and Article 12 "Department of Police", Section § C12-1, "Head of Department;

subordinates” of the Charter of the City of Rye to provide the City Council with the authority to approve the appointment, suspension or removal of the Police Commissioner

Mayor Sack said that the City Council is not seeking the authority to appoint the Police Commissioner under the proposed local law or to take away the authority of the City Manager to select the Police Commissioner. It seeks to give the Council a check and balance of approval authority over the City Manager’s decision.

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

There was a discussion among the members of the Council regarding the reasoning behind the proposed local law. There was a consensus that the change was warranted due to the importance of the role of Police Commissioner. The process that would be involved in the event of the suspension or removal of a Police Commissioner was also discussed.

Public Comment:

*Meg Cameron* read a statement from former Councilwoman *Carolyn Cunningham* in opposition to the proposed law saying she believed the proposal would weaken the City Manager form of government. *Ms. Cameron* added her opposition to the proposed local law. Former Councilman *Arthur Stampleman* also spoke against the proposed local law and said he believed any change to the Charter should be made by public referendum. Corporation Counsel Wilson indicated that the proposed change could be made by local law.

Councilman McCartney made a motion, seconded by Councilman Mecca and unanimously carried, to continue the public hearing until the October 8<sup>th</sup> meeting.

13. Public Hearing to amend local law Chapter 191, “Vehicles and Traffic”, of the Rye City Code by amending Section §191-20, “Parking time limited”, Subsection (B) “Two-hour limit” to prohibit parking for a period longer than two hours between the hours of 7:00 a.m. and 6:00 p.m., except on Sundays on the north side of Central Avenue from the west side of the bridge over the Blind Brook to Walnut Street, and Section §191-21, “Parking, standing or stopping” to prohibit parking on the north side of Central Avenue from the Boston Post Road to the west side of the Blind Brook

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

Brian Dempsey, Chair of the Traffic and Pedestrian Safety Committee, said that the intent of the law was to extend the parking limitations that are currently in effect to the area beyond the bridge.

No one from the public spoke on the proposed local law.

Councilman Mecca made a motion, seconded by Councilwoman Brett and unanimously carried, to close the public hearing.

Councilman Mecca made a motion, seconded by Councilwoman Killian, to adopt the following local law:

**CITY OF RYE  
LOCAL LAW NO. 4 2014**

**Local law to amend Chapter 191, “Vehicles and Traffic”, of the Rye City Code  
By amending §191-20, “Parking time limited”, Subsection (b) “Two-hour  
Limit” to prohibit parking on the north side of Central Avenue from the  
West side of the bridge over the Blind Brook to Walnut Street and §191-21,  
“Parking, standing or stopping” to prohibit parking on the north side of  
Central Avenue from the Boston Post Road to the west side of the Blind Brook**

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

**Section 1:** 191-20. Parking time limited.

B. Two-hour limit. The parking of vehicles is hereby prohibited in the following street locations for a period longer than two hours between the hours of 7:00 a.m. and 6:00 p.m., except on Sundays:

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Blind Brook Lane	Both	
Central Avenue	North	From the west side of the bridge over the Blind Brook to Walnut Street
First Street	East	Parking area between Commuter Parking Area and Purdy Avenue
Highland Road	North	From Purchase Street to Club Road
Milton Road	West	From Cross Street to Rectory Street
Natoma Street	North	
New Street		(Except also on Saturday)
Orchard Avenue	North	From 300 feet from the intersection of Boston Post Road west to Theodore Fremd Avenue
Purchase Street	Both	From Natoma Street to Ridge Street
Rectory Street	South	From Milton Road to Boston Post Road
Theodore Fremd Avenue	North	First 4 parking spaces of the parking area commencing at intersection with Blind Brook
Theodore Fremd Avenue	Southeast	From its intersection with Central Avenue northeasterly for 155 feet

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Wappanocca Avenue	Both	

**Section 2:** §191-21. Parking, standing or stopping.

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Billington Court	North	
Central Avenue	North	From the Boston Post Road to the west side of the Blind Brook
Central Avenue	South	From Loewen Court to the Boston Post Road
Cornell Place	Both	
Dearborn Avenue	Both	East of Forest Avenue, including the turnaround at the easterly end thereof*
Forest Avenue	East	From Redfield Street to Playland Parkway
Franklin Avenue	North-east	From a point approximately 30 feet north of Sonn Drive
Hewlett Avenue	East	Between the crosswalks extending from Robert Crisfield Place to the fire lane driveway exit, when school is in session, from 8:00 a.m. to 9:00 a.m. and 2:30 p.m. to 3:30 p.m.
Kirby Lane	Both	From its westernmost inter-section with Mill Pond to Van Rensselaer Road, from 8:00 p.m. to 6:00 a.m.
Locust Avenue	Both	From Purchase Street to the east end of Mead Place
Locust Avenue	South	From main firehouse to Purchase Street
Locust Avenue		
Midland Avenue	Front of No. 382	
Midland Avenue [Added 8-16-1995; repealed 9-20-1995]		
Midland Avenue [Added 9-20-1995; repealed 3-19-1997]		
Midland Avenue Midland Avenue	West	From Apawamis Avenue to Goldwin Street from 8:00 a.m. to 9:00 a.m. and 2:30 p.m. to 3:30 p.m., Monday through Friday



Milton Road	West	From Fairlawn Street to driveway of marina
Milton Road		
Platt Lane	South	Entire length, from 8:00 a.m. to 9:00 a.m. and 2:30 p.m. to 4:00 p.m. on school days
Purchase Street	West	From Elizabeth Street to driveway of 231 Purchase Street
Purdy Avenue	Both	Purchase Street to First Street
Purdy Avenue	South	From School Street to Post Road

**NOTE:**

\*Except that the parking, standing or stopping of vehicles on the northerly side of the turnaround for discharging or loading of passengers only is permitted.

**Section 3.** This local law will take effect immediately upon filing in the Office of the Secretary of State.

**ROLL CALL:**

AYES:	Mayor Sack, Councilmembers Brett, Bucci, Killian, McCartney, Mecca and Slack
NAYS:	None
ABSENT:	None

The Local Law was adopted by a 7-0 vote.

14. Public Hearing to amend local law Chapter 191, “Vehicles and Traffic”, of the Rye City Code by amending Section §191-20, “Parking time limited”, Subsection (E) “Fifteen-minute limit” to designate two parking spaces on the south side of Sylvan Road closest to Midland Avenue as fifteen minute parking spaces

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

Brian Dempsey, Chair of the Traffic and Pedestrian Safety Committee, said that the proposed local law was a recommendation of the Committee.

There was no one from the public who wished to speak on the proposed local law.

Councilwoman Brett made a motion, seconded by Councilwoman Killian and unanimously carried, to close the public hearing.

Councilwoman Killian made a motion, seconded by Councilwoman Brett, to adopt the following local law:

**CITY OF RYE  
LOCAL LAW NO. 5 2014**

**A Local Law to amend Chapter 191, “Vehicles and Traffic”, of the Rye City Code by amending §191-20, “Parking time limited”, Subsection (E) “Fifteen-minute limit” to designate two parking spaces on the south side of Sylvan Road closest to Midland Avenue as fifteen minute parking spaces.**

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

**Section 1:** 191-20. Parking time limited.

E. Fifteen-minute limit. The parking of vehicles is hereby prohibited in the following locations for a period longer than 15 minutes between the hours of 7:00 a.m. and 7:00 p.m., except on Sundays:

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Boston Post Road	East	From Central Avenue to Rectory Street
Elm Place	North	3 spaces on the north side closest to Theodore Fremd Avenue
Forest Avenue	West	From the southwest driveway of the service station to Elmwood Avenue
Purchase Street	East	From Elizabeth Street southerly for 140 feet
Purdy Avenue	North	From the east side of the post office property to Third Street
Sylvan Road	South	2 spaces on the south side closest to Midland Avenue
Third Street	East	From Purdy Avenue to the post office driveway
Third Street	West	From Purdy Avenue to a point 100 feet north thereof

**Section 2.** This local law will take effect immediately upon filing in the Office of the Secretary of State.

**ROLL CALL:**

**AYES:** Mayor Sack, Councilmembers Brett, Bucci, Killian, McCartney, Mecca and Slack

**NAYS:** None

**ABSENT:** None

The Local Law was adopted by a 7-0 vote.

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

*Sis D'Angelo, 125 Wappanocca Avenue* spoke about the Morehead Bridge located in the cemetery off Milton Road. She urged the City to have it repaired.

*Charles Millard, 6 Eldridge Court*, spoke about the drug problem in the City, which he called an emergency, and said that the Police Department should make it a priority and do more to enforce drug laws and arrest those who sell drugs. Councilwoman Killian spoke about creating a Drug & Alcohol Coalition in the City.

16. Consideration to set a Public Hearing to amend local law Chapter 165 , “Signs”, of the Rye City Code by adding Section §165-10, “Regulation of banners”, to establish regulations for banners on City owned ball field fences and utility poles on City property

There was a discussion among the Council about the language in the draft local law; questions about how “banners” are regulated in other communities; who would be the applicant; and, whether it makes more sense for the Recreation Commission or the Board of Architectural Review to have approval authority over the banners. Corporation Counsel Wilson said she will circulate laws from other communities to the Council.

Councilwoman Brett made a motion seconded by Councilman Mecca and unanimously carried, to adopt the following Resolution:

**WHEREAS**, the Council wishes to consider amending Chapter 165 “Signs” of the Code of the City of Rye by adding a new §165-10 to establish regulations for banners on City owned field fences and utility poles located on City property to renumber the remaining section of the Chapter; and

**WHEREAS**, it is now desired to call a public hearing on such proposed amendments to the law, now, therefore, be it

**RESOLVED**, by the Council of the City of Rye as follows:

Section 1. Pursuant to Section 20 of the Municipal Home Rule Law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on October 22, 2014 at 7:30 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning such proposed local law.

Section 2. Such notice of public hearing shall be in substantially the following form:

PUBLIC NOTICE  
CITY OF RYE

**A Local Law to amend Chapter 165 “Signs” of the Code of the City Rye by adding a new §165-10 to establish regulations for banners on City owned field fences and utility poles located on City property and to renumber the remaining section of the Chapter.**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 22nd day of October 2014 at 7:30 P.M. at City Hall, Boston Post Road, in said City, at which time interested persons will be afforded an opportunity to be heard concerning a proposed local law to amend Chapter 165 “Signs” of the Code of the City of Rye by adding a new §165-10 to establish regulations for banners on City owned field fences and utility poles located on City property and to renumber the remaining section of the Chapter.

Copies of said proposed local law may be obtained from the office of the City Clerk.

Dawn F. Nodarse  
City Clerk  
Dated: October 10, 2014

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Mayor Sack made a motion, seconded by Councilwoman Killian and unanimously carried, to adjourn into executive session at 11:57 p.m. for an attorney/client meeting. Councilwoman Brett made a motion, seconded by Councilman Mecca and unanimously carried, to adjourn the executive session at 12:35 a.m. The regular meeting resumed at 12:37 a.m.

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17. Two appointments to the Boat Basin Commission, by the Council, for two-year terms expiring January 1, 2017 and the designation of one member to the Boat Basin Nominating Committee

Councilman Mecca made a motion, seconded by Mayor Sack and unanimously carried, to appoint Greg Gavlik and Benjamin Poole to the Boat Basin Commission for two year terms expiring on January 1, 2017 and to appoint Alan Caminiti to the 2015 Boat Basin Nominating Committee.

18. Consideration of a request by the Sole Ryeders & Friends and the Rye High School Breast Cancer Awareness Club to have a TieTheTownPink breast cancer awareness campaign in the City of Rye during the month of October, 2014

Councilwoman Brett made a motion, seconded by Councilwoman Killian and unanimously carried, to adopt the following Resolution:

**RESOLVED**, that the City Council of the City of Rye hereby approves the request of the Sole Ryders & Friends and the Rye High School Breast Cancer Awareness Club to put ribbons on trees on Purchase Street as part of a TieTheTownPink breast cancer awareness campaign in the City of Rye during the month of October 2014.

19. Acceptance of asset forfeiture funds in the amount of Three Thousand Four Hundred (\$3,400.00) Dollars to be deposited into the Police Department asset forfeiture account

Councilwoman Brett made a motion, seconded by Mayor Sack, to adopt the following Resolution:

**WHEREAS**, the City Police Department is in receipt of crime forfeiture proceeds in the amount of \$3,400; and,

**WHEREAS**, New York State law requires that such funds be used solely for police purposes; and

**WHEREAS**, it is the recommendation of the Police Commissioner to accept the forfeiture funds; and

**WHEREAS**, the 2014 General Fund Budget did not anticipate the receipt or use of these funds; now, therefore, be it

**RESOLVED**, that the City Comptroller is authorized to amend the fiscal 2014 General Fund Budget as follows:

Increase Revenues – Police Investigations Forfeiture Crime Proceeds in the amount of \$3,400

Increase Appropriations – Police Investigations Public Safety Supplies in the amount of \$3,400.

**ROLL CALL:**

AYES: Mayor Sack, Councilmembers Brett, Bucci, Killian, McCartney, Mecca and Slack

NAYS: None

ABSENT: None

The Resolution was adopted by a 7-0 vote.

20. Appeal of denial of FOIL requests by Timothy Chittenden

The Council considered four Appeals of responses to FOIL requests submitted by Timothy Chittenden:

**Appeal #1:**

Mayor Sack made a motion, seconded by Councilman Mecca, to adopt the following Resolution:

**RESOLVED**, that the appeal of the response to a FOIL request made by Timothy Chittenden for “All records since January 1, 2011, of all e-mails, cell phone calls and text messages to and from Robert Falk and: Jill Donovan, Franco Compagnone, Christine Incalcaterra, Richard Runes and Louis Olivier” is hereby denied.

ROLL CALL:

AYES: Mayor Sack, Councilmembers Bucci, Killian, McCartney and Mecca  
NAYS: Councilman Slack (in part)  
ABSENT: None  
ABSTAIN: Councilwoman Brett

The Resolution was adopted by 5 votes.

**Appeal #2:**

Mayor Sack made a motion, seconded by Councilwoman Brett, to adopt the following Resolution:

**RESOLVED**, that the appeal of the response to a FOIL request made by Timothy Chittenden for “All records of all complaints filed by Rye Police Officer Compagnone with regard to James Amico for harassment, extortion or any other complaint including but not limited to all cad dispatch reports, all incident reports, all sworn statements and all other documents filed associated with any complaints filed since January 1, 2009” is hereby denied.

**ROLL CALL:**

**AYES:** Mayor Sack, Councilmembers Brett, Bucci, Killian, McCartney,  
Mecca and Slack  
**NAYS:** None  
**ABSENT:** None

The Resolution was adopted by a 7-0 vote.

**Appeal #3:**

Councilwoman Brett made a motion, seconded by Mayor Sack, to adopt the following Resolution:

**RESOLVED**, that the appeal of the response to a FOIL request made by Timothy Chittenden for “All emails to and from William Connors, Falk, Richard Runes and any City of Rye official including but not limited to the Rye City Council, City Manager, Corporation Counsel and the City Clerk concerning the arrest of Compagnone, the suspension of Compagnone and the reinstatement of Compagnone since 1/1/2013, is hereby denied.

**ROLL CALL:**

**AYES:** Mayor Sack, Councilmembers Brett, Bucci, Killian, McCartney,  
Mecca and Slack  
**NAYS:** None  
**ABSENT:** None

The Resolution was adopted by a 7-0 vote.

**Appeal #4:**

Mayor Sack made a motion, seconded by Councilman McCartney, to adopt the following Resolution:

**RESOLVED**, that the appeal of the response to a FOIL request made by Timothy Chittenden for “All records from 1/1/2008 thru 12/31/2010 of all emails, cell phone calls and text messages to and from Robert Falk and: Jill Donovan, Franco Compagnone, Christine Incalcaterra, Richard Runes and Louis Olivier, is hereby denied.

ROLL CALL:

AYES: Mayor Sack, Councilmembers Bucci, Killian, McCartney and Mecca  
NAYS: Councilman Slack (in part)  
ABSENT: None  
ABSTAIN: Councilwoman Brett

The Resolution was adopted by 5 votes.

21. Miscellaneous Communications and Reports

Mayor Sack reported that six members of the Council in two separate trips of three members visited Hen Island over the weekend in an attempt at constructive engagement. He said he believed it was beneficial for the Council to be there and they will consider what they observed and learned in order to frame the issues to make a decision.

22. New Business

Councilman McCartney reported on a program called “Solarized Westchester” that he believes the City should look into. He requested that it be put on an agenda. Councilman Mecca reported that he had been a panelist for the program and would to the Council on the program and Councilwoman Killian will refer it to the Sustainability Committee and City Engineer Coyne.

23. Adjournment

There being no further business to discuss Councilwoman Brett made a motion, seconded by Councilman Mecca and unanimously carried, to adjourn the meeting at 12:50 a.m.

Respectfully submitted,

Dawn F. Nodarse  
City Clerk





# CITY COUNCIL AGENDA

NO. 5

DEPT.: City Council

DATE: October 8, 2014

CONTACT: Mayor Joseph Sack

**AGENDA ITEM:** Issues Update/Old Business

**FOR THE MEETING OF:**

October 8, 2014

**RYE CITY CODE,**

**CHAPTER**

**SECTION**

**RECOMMENDATION:** That an update be provided on outstanding issues or Old Business.

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

**BACKGROUND:**



# CITY COUNCIL AGENDA

NO. 6

DEPT.: Planning

DATE: October 8, 2014

CONTACT: Christian K. Miller, AICP, City Planner

**AGENDA ITEM:** Continuation of the Public Hearing to change the zoning designation of County-owned property located on Theodore Fremd Avenue and North street to the RA-5 District to provide for the construction of affordable senior housing.

**FOR THE MEETING OF:**

October 8, 2014

**RYE CITY CODE,**

CHAPTER 197  
SECTION 3

**RECOMMENDATION:** That the City Council should continue its environmental review under SEQR, conduct and consider closing the public hearing and consider conditions to include in a potential negative declaration. Closing the hearing and adoption of a determination of significance is required before a super majority vote on the proposed zoning petition.

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

**BACKGROUND:** The petitioner, Lazz Development/Pawling Holdings, seeks an amendment to the City Zoning Map to change the zoning district designation of an approximately 2.0-acre property located on Theodore Fremd Avenue and North Street. The request would change the zoning of the Westchester County-owned property from the B-6, *General Business*, District and the B-1, *Neighborhood Business*, District to the RA-5, *Senior Citizen's Apartment*, District. The petitioner is seeking to construct fifty-four (54) units of age-restricted housing located in two buildings. The proposal would be limited to those over age 55 and consist of 44 one-bedroom units and 10 two-bedroom units. The proposed units would also be affordable and 27 of these units would count towards Rye's contribution to the 750 units of fair and affordable housing Westchester County is obligated to provide as part of a stipulation of settlement with the U.S. Department of Housing and Urban Development (HUD). It is noted that the proposed zoning change is the same district as adopted by the City Council in the mid-1980s to accommodate the nearly 100 units of affordable senior housing at 300 Theall Road. The matter was referred to the City Planning Commission and a recommendation memo was provided to the City Council. Westchester County has provided its advisory comments on the matter.

(continued)

Additional information has been provided by the petitioner; these documents are available on the City website\* and include the following:

- 1 – Proposed Conceptual Site Plan
  - 2 – Letter from Westchester County Department of Planning / Department of Health
  - 3 – Aerial photos of site: 1925 through 2013
  - 4 – Soil testing results: Ralph G. Mastromonaco, P.E., P.C.
  - 5 – Soil test Technical Report: York Analytical Laboratories, Inc.
  - 6 – Full Environmental Assessment Form
  - 7 – Traffic Analysis and Commentary: Ralph G. Mastromonaco, P.E., P.C.
  - 8 – City of Rye Police Department Incident Reports
  - 9 – Team Environmental Consultants, Inc.: Phase 1 Environmental Site Assessment Report
- Theodore Fremd Property Taxes  
Documents obtained from Westchester County through a FOIL request

- 08/04/14 – memo from Matthew Carroll, P.E. / Tenen Environmental providing a Review of Environmental Conditions
- 08/04/14 – memo from Matthew Carroll, P.E. / Tenen Environmental providing a Review of the Environmental Assessment Form
- 08/28/14 – memo from Ralph G. Mastromonaco, P.E., P.C. providing a revised Environmental Assessment Form and responses to questions posed by City Planner Christian K. Miller, AICP and consultant Matthew Carroll, P.E.

\*\* Documents are available at [www.ryeny.gov](http://www.ryeny.gov) under Digital Documents in folder “Theodore Fremd Senior Housing Zoning District Change”

## MEMORANDUM

**To:** Rye City Council

**From:** Matthew Carroll, P.E. / Tenen Environmental

**Date:** August 4, 2014

**Subject:** Theodore Fremd Senior Housing Zoning District Change  
150 North Street – Rye, New York  
Review of Environmental Conditions

The City of Rye has retained Tenen Environmental to review the environmental information pertaining to contamination on the above property (the Site) to support the Rye City Council in their determination of whether the environmental impacts identified at the Site are a significant adverse impact and, specifically, whether the proposed action may have an impact on human health concerns associated with exposure to new or existing sources of contaminants. This memorandum briefly describes the proposed action and environmental setting, summarizes the Site's regulatory history and findings of prior environmental investigations, and provides recommendations for further actions.

### Summary of Proposed Development and Site Setting

The Site is a 2.08-acre lot fronting North Street and Theodore Fremd Avenue in the City of Rye, Westchester County, New York. The proposed future use of the property is senior affordable housing, which requires a change in zoning designation to RA-5, *Senior Citizens Apartment*.

The Site has been largely vacant since at least 1925, with the exception of a small shed. A Phase I environmental site assessment (ESA) did not identify previous uses at the Site that would likely use petroleum or hazardous materials. The Site is located downgradient of two adjoining, gasoline service stations (Valero Service Station located at 300 Theodore Fremd Avenue and Banahan Brothers Service Station located at 310 Theodore Fremd Avenue).

Surficial geology of the project Site is mapped as glacial till consisting of poorly sorted sands. The Site is located over an unconfined aquifer consisting of sand and gravel oriented in a north-south direction. Bedrock was encountered at depths ranging from six to fifteen feet below grade (ft-bg), with the shallowest depths in the northern portion of the property. Groundwater flow is to the north-northeast. The depth to groundwater is approximately one to three feet below grade (ft-bg). Several wells on the property have existed since the initial 1992 investigation and have been routinely used as groundwater gauging and sample collection points.

### Documents Reviewed

In the course of this review, the following sources were accessed:

- City of Rye, Theodore Fremd Senior Affordable Housing Zoning Change documentation, <http://www.egovlink.com/rye/docs/menu/home.asp>, <http://www.ryeny.gov/TFseniorhousingZDC.cfm>
- NYSDEC, Spill case file, 150 North Street, FOIL 14-1956.

- NYSDEC, Spill report and remedial documents, 300 Theodore Fremd Avenue, FOIL 14-0480.
- NYSDEC Spill report and remedial documents, 310 Theodore Fremd Avenue, FOIL 14-0479.
- Westchester County Department of Health, FOIL 14-348.
- Documents provided by John Shoemaker, Rye citizen. [http://www.egovlink.com/public\\_documents300/rye/published\\_documents/Theodore%20Fremd%20Senior%20Housing%20Zoning%20District%20Change/Documents%20obtained%20through%20FOIL.pdf](http://www.egovlink.com/public_documents300/rye/published_documents/Theodore%20Fremd%20Senior%20Housing%20Zoning%20District%20Change/Documents%20obtained%20through%20FOIL.pdf)

### **Prior Environmental Investigation and Remediation at the Site**

In 1992, a Phase I environmental study and subsurface investigation was completed at the property. The investigation included the advancement of soil borings to evaluate soil conditions and depth to bedrock. Groundwater monitoring wells were also installed. Results of the soil and groundwater analyses revealed elevated concentrations of petroleum-related compounds in both the soil and groundwater. The petroleum constituents above relevant standards were the compounds benzene, toluene, ethylbenzene and xylenes.

In 1993, an additional subsurface investigation was completed and included surface soil sampling, advancement of soil borings and the installation of groundwater monitoring wells. Results of the surface and subsurface soil analyses did not detect petroleum compounds, however, elevated concentrations of petroleum-related compounds were observed in the groundwater, with the highest recorded levels identified within the western portion of the property.

In 1994, a Site assessment conducted by the New York State Department of Environmental Conservation (NYSDEC) confirmed that the groundwater within the western portion of the property was impacted by petroleum-related compounds. NYSDEC subsequently contracted remediation contractors to further assess the conditions of the soil and groundwater and to employ remedial technologies for site closure.

Remediation, consisting of a high vacuum extraction (HVE) system, commenced in August 1996. The HVE system collected groundwater for on-site treatment and was operated for several years until it was no longer effective (i.e., no further decrease in the remaining residual concentrations). By February 2009, the groundwater concentrations were below relevant guidance levels in the sampled monitoring wells. Spill number 93-03102 for the Site was closed by the NYSDEC on August 19, 2009.

### **Current Site Conditions**

Following closure of Spill number 93-03102, additional soil and groundwater samples have been collected. Soil concentrations were compared to the NYSDEC unrestricted use and restricted-residential use soil cleanup objectives (SCOs). Groundwater concentrations were compared to the NYSDEC Class GA standards, which are based on the best usage of the groundwater as drinking water. At the Site, drinking water will be provided by a regulated utility, United Water. Several other uses are considered by NYSDEC, although guidance and standards are not promulgated for every compound. The concentrations were also compared with levels for fish propagation, fish survival, wildlife protection and aesthetic considerations for fresh water; these are considered due to the presence of potential surface water bodies (i.e., wetlands and stream) at the Site.

Groundwater sampling was completed in 2010, 2013 and 2014 and showed that dissolved concentrations of petroleum constituents were again present above the Class GA standards, albeit at concentrations lower than the pre-remediation concentrations.

The most recent groundwater samples were collected in 2014 from two monitoring wells, designated NE and NW. Only one compound, benzene, was detected above the Class GA standards. The concentration was 27.2 micrograms per liter (ug/L) in well NE, above the standard of 1 ug/L, but significantly lower than 1,660 ug/L, the concentration of benzene detected in the 2013 sampling. The 27.2 ug/L concentration is below the standards for fish propagation, fish survival, wildlife protection and aesthetic considerations for fresh water. Note that the comparisons to fish propagation, fish survival and wildlife protection are conservative in nature as a potential stream is present but is not protected or classified by NYSDEC and is, therefore, not considered to be an important natural habitat.

In addition to the aforementioned benzene level, the 2013 sampling also identified other petroleum-related compounds above relevant standards. These concentrations are attributable to the off-site, hydraulically upgradient properties where remedial activities were completed.

One well in the southwest portion of the Site was sampled in 2013, but not 2014. Concentrations of three petroleum-related compounds were detected above the Class GA standards. Two compounds were detected slightly above the guidance for fish propagation. As noted above, this is a conservative comparison as the Site is not considered to be an important natural habitat. It is likely that the concentrations in this well will have decreased, similar to well NE; however, it is assumed that similar levels are present for the purposes of this analysis.

Soil sampling at the Site was conducted in April 2014 on behalf of the Applicant and in coordination with the Westchester County Department of Health (WCDOH). A comparison of the results to the current NYS Part 375 unrestricted use and restricted-residential use soil cleanup objectives (SCOs) indicates that acetone, arsenic, chromium, chrysene and lead were detected above the unrestricted use SCOs. Both arsenic and lead were also detected above the restricted-residential use SCOs, the appropriate comparison given the proposed Site use. Arsenic was detected at a concentration of 19.9 milligram/kilogram (mg/kg), slightly above the restricted-residential use SCO of 16 mg/kg and lead was detected at a concentration of 613 mg/kg, above the restricted-residential use SCO of 400 mg/kg.

#### **Current Site Regulatory Status**

NYSDEC has closed spill record #93-03102, which was associated with the Site. NYSDEC is aware of the proposed future use, the concentrations of residual contamination that remain at the Site and the status of the remedial efforts at the adjoining properties. NYSDEC has not imposed any requirements for engineering or institutional controls. However, in a May 7, 2014, letter report, the Westchester County Health Department (WCDOH) detailed, and indicated that NYSDEC agreed with, the following design-specific elements to address potential impacts:

- Open parking on the first floor.
- Sub-slab depressurization system (SSDS) or impervious liner beneath the enclosed spaces for the elevator. Potential waterproofing of elevator pits.
- Three feet of fill material to act as a cap.

No other regulatory requirements or guidance has been identified for the Site. Both NYSDEC and WCDOH have reviewed the environmental data in the context of the proposed future use.

### **Status of Upgradient Spill Sites**

The Site is located downgradient of two gasoline service stations.

The Valero Service Station is located at 300 Theodore Fremd Avenue and is associated with NYSDEC Spill numbers 0402976, 0711483, 1101225 and 1309734. Currently, all Spill records have been closed by NYSDEC. Spill numbers 0711483 and 1309734 were closed on July 1, 2014.

The Banahan Brothers Service Station is located at 310 Theodore Fremd Avenue and is associated with NYSDEC Spill number 8900699. The Spill record has been closed by NYSDEC.

Reportedly, elevated levels of gasoline constituents remain in the weathered bedrock at the Banahan Brothers property and in the soil along the border of the Site adjacent to the Valero property. This indicates that low levels of petroleum constituents are likely to remain in the groundwater at the Site, at least in the near future, given that there are no known plans for additional remediation at either of the adjoining properties. Please note that a soil sample collected on-Site in the area of the Valero property did not show elevated concentrations of petroleum-related compounds.

### **Conclusions and Recommendations**

#### *Existing Contamination*

The historical groundwater data shows that concentrations of petroleum-related compounds at the Site have decreased following remedial activities completed at the Site and two upgradient gasoline stations, with occasional concentration spikes. The sources of the contamination (leaking underground storage tanks) have been removed from both upgradient locations. Based on the most recent sampling, conducted on March 25, 2014, residual petroleum-related constituents remain in the groundwater at concentrations above the NYSDEC Class GA Standards, which are appropriate levels for drinking water. While this is the NYSDEC goal for all groundwater quality, drinking water will be provided by a regulated utility (United Water).

The existing information indicates that the petroleum constituents have migrated to the Site from the adjoining upgradient gasoline service stations (Valero Service Station located at 300 Theodore Fremd Avenue and Banahan Brothers Service Station located at 310 Theodore Fremd Avenue) through dispersion and transport through groundwater. Remediation has been completed at the Site and both adjoining properties with oversight by NYSDEC. The remedial activities have resulted in decreased concentrations of petroleum in soil and groundwater and all Spill records have been closed; however, residual impacts remain. In order to close a Spill, NYSDEC must make a determination that the implemented remedy will “ensure adequate protection of human health and the environment”, as well as to “mitigate environmental damage” to the extent these have occurred (NYSDEC Technical Field Guidance, *Closing-Out a Spill*).

Soil sampling has shown several compounds above the NYSDEC unrestricted use SCOs, including two compounds, arsenic and lead, which are also above the restricted-residential use SCOs, the appropriate comparison given the proposed Site use as a multi-family residential development.

Development of properties with environmental impacts (i.e., residual contamination) for residential use is common practice in New York State and can be consistent with the SEQRA goal of limiting impacts to human health from exposure to new or existing sources of contamination. The requirements for such development include characterization of existing contamination and identification of potential impacts to human health. The characterization of the Site is consistent with typical investigations of petroleum releases and, as confirmed by the Spill record closure, consistent with NYSDEC requirements.

#### *Potential Impacts to Human Health*

A qualitative exposure assessment, as described in DER-10, Technical Guidance for Site Investigation and Remediation (NYSDEC, May 2010) considers five potential exposure routes: direct contact with surface soils (including incidental ingestion); direct contact with subsurface soils (including incidental ingestion); ingestion of groundwater; dermal (i.e., skin) contact with groundwater / inhalation of volatile groundwater constituents; and, inhalation of vapors (exposures related to soil vapor intrusion).

The first four exposure routes mainly relate to construction workers or environmental professionals and would be addressed through a Health & Safety Plan (HASP) as required by the Occupational Safety & Health Administration (OSHA).

The two exposure routes potentially affecting future building occupants and workers, absent engineering controls, are direct contact with surface soils and inhalation of vapors. Regarding direct contact, while petroleum-related compounds are not present at elevated levels in soil, two metals (arsenic and lead) are present at elevated levels. Inhalation of vapors is also possible given the concentrations of petroleum-related compounds in groundwater at the Site.

#### *Recommendations*

Within New York State, many properties with actual or perceived contamination have been developed for residential use, with the development including implementation of engineering and/or institutional controls (such as those identified in the WCDOH May 7, 2014 letter), to ameliorate potential impacts.

Based on our review of the data and experience on similar developments, and in order to be conservative with regard to potential impacts to future occupants of the 150 North Street Site, Tenen recommends that the following remedial design considerations be incorporated into any future development at the Site:

- Design and installation of a soil vapor intrusion mitigation system beneath occupied spaces in accordance with the New York State Department of Health (NYSDOH) *Final Guidance for Evaluating Soil Vapor Intrusion in New York State* (October 2006, or the most current version) and typical industry standards.
- Design and installation of a remedial cap in accordance with the New York State Department of Environmental Conservation (NYSDEC) *CP-51 Soil Cleanup Guidance* (October 21, 2010, or the most current version) and typical industry standards.

The above-referenced guidance documents consider different use categories and are not specific to the proposed development. The guidance documents also consider different types of building construction techniques (slab on-grade, basements, crawl spaces, etc.), which will allow for flexibility should an alternate design be proposed.



A soil vapor intrusions mitigation system vents the air beneath a building slab so that chemicals volatilizing from below do not concentrate below an occupied space; it also includes a vapor barrier or waterproofing to mitigate soil vapor or groundwater from entering the building.

A remedial cap consists of the building slab, paved areas and soil that is placed over areas with contaminant concentration that are inconsistent with the proposed use. The soil portion of the cap is tested prior to import to the Site to confirm that the appropriate SCOs are met. The NYSDEC guidance indicates that a two-foot cap is appropriate for residential and restricted-residential uses.

For the specific proposed development, the proposed engineering controls include capping the Site with a building slab, asphalt paving and imported soil; design of an open-air parking area on the majority of the first floor; and, installation of depressurization system or waterproofing (depending on the slab elevation as compared to groundwater) in the area of the first floor without parking. These remedial design considerations are generally consistent with the above guidance documents and documentation to that effect should be provided by the Applicant. Absent any additional soil testing, which may show a delineation of soil impacts, the cap should extend across the entire Site. Please note that any capping and filling should be consistent with State and local wetland regulations.

In prior meetings of the Rye City Council, the current building design has been discussed and the placement of future occupants on the second floor has been considered. In particular, if the occupants are not safe on the first floor, how can it be known they will be safe on the second floor? However, the occupants are not on the second floor to move them further from potential sources of environmental impacts but due to a design consideration where the parking acts as a venting system. Implementation of the NYSDOH guidance will incorporate venting below occupied spaces and this could be achieved with occupants present on the first floor.



## **MEMORANDUM**

**To:** Rye City Council

**From:** Matthew Carroll, P.E. / Tenen Environmental

**Date:** August 4, 2014

**Subject:** Theodore Fremd Senior Housing Zoning District Change  
150 North Street – Rye, New York  
Review of Environmental Assessment Form

The City of Rye has retained Tenen Environmental to review environmental information pertaining to the above property (the Site) to support the Rye City Council in their determination of whether the environmental impacts identified at the Site are a significant adverse impact under the State Environmental Quality Review Act (SEQRA). This memorandum details our comments on the April 4, 2014 Full Environmental Assessment Form (EAF) provided by the Applicant and the July 3, 2014 memorandum from the City of Rye Department of Planning regarding the EAF.

These comments are provided to identify areas in the EAF where clarification and/or additional information should be provided by the Applicant in order to provide the City Council with a complete document for review.

The comments provided in this memorandum address incompleteness, requested documentation and error/clarifications. These comments are in addition to those included in the Department of Planning review. Both sets of comments need to be addressed in order for the City Council to have all the information necessary to make a Declaration under SEQRA.

### **Summary of Incompleteness**

The following items were not completed and should be addressed by the Applicant.

D.2.c *ii, iv* – water demand

E.2.m – predominant wildlife species

Please also note that the following items should not be answered based on the Applicant's initial responses: B.i. *ii, iii* and D.2.t *v*.

### **Request for Documentation**

In order to document the conclusions of the EAF, the following should be submitted.

E.2.j, k. A copy of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) with the Site highlighted should be provided by the Applicant. If any preliminary maps have been issued for this area post-Hurricane Sandy, they should also be provided.

E.2.e. The Applicant indicates that the soils are well-drained across the entire Site. Given the potential wetland and surface material of glacial till, please provide documentation from the Web Soil Survey (see: <http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>) or a Site-specific survey to support this assertion.

E.2.i. A copy of a map showing Sole Source Aquifers (SSAs) with the Site location highlighted should be provided by the Applicant for review.

E.2.h. In addition to comments provided by the Department of Planning regarding wetlands, if a surface water body is present at the Site, confirmation of whether it is classified or protected by the New York State Department of Environmental Conservation (NYSDEC), as shown on their Environmental Resource Mapper (ERM), should be provided by the Applicant.

E.2.o, p. Applicant should provide documentation that the project area is not known to contain listed rare, threatened or endangered species, or associated critical habitat.

This may include a request for determination from the NY Natural Heritage Program and/or implementation of the US Fish and Wildlife Service's (USFWS) endangered species documentation process. See: <http://www.dec.ny.gov/animals/31181.html> and <http://www.fws.gov/northeast/nyfo/es/section7.htm>.

E.3.f. Applicant should provide documentation that the Site is not located in or adjacent to an archaeologically-sensitive area. This may include a final impact determination letter from the NYS Office of Parks, Recreation and Historic Preservation (SHPO) that was prepared pursuant to Section 106 of the National Historic Preservation Act of 1966.

#### **Error/Clarification**

B.g. The Applicant should answer consistent with the current regulatory status of the Site; therefore, NYSDEC approval is not required.

D.2.f. The Applicant should consider whether construction equipment will be a source of mobile air emission sources during construction operations.

D.2.m. The Applicant should consider whether construction equipment will be a source of noise that will exceed ambient noise levels.

See: [http://www.dec.ny.gov/docs/permits\\_ej\\_operations\\_pdf/noise2000.pdf](http://www.dec.ny.gov/docs/permits_ej_operations_pdf/noise2000.pdf)

E.1.h. This response is incorrect and should be changed to "Yes".

Additional information on the Manufactured Gas Plant (MGP) identified as NYSDEC Site ID V00571 should be provided, including, but not limited to, a Site Characterization Report (SCR).

The Applicant should also provide the map and output from the NYSDEC EAF Mapper (see: <http://www.dec.ny.gov/eafmapper/>).

The Applicant should list the Spill numbers associated with the Site and upgradient adjoining properties.

Please contact me if you need any additional information.

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



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<http://www.ryeny.gov>

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

**Memorandum**

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To: Frank J. Culross, City Manager

From: Christian K. Miller, AICP, City Planner

cc: Kristen K. Wilson, Esq., Corporation Council

Date: July 3, 2014

Subject: **Review of Environmental Assessment Form Regarding Petition of Lazz Development/Pawling Holdings to Change the Zoning Designation of County-Owned Property Located on Theodore Fremd Avenue and North Street to the RA-5, *Senior Citizens Apartment*, District to Provide for the Construction of Affordable Senior Housing.**

This memorandum provides a review of the applicant's submission of Part 1 of the Full Environmental Assessment Form (EAF) and a discussion of Part 2 of the Full EAF, prepared by me for the City Council's review and consideration. The EAF and all supporting documents included as part of the official record are the information used by the City Council in making its determination of significance as required by the State Environmental Quality Review (SEQR) before reaching a final decision on the proposed action.

**Background**

As requested by the City in May and as required by the City, the applicant prepared and submitted Part 1 of the EAF (attached hereto). Also attached is Part 2 of the EAF, which is the responsibility of the Lead Agency for the Council's review and consideration. The EAF is intended to be used as a resource for the Lead Agency in determining potential project impacts and a determination of significance (i.e. Negative or Positive Declaration). A "Negative Declaration" on the proposed action can be issued if the Council finds that the proposed action does not have any significant adverse environmental impacts. If the Council finds that there are potentially significant adverse impacts associated with the proposed action a "Positive Declaration" must be issued

## **Review of EAF Regarding Petition of Lazz Development/Pawling Holdings**

July 3, 2014

Page 2 of 3

requiring a more involved environmental review. This review involves a number of procedural requirements and typically takes a least a year to complete.

### **Review of Part 1 of the EAF**

The applicant is requested to amend and resubmit the EAF to correct or clarify the following:

*Page 1. Description of the Proposed Action.* The project description should indicated that the proposed action includes a request to action under consideration is a local law to amend the City Zoning Map to change the zoning district designation of the subject property to the RA-5 District.

*Page 1. Property Owner.* The property owner and contact information should be provided.

*Page 2. C.2.a.* Responses to these questions regarding consistency with adopted plans should be indicated as "Yes".

*Page 3. C.3.c.* The response is incorrect. A zoning text amendment is not proposed. A Zoning District change of the subject property to the RA-5 District is requested.

*Page 4. D.2.b.* This response regarding on-site wetlands should be supported with a report from a certified soil scientist. This has been previously requested since there appears to be wetland on the property that would be subject to City of Rye and/or Army Corps of Engineers jurisdiction. If wetland is determined to be on the site its boundary should flagged and indicated on a survey.

*Page 5. D.2.g.* Responses to these questions regarding air quality impacts should be provided.

*Page 7. D.2.j.* Responses to these questions regarding traffic impacts should be provided and be consistent with the information provided in the applicant's traffic study.

*Page 7. D.2.l.* Responses to these questions regarding hours of operation should be provided.

*Page 8. D.2.n.ii.* This response is incorrect and should be changed to "Yes". There will be removal on existing vegetation that could provide a light barrier or screen.

*Page 8. D.2. q.* This response should be revised to indicate that there may be pesticide use associated with normal lawn maintenance.

## **Review of EAF Regarding Petition of Lazz Development/Pawling Holdings**

July 3, 2014

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*Page 10. E.1.d.* This response should be changed to "Yes". Please indicate that Rye Manor (an affordable senior housing community) is located within 1,500 feet of the project site.

*Page 11. E.2. d.* This response should be changed. According to sub-surface investigation reports provided by the applicant groundwater appears to be located between 1-3 feet below grade and not 5+ feet as indicated by the applicant.

*Page 11. E.2.h.* As indicated in response to page 4, D.2.b above, this response regarding on-site wetlands should be supported with a report from a certified soil scientist.

### **Review of Part 2 of the EAF**

Attached hereto for the City Council's review is Part 2 of the EAF, which provides a preliminary assessment of the potential adverse environmental impacts. In response to the questions on this preliminary draft, some impacts have been identified, but all of those impacts are considered "small". The Council should review the draft and confirm that this assessment of impacts and the characterization of impacts as either "small" or "moderate to large" are consistent with the Council's assessment of the proposed action.

It is noted that two questions have not been completed on the form. Question 3, *Impacts on Surface Water*, have not been completed until the applicant has submitted a report from a certified soil scientist as to whether there are wetlands on the property.

Additionally, question 16, *Impact on Human Health*, should be completed based on consultation with the environmental consultant retained by the City.

A determination of significance is not required at this time since additional information is required to complete its review. If, however, based on the review of the information provided so far the Council finds that the proposed action may have a "significant adverse impact on the environment" a "Positive Declaration" should be issued and an Environmental Impact Statement and review process should be initiated sooner rather than later.

**Full Environmental Assessment Form**  
**Part 1 - Project and Setting**

**Instructions for Completing Part 1**

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

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

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

**A. Project and Sponsor Information.**

Name of Action or Project: The Courtyard at Theodore Fremd		
Project Location (describe, and attach a general location map): 150 North Street, Rye, NY 10580		
Brief Description of Proposed Action (include purpose or need): The project is to construct 58 units of affordable senior housing in two (2) five story buildings with appurtenant parking and landscaping. There is a need for affordable senior housing in the community		
Name of Applicant/Sponsor: Lazz Development/Pawling Holdings, Lou Larizza		Telephone: 914-939-5736
		E-Mail:
Address: 211 South Ridge Street		
City/PO: Rye Brook	State: New York	Zip Code: 10573
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

## B. Government Approvals

B. Government Approvals Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	City Council: Zoning Text Amendment	
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	Planning Commission: Site Plan Approval	
c. City Council, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Planning Commission: Funding Approval	
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYS DEC: Environmental Quality	
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes,		
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

## C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<ul style="list-style-type: none"> <li>If Yes, complete sections C, F and G.</li> <li>If No, proceed to question C.2 and complete all remaining sections and questions in Part 1</li> </ul>	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? <input type="checkbox"/> Yes <input type="checkbox"/> No	
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s):	
<hr/> <hr/> <hr/>	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s):	
<hr/> <hr/> <hr/>	



<b>C.3. Zoning</b>	
a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. If Yes, what is the zoning classification(s) including any applicable overlay district? B-1 Neighborhood Business District, B-6 General Business District	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<hr/>	
b. Is the use permitted or allowed by a special or conditional use permit?	<input type="checkbox"/> Yes <input type="checkbox"/> No
c. Is a zoning change requested as part of the proposed action? If Yes,	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
i. What is the proposed new zoning for the site? A Zoning Text Amendment is required	
<hr/>	
<b>C.4. Existing community services.</b>	
a. In what school district is the project site located?	Rye City School District
<hr/>	
b. What police or other public protection forces serve the project site?	City of Rye Police Department
<hr/>	
c. Which fire protection and emergency medical services serve the project site?	City of Rye Fire Department and EMS Service
<hr/>	
d. What parks serve the project site?	City of Rye Parks, Playland Park
<hr/>	

#### D. Project Details

<b>D.1. Proposed and Potential Development</b>	
a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? The general nature of proposed action is residential.	
<hr/>	
b. a. Total acreage of the site of the proposed action?	2.07 acres
b. Total acreage to be physically disturbed?	2.07 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	2.07 acres
<hr/>	
c. Is the proposed action an expansion of an existing project or use?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____	
<hr/>	
d. Is the proposed action a subdivision, or does it include a subdivision?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes,	
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)	
<hr/>	
ii. Is a cluster/conservation layout proposed?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
iii. Number of lots proposed? _____	
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____	
<hr/>	
e. Will proposed action be constructed in multiple phases?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
i. If No, anticipated period of construction: _____ months	
ii. If Yes:	
<ul style="list-style-type: none"> <li>• Total number of phases anticipated _____</li> <li>• Anticipated commencement date of phase 1 (including demolition) _____ month _____ year</li> <li>• Anticipated completion date of final phase _____ month _____ year</li> <li>• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____</li> </ul>	
<hr/>	
<hr/>	

f. Does the project include new residential uses? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>				
If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase				58
At completion				
of all phases				58

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

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

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
If Yes:	
i. What is the purpose of the excavation or dredging? _____	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
<ul style="list-style-type: none"> <li>• Volume (specify tons or cubic yards): _____</li> <li>• Over what duration of time? _____</li> </ul>	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____	
iv. Will there be onsite dewatering or processing of excavated materials? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If yes, describe. _____	
v. What is the total area to be dredged or excavated? _____ acres	
vi. What is the maximum area to be worked at any one time? _____ acres	
vii. What would be the maximum depth of excavation or dredging? _____ feet	
viii. Will the excavation require blasting? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
ix. Summarize site reclamation goals and plan: _____	

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

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

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

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

i. Total anticipated water usage/demand per day: \_\_\_\_\_ 11,600 gallons/day

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

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

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

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

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

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

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

vi. If water supply will be from wells (public or private), maximum pumping capacity: \_\_\_\_\_ gallons/minute.

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

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ 11,000 gallons/day

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

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

- Name of wastewater treatment plant to be used: Blind Brook Wastewater Treatment Plant
- Name of district: Blind Brook Sanitary Sewer District
- Does the existing wastewater treatment plant have capacity to serve the project? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No

<ul style="list-style-type: none"> <li>• Do existing sewer lines serve the project site? _____</li> <li>• Will line extension within an existing district be necessary to serve the project? _____</li> </ul> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Describe extensions or capacity expansions proposed to serve this project: _____</li> </ul>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____</p> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Applicant/sponsor for new district: _____</li> <li>• Date application submitted or anticipated: _____</li> <li>• What is the receiving water for the wastewater discharge? _____</li> </ul>	
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans): _____</p>	
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____</p>	
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p style="margin-left: 40px;">_____ Square feet or <u>1.45</u> acres (impervious surface)</p> <p style="margin-left: 40px;">_____ Square feet or <u>2.07</u> acres (parcel size)</p> <p>ii. Describe types of new point sources. <u>Buildings and pavement</u></p>	
<p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?</p> <p><u>Onsite Stormwater Management Facility</u></p> <p>• If to surface waters, identify receiving water bodies or wetlands: _____</p> <p>• Will stormwater runoff flow to adjacent properties? _____</p>	
<p>iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____</p>	
<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____</p>	
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____</p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> <li>• _____ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)</li> <li>• _____ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)</li> <li>• _____ Tons/year (short tons) of Perfluorocarbons (PFCs)</li> <li>• _____ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)</li> <li>• _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)</li> <li>• _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)</li> </ul>	

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

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

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

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No  
If Yes:  
i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_  
\_\_\_\_\_  
ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_  
\_\_\_\_\_  
iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month  
iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_  
\_\_\_\_\_  
v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☒ No  
If Yes: provide name and location of facility: \_\_\_\_\_  
\_\_\_\_\_  
If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### E. Site and Setting of Proposed Action

##### E.1. Land uses on and surrounding the project site

###### a. Existing land uses.

###### i. Check all uses that occur on, adjoining and near the project site.

- ☒ Urban ☐ Industrial ☒ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)  
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): \_\_\_\_\_

###### ii. If mix of uses, generally describe:

Office buildings, Commercial buildings and residential uses  
\_\_\_\_\_  
\_\_\_\_\_

###### b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0	1.45	1.45
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)	2.07	0	2.07
• Other Describe: Landscaping			0.62

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☒ No  
i. If Yes: explain: \_\_\_\_\_

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☒ No  
If Yes,  
i. Identify Facilities: \_\_\_\_\_  
\_\_\_\_\_

e. Does the project site contain an existing dam? ☐ Yes ☒ No  
If Yes:  
i. Dimensions of the dam and impoundment:  
• Dam height: \_\_\_\_\_ feet  
• Dam length: \_\_\_\_\_ feet  
• Surface area: \_\_\_\_\_ acres  
• Volume impounded: \_\_\_\_\_ gallons OR acre-feet  
ii. Dam's existing hazard classification: \_\_\_\_\_  
iii. Provide date and summarize results of last inspection: \_\_\_\_\_  
\_\_\_\_\_

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☒ No  
If Yes:  
i. Has the facility been formally closed? ☐ Yes ☐ No  
• If yes, cite sources/documentation: \_\_\_\_\_  
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: \_\_\_\_\_  
\_\_\_\_\_

iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_  
\_\_\_\_\_

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☒ No  
If Yes:  
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: \_\_\_\_\_  
\_\_\_\_\_

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☒ No  
If Yes:  
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No  
☐ Yes – Spills Incidents database Provide DEC ID number(s): \_\_\_\_\_  
☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): \_\_\_\_\_  
☐ Neither database  
ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_  
\_\_\_\_\_

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☒ Yes ☐ No  
If yes, provide DEC ID number(s): V00571  
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):  
Voluntary Cleanup Program  
\_\_\_\_\_



v. Is the project site subject to an institutional control limiting property uses? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>													
<ul style="list-style-type: none"> <li>• If yes, DEC site ID number: _____</li> <li>• Describe the type of institutional control (e.g., deed restriction or easement): _____</li> <li>• Describe any use limitations: _____</li> <li>• Describe any engineering controls: _____</li> <li>• Will the project affect the institutional or engineering controls in place? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> <li>• Explain: _____</li> </ul>													
<b>E.2. Natural Resources On or Near Project Site</b>													
a. What is the average depth to bedrock on the project site? <span style="float: right;">2-10 feet</span>													
b. Are there bedrock outcroppings on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %													
c. Predominant soil type(s) present on project site: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">Urban Land Chatfield-Rock</td> <td style="width: 30%; text-align: right;">100 %</td> </tr> <tr> <td>_____</td> <td style="text-align: right;">_____ %</td> </tr> <tr> <td>_____</td> <td style="text-align: right;">_____ %</td> </tr> </table>		Urban Land Chatfield-Rock	100 %	_____	_____ %	_____	_____ %						
Urban Land Chatfield-Rock	100 %												
_____	_____ %												
_____	_____ %												
d. What is the average depth to the water table on the project site? Average: <span style="float: right;">5+ feet</span>													
e. Drainage status of project site soils: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;"><input checked="" type="checkbox"/> Well Drained:</td> <td style="width: 60%; text-align: right;">100 % of site</td> </tr> <tr> <td><input type="checkbox"/> Moderately Well Drained:</td> <td style="text-align: right;">_____ % of site</td> </tr> <tr> <td><input type="checkbox"/> Poorly Drained</td> <td style="text-align: right;">_____ % of site</td> </tr> </table>		<input checked="" type="checkbox"/> Well Drained:	100 % of site	<input type="checkbox"/> Moderately Well Drained:	_____ % of site	<input type="checkbox"/> Poorly Drained	_____ % of site						
<input checked="" type="checkbox"/> Well Drained:	100 % of site												
<input type="checkbox"/> Moderately Well Drained:	_____ % of site												
<input type="checkbox"/> Poorly Drained	_____ % of site												
f. Approximate proportion of proposed action site with slopes: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;"><input checked="" type="checkbox"/> 0-10%:</td> <td style="width: 60%; text-align: right;">100 % of site</td> </tr> <tr> <td><input type="checkbox"/> 10-15%:</td> <td style="text-align: right;">_____ % of site</td> </tr> <tr> <td><input type="checkbox"/> 15% or greater:</td> <td style="text-align: right;">_____ % of site</td> </tr> </table>		<input checked="" type="checkbox"/> 0-10%:	100 % of site	<input type="checkbox"/> 10-15%:	_____ % of site	<input type="checkbox"/> 15% or greater:	_____ % of site						
<input checked="" type="checkbox"/> 0-10%:	100 % of site												
<input type="checkbox"/> 10-15%:	_____ % of site												
<input type="checkbox"/> 15% or greater:	_____ % of site												
g. Are there any unique geologic features on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes, describe: _____													
h. Surface water features.													
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>													
ii. Do any wetlands or other waterbodies adjoin the project site? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>													
If Yes to either <i>i</i> or <i>ii</i> , continue. If No, skip to E.2.i.													
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>													
iv. For each identified regulated wetland and waterbody on the project site, provide the following information: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">• Streams:</td> <td style="width: 40%;">Name _____</td> <td style="width: 50%;">Classification _____</td> </tr> <tr> <td>• Lakes or Ponds:</td> <td>Name _____</td> <td>Classification _____</td> </tr> <tr> <td>• Wetlands:</td> <td>Name _____</td> <td>Approximate Size _____</td> </tr> <tr> <td>• Wetland No. (if regulated by DEC)</td> <td colspan="2">_____</td> </tr> </table>		• Streams:	Name _____	Classification _____	• Lakes or Ponds:	Name _____	Classification _____	• Wetlands:	Name _____	Approximate Size _____	• Wetland No. (if regulated by DEC)	_____	
• Streams:	Name _____	Classification _____											
• Lakes or Ponds:	Name _____	Classification _____											
• Wetlands:	Name _____	Approximate Size _____											
• Wetland No. (if regulated by DEC)	_____												
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If yes, name of impaired water body/bodies and basis for listing as impaired: _____													
i. Is the project site in a designated Floodway? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>													
j. Is the project site in the 100 year Floodplain? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>													
k. Is the project site in the 500 year Floodplain? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>													
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes: <ul style="list-style-type: none"> <li>i. Name of aquifer: _____</li> </ul>													

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

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
ii. Name: _____	
iii. Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
i. Describe possible resource(s): _____	
ii. Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:	
i. Identify resource: <u>Long Island Sound</u>	
ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>Local parks</u>	
iii. Distance between project and resource: _____ <u>4</u> miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
i. Identify the name of the river and its designation: _____	
ii. Is the activity consistent with development restrictions contained in 6 NYCRR Part 666?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

#### F. Additional Information

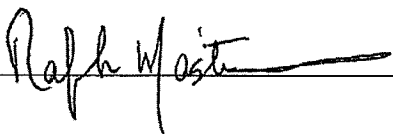
Attach any additional information which may be needed to clarify your project.

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

#### G. Verification

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

Applicant/Sponsor Name Ralph G. Mastromonaco, P.E., P.C. Date April 4, 2014

Signature  Title \_\_\_\_\_

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

Agency Use Only [If applicable]

Project : \_\_\_\_\_

Date : \_\_\_\_\_

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

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

**Tips for completing Part 2:**

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

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



## 2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

☒ NO

☐ YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

## 3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

☐ NO

☐ YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

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

1. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
----------------------------------	--	--------------------------	--------------------------

<b>4. Impact on groundwater</b> The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES
--	---

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

<b>5. Impact on Flooding</b> The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES
--	---

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
----------------------------------	--	--------------------------	--------------------------

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

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


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

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



<b>9. Impact on Aesthetic Resources</b> The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i> <div style="text-align: right;"> <input type="checkbox"/> NO           <input checked="" type="checkbox"/> YES         </div>				
	<b>DRAFT</b>	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.		E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.		E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round		E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities		E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.		E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile		D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: <u>Project will be visible from Interstate 95 and area/neighboring properties</u>			<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

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

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

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

**13. Impact on Transportation**

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

☐ NO☒ YES

(See Part 1. D.2.j)

*If "Yes", answer questions a - g. If "No", go to Section 14.*

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

**14. Impact on Energy**

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

☒ NO☐ YES

(See Part 1. D.2.k)

*If "Yes", answer questions a - e. If "No", go to Section 15.*

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

**15. Impact on Noise, Odor, and Light**

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

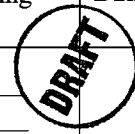
☒ NO☐ YES

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

*If "Yes", answer questions a - f. If "No", go to Section 16.*

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

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



### 16. Impact on Human Health


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

☐ NO

☐ YES

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

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

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

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

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

**Memorandum**

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To: Scott Pickup, City Manager

From: Christian K. Miller, AICP, City Planner

cc: Kristen K. Wilson, Esq., Corporation Counsel

Date: March 7, 2014

Subject: **Additional Analysis Related to the Request of Lazz Development/Pawling Holdings to Change the Zoning Designation of County-Owned Property Located on Theodore Fremd Avenue and North Street to the RA-5, *Senior Citizens Apartment*, District to Provide for the Construction of Affordable Senior Housing.**

The Rye City Council as Lead Agency is responsible for the assessment and evaluation of potentially significant adverse impacts pursuant to the requirements of the State Environmental Quality Review (SEQR). During the public hearing there were questions and concerns raised by the public and City Council. To assist the City Council in assessing potential impacts it is recommended that the petitioner provide the following additional information and analysis:

- **Full Environmental Assessment Form.** The petitioner has provided a short Environmental Assessment Form (EAF) with its zoning petition, which is the minimum required by SEQR. Given the nature of the public comment it is recommended that a full EAF be submitted for the Council's review. This will provide a more complete environmental assessment of the proposed zoning change and future senior housing development proposal.
- **Sub-Surface Conditions.** Concerns remain with the status of the sub-surface environmental conditions on the site. It is recommended that the petitioner prepare a Phase II environmental study that includes current testing for potential sub-surface contaminants on the site. Recent clean-up activities in the area and adjacent to the site should also be addressed and their potential impact on the site. The status of the sub-surface environmental conditions is a threshold

## **Additional Analysis Regarding Theodore Fremd Affordable Housing**

March 7, 2014

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question for the City Council as it considers a change in zoning to allow for senior housing on a property that is currently restricted to light-industrial, commercial and other non-residential uses. The City has allowed the redevelopment of properties with prior sub-surface contamination for housing including many former gas station properties. It is anticipated that such redevelopment could be allowed in this case, provided that petitioner gives the Council current and complete information and clearance from the appropriate State and County agencies as to the specific redevelopment proposed by the petitioner.

- **Fiscal Impact Analysis.** Currently, since the County-owned property generates no property tax revenue, but also requires few municipal services. The petitioner should provide a fiscal impact analysis quantifying the anticipated total tax revenue (based on the total rent revenue of the project) and the anticipated municipal service demands. Using the existing senior housing development at 300 Theall Road will provide good comparables for potential service demands. The analysis should also try to quantify anticipated cost/revenue if the site were developed based on the uses permitted by existing zoning.
- **Traffic.** The petitioner should prepare a traffic study quantifying the anticipated trip generation of the full development of the site under the proposed RA-5 District standards and the impact on level of service at area intersections. This analysis should be compared to the anticipated traffic impact associated with development permitted by existing zoning on the property.

Upon receipt of this information the City Council will be in a better position to assess potential impacts and determine the appropriateness of the petitioner's request and whether additional mitigation measures may be necessary.

Nick Everett, Chairman  
Martha Monserrate, Vice Chair  
Laura Brett  
Barbara Cummings  
Hugh Greechan  
Peter Olsen  
Alfred Vitiello



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## **CITY OF RYE Planning Commission**

### **Memorandum**

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To: Rye City Council

From: Rye City Planning Commission  
Christian K. Miller, City Planner

cc: Scott Pickup, City Manager  
Kristen K. Wilson, Esq., Corporation Counsel

Date: February 5, 2014

Subject: **Recommendation to the Rye City Council Regarding the Petition of Lazz Development/Pawling Holdings to Change the Zoning Designation of County-Owned Property Located on Theodore Fremd Avenue and North Street to the RA-5, *Senior Citizens Apartment*, District to Provide for the Construction of Affordable Senior Housing.**

As requested, this memorandum provides the Planning Commission's recommendation to the Rye City Council regarding the petition of Lazz Development/Pawling Holdings to change the zoning designation of Westchester County-owned property located on Theodore Fremd Avenue and North Street to the RA-5, *Senior Citizens Apartment*, District to provide for the construction of affordable senior housing. This memorandum was prepared by the City Planner and reviewed and unanimously approved by the Planning Commission at its February 4, 2014 meeting.

### **Background**

On or about December 10, 2013, the City Council received a petition from Lazz Development/Pawling Holdings to change the zoning of a property located at 150 North Street. The approximately 2.080-acre property has frontage on North Street, but is commonly referred to by its accessible frontage on Theodore Fremd Avenue rather than its legal address of 150 North Street. The request would change the zoning of the Westchester County-owned property from the B-6, *General Business*, District and the B-1, *Neighborhood Business*, District to the RA-5, *Senior Citizen's Apartment*, District (see Exhibit 1).



## **City Council Recommendation Regarding Theodore Fremd Affordable Housing**

February 5, 2014

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The existing zoning districts applicable to the property do not permit multi-family housing. The proposed zoning change to the RA-5 District would permit (and limit) future construction on the property to affordable senior housing. The petitioner has represented that if the zoning change is granted, he would seek subsequent approvals from the Rye City Planning Commission to construct approximately fifty-four (54) units of affordable age-restricted housing located in two buildings. The proposal would be limited to those over age 55 and consist of approximately 44 one-bedroom units and 10 two-bedroom units.

The proposed RA-5 District for the property is the same district adopted by the City Council in the mid-1980s to accommodate the nearly 100 units of affordable senior housing on an approximately 2-acre site at 300 Theall Road, also known as Rye Manor. The proposed units would be affordable and a minimum of 27 of the units would count towards the 750 units of fair and affordable housing that Westchester County is obligated to provide within 31 eligible municipalities as part of a stipulation of settlement with the U.S. Department of Housing and Urban Development (HUD). Rye has been identified in the housing settlement as one of the 31 eligible Westchester County communities.

The subject property has long been considered for affordable housing by the City of Rye. In the early 1990s a local not-for-profit in partnership with the City of Rye sought to change the zoning of the property to construct 12 two-family units (i.e. 24 total units). That proposal and the required zoning change were never advanced due to the identification of sub-surface contamination on the property in 1993. Since that time the property has been subject to an environmental clean-up, but the City continued to periodically advocate for its use as an affordable housing site (see Exhibit 2).

Unlike the affordable housing proposal twenty years ago the City of Rye is not a partner in the construction, property ownership or administration of the affordable housing units. Westchester County is the property owner and the petitioner is the County's preferred developer for the property. The City of Rye's role is typical of any other land use application, which is to review and consider the land use policy implications of the request.

Westchester County's interest is to advance its obligation under the housing settlement. The property in Rye is unique because there are few (if any) undeveloped County-owned properties within one of the 31 eligible housing settlement communities. It's also unique because the City has a 20-year history of advocating for the development of affordable housing. Rye's historic advocacy for affordable housing does not constitute a commitment or obligation to approve the petitioner's request, but is relevant in terms of the planning context and the City's affordable housing policy.

The petitioner's interest is to develop affordable housing. The petitioner has constructed a number of affordable housing communities in the Sound Shore area,

## **City Council Recommendation Regarding Theodore Fremd Affordable Housing**

February 5, 2014

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including 27 units in two separate projects on Cottage Street in Rye. Both of those projects required the City's Council's legislative authority to either amend the City Zoning Code or de-map an unused road right-of-way. In an August 9, 2013 letter the Petitioner received authorization from Westchester County "to seek all necessary approvals from the City of Rye..." (see Exhibit 3). This letter was provided to the City and forwarded to the City Council on August 16, 2013. This letter was expected based on a meeting City Council members and staff attended at Westchester County in June 2013. A summary of that meeting was provided to the City Council (see Exhibit 4).

The City's interest is to potentially advance identified affordable housing needs in the area consistent with its land use planning and other policies. The County has only a limited allocation of housing that it can designate as age-restricted towards the 750-unit obligation under the settlement. If that age-restricted allocation is lost to another community, there will continue to be pressure to develop the County-owned property in Rye for affordable housing without the age restriction. Age-restricted housing eliminates the potential for the generation of school-age children and the potential for a land use outcome in which potential municipal and school district service costs from the proposed development exceed anticipated property tax revenue.

### **Zoning Petition Review Process**

Any change to the City Zoning Code or Map is a discretionary action of the City Council. As is typical in most communities, legislative actions involving land use matters are referred to the City Planning Commission for its review and comment. The specific action under consideration is a local law to amend the City Zoning Map to change the zoning district designation of the subject property to the RA-5 District. The minimum legal requirements to implement the local law are as follows:

1. *Local Law and Petition Referral.* The draft local law and petition must be referred to the Westchester County Planning Board pursuant to Section 239-m of the GML and Section 451 of the Westchester County Administrative Code. This information was forwarded to the County on December 24, 2013. The City Council cannot take an action on the petition until it receives a response from the County or until 30 calendar days has passed from the date of such referral. That response was provided on January 30, 2014 (see Exhibit 5).
2. *Public Hearing.* As with any law change a public hearing is required and notification of such hearing must be published in the City's official newspaper. Unlike New York State Town or Village Law, Section 83 of the General City Law does not require any additional notification (e.g. signage on the property, mailing of hearing notice, etc.) to property owners affected by or within the vicinity of the proposed zoning change.

## **City Council Recommendation Regarding Theodore Fremd Affordable Housing**

February 5, 2014

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3. *SEQR.* Before making a decision on the local law, the City Council must comply with the requirements of State Environmental Quality Review (SEQR) and conduct an environmental assessment of the proposed action. The City Council has already taken the first step in this process by declaring at its December 18, 2013 meeting its intent to be Lead Agency for the environmental review. On December 24, 2013, staff circulated the Council's intent to be Lead Agency to other involved agencies. There has been no objection to the City Council being Lead Agency within the minimum required 30-day objection period. The City Council is therefore the Lead Agency at this time. As Lead Agency, the City Council must review the environmental assessment form (EAF) submitted by the applicant and conduct its own assessment of potentially adverse environmental impacts. If the Council finds that the proposed action does not have any significant adverse environmental impacts and issues a "Negative Declaration" a decision on the local law can be made. If the Council finds that there are potentially significant adverse impacts associated with the proposed action a "Positive Declaration" must be issued requiring a more involved environmental review. This review involves a number of procedural requirements and typically takes at least a year to complete.
4. *Decision.* After conducting and closing the public hearing and completing the SEQR process the City Council can make a decision. A simple majority vote is required for the adoption of the local law. A super majority vote of the Council (i.e. a minimum of three-fourths of the members) is required if twenty percent or more of property owners subject to the zoning change or within 100 feet therefrom submit a written protest to the request. Based on a preliminary review it appears that a written objection by just three property owners within 100 feet of the site would trigger a super majority vote (or 6 of the 7 City Council members) to approve the zoning request.

### **Westchester County HUD Settlement and Its Implications for Rye**

In 2009 Westchester County entered into an agreement with the U.S. Department of Housing and Urban Development (HUD) to settle a lawsuit. The civil lawsuit was initiated by the Anti-Discrimination Center of Metro New York, Inc. The lawsuit alleged that the County failed to affirmatively further fair housing (AFFH) in its administration of federal funds including the Community Development Block Grant (CDBG) program and other federal programs. Specially, the lawsuit alleged that the County did not conduct a meaningful Analysis of Impediments (AI) to fair housing choice and did not take appropriate actions to overcome the effects of any impediments identified through that analysis. The County's failure to comply with that obligation as a recipient of federal funds was alleged to be a violation of the False Claims Act.

## **City Council Recommendation Regarding Theodore Fremd Affordable Housing**

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There are many requirements of the stipulation of settlement. One requirement is that the County fund 750 affordable housing units within five years within eligible U.S Census Tracts of 31 municipalities in Westchester County. Eligible census tracts were identified as those having low percentages of minority populations. To date, the County has funded the construction of 27 affordable housing units in the City of Rye that count towards the 750-unit requirement. The City is not bound by the terms of the Settlement and is not required to approve any fair and affordable housing units, but has advanced affordable housing proposals when they were consistent with the land use, planning and housing objectives of the City.

A second significant requirement of the settlement is that the County is responsible for promoting and advancing a model affordable housing ordinance in each of the 31 eligible municipalities. The model ordinance, which was approved by the Monitor in October 2010, includes provisions to promote affordable housing including inclusionary zoning requirements, recommendations to increase multi-family housing zoning and other provisions. Westchester County is aggressively promoting the model ordinance, but no community is required to adopt it. In fact, most communities have not adopted it in full and many communities (including Rye) continue to review the model ordinance for its appropriateness given the existing land use planning and legal context.

A final significant requirement of the settlement relevant to Rye is that the City cannot receive CDBG and other federal funds administered by the County unless it advances fair and affordable housing. The City currently receives no such funding and therefore has no obligation.

The County and the monitor retained by HUD to oversee the implementation of the settlement have identified the County-owned property at 150 North Street as an opportunity to provide additional affordable housing in Rye. There have been conversations with the County and the City over the years both before and after the Settlement to discuss the potential for affordable housing at this location, but there has been no commitment by either party as to a specific development program. It has always been understood that any final action would require City Council approval because the property is not currently zoned for multi-family use.

In March 2013, Rye along with the other the 31 eligible communities identified in the Settlement were surprised to receive a "report card" directly from the Federal Monitor. Westchester County was not aware that report cards were being sent to communities, none of which are not party to the Settlement. The report card included an assessment of each community's existing zoning code.

In many, if not all, cases the report cards were critical of the lack of multi-family zoning in each community and repeatedly stated that more land use changes would be needed to accommodate affordable housing needs. The need was not for the implementation of the 750 units under the Stipulation, but rather the need identified in the 2005 Affordable

## **City Council Recommendation Regarding Theodore Fremd Affordable Housing**

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Housing Allocation Plan prepared by the Westchester County Housing Opportunities Commission. This allocation plan was not adopted by the Westchester County Board of Legislators and is considered an advisory document. That document recommends the need for over 10,000 affordable housing units in Westchester County, which is significantly higher than the 750 units under the stipulation.

In the case of Rye the unadopted report allocates 167 affordable housing units in the City. The monitor's report card uses that number as the basis for his analysis of affordable housing deficiency. He notes that of the 167 units the City has already provided 27 under the Settlement leaving 140 affordable units of "required" allocation for the City. Accommodating this number of units in the City, particularly under the preferred 90/10 inclusionary development scenario recommended by the monitor will require very aggressive land use changes by the City Council.

As the City Council considers the petitioner's request it should be mindful of these non-binding affordable housing allocations. Development of additional affordable housing at this location could significantly advance the City's contribution to meeting affordable housing needs both under the settlement and the advisory housing allocation plan. At this time Westchester County has stated that a minimum of 27 of the proposed affordable housing units at the petitioner's site could be "counted" towards the housing settlement. Providing affordable housing units may help address some of the criticism of the City's land use and affordable housing policies.

### **Planning Analysis**

The City Planning Commission supports the zoning petition and finds that the proposed use is consistent with the City's historic and future planning policies and housing objectives. In reaching this finding the Planning Commission considered the full development potential of the property under existing, planned and proposed zoning, the precedent established by the application of the RA-5 District and the compatibility of the requested change with surrounding land uses.

The petitioner has proposed a specific use and site plan for the property. As with all zone changes, however, the proper planning analysis requires an assessment not of the petitioner's specific proposal, but rather of the full development potential of the site after the zoning request is granted. Plans can and likely will change.

The petitioner's site plan accompanying his request proposes two four-story buildings, where the lowest story is unenclosed parking. The plan submitted shows approximately 75,600 square feet of total development, 90 parking spaces for an estimated 54 units and compliant with all other bulk and dimensional restrictions of the RA-5 District. This plan represents about 83% of the maximum development potential permitted under the proposed zoning. The proposed FAR of 1.0 is slightly higher than the 0.75 FAR permitted in the B-6 District located on the rear portion of the site and the 0.50 FAR

## City Council Recommendation Regarding Theodore Fremd Affordable Housing

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permitted in the B-1 District located on the front of the site. The RA-5 District allows four stories within a maximum building height of 40 feet. The B-6 District allows just two stories, but the same building height of 40 feet. The B-1 District limits maximum building height to 2½ stories and 35 feet. The front yard setback for the proposed RA-5 District is 25 feet, which is greater than the 10-foot requirement for the B-1 and B-6 District. Side yard setback dimensions are also greater for the RA-5 District than the existing districts applicable to the site and the rear yard requirement is generally the same.

The RA-5 District is limited to just one use, which reads as follows:

*Apartments for Senior Citizens and Handicapped. A detached residence for three or more families or housekeeping units or a group of buildings housing three or more families on one lot, undertaken by private nonprofit sponsors with public financial assistance, subject to the requirements of § 197-7.*

In the event the conditions were to change after the zoning were established for the property the future use would continue to be limited to senior multi-family housing including an element of “public financial assistance” (i.e. affordable housing). On the other hand, the existing B-6 District allows a boarder range of uses including automotive uses, storage establishments, public transportation and utilities, service/contractor businesses, bus storage and repair, kennels and veterinary hospitals and limited manufacturing. The B-1 District allows offices, retail and personal service businesses, garages, apartments over stores, lodging houses, service/contractor businesses and social clubs and lodges.

The City Development Plan (1986) does not cite a specific written recommendation for the property or area, but generally encourages creating additional affordable housing opportunities in the City (see Plan, Chapter 1, *Residential Development*). The future land use plan designates this area for office (see Plan, p. 8-9). Since that time only the property at 350 Theodore Fremd Avenue has been developed as an office building under the B-1 District designation. Since the early 1990s the plan for the subject property has been for the development of the site for affordable housing. The Planning Commission believes that office as recommended in the Development Plan is not an economically viable use as evidenced by the long-standing high vacancy rate of office in the City and County and that a change in use is required. In the last few years the City has seen the conversion of a large office building to medical office and a request to amend the B-4 Office Building District to allow a hotel at 120 Old Post Road.

Residential at this location would be more compatible with the residential properties located opposite the site on Theodore Fremd Avenue than many of the uses permitted under the existing B-6 and B-1 District. The site is in close proximity to other non-residential uses including gas stations, a contractor's yard for a landscape business, the ConEdison property and the Metro-North Railroad and Interstate 95. The Commission

## City Council Recommendation Regarding Theodore Fremd Affordable Housing

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notes other multi-family communities (both affordable and market-rate) and other residential neighborhoods located adjacent to transportation corridors that bisect the City.

The use of an existing zoning district classification in the City also is in keeping with the City's land use planning objectives. The RA-5 District specifically provides for the affordable housing needs for seniors. Expanding that district to other appropriate locations in the City is considered a desirable planning objective.

### SEQRA Considerations

The Planning Commission has reviewed the environmental assessment form submitted with the zoning petition. As Lead Agency the City Council should consider the following potential impacts and mitigation measures associated with the project prior to making a determination of environmental significance.

- *Sub-surface Conditions.* As the City Council considers the petitioner's request it is recommended that it secure written confirmation from Westchester County Health Department regarding the status of the sub-surface contamination on the site and the status of the environmental clean-up. The Planning Commission understands based on the petitioner's representations that the County Health Department will require that future development at the site require elevating the first habitable story above grade. The Health Department should conduct a review of the proposed plan including all proposed surface and sub-surface improvements such as utilities, stormwater drainage measures and sewer connections.
- *Sanitary Sewer Service.* There is an existing sanitary sewer line that extends from Nursery Lane under I-95 and MNR tracks through the site to an existing connection in Theodore Fremd Avenue. The existing line is compromised and is difficult to service and maintain due to the high volume, high speed vehicular and rail traffic on a major regional transportation corridor. The City does not want to continue to maintain this existing sewer line through the site and accommodate the additional sewage flow from the petitioner's development. The Commission recommends that the existing public sewer line be abandoned and that the future development on the property be required to provide a new sewer connection from Nursery Lane to an existing sewer connection in North Street. This project has been identified in the City's Capital Improvement Program (CIP) for some time at a preliminary project cost of \$150,000. This is a substantial off-site improvement and may challenge the fiscal feasibility of the project depending on the availability of funding to the petitioner. The sewer modification and extension may also require securing easements from Nursery Lane property owners and Westchester County approval of the sewer design.

## City Council Recommendation Regarding Theodore Fremd Affordable Housing

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- *Drainage/Wetland Impacts.* On its site inspection of the property, the Planning Commission noted a drainage pipe that extends from Theodore Fremd Avenue and discharges stormwater runoff from this roadway onto the site. It appears that this runoff has created what may be considered a wetland under the City's Wetlands and Watercourses Law<sup>1</sup>. The proposed development appears that it will result in the wetland loss of a relatively low-functioning wetland and require a drainage plan to replace the stormwater quantity and quality functions of this on-site wetland. If the area is considered a wetland a wetland permit from the Planning Commission will be required as part of a future site plan review process.
- *Municipal Services.* The existing property is County-owned and therefore generates no property tax revenue. The proposed zoning change to allow senior development will generate tax revenue based on the income approach (as opposed to the value of construction approach used for single-family residences). The income approach would be based on the total value of the below market rents after project completion. Since the project is age-restricted there will be no school-age children costs. There would be City expenditures for some municipal services including for sanitation, emergency medical, police, fire and recreation services.
- *Community Character and Aesthetics.* The proposed RA-5 District with a floor area ratio (FAR) of 1.0 would result in development at a greater intensity than the existing B-6 (FAR 0.75) District and B-1 (FAR 0.5) District currently on the property. Existing zoning permits buildings at or close to the same overall 40-foot building height as the proposed RA-5 District. Existing zoning is limited to commercial/general business, which is consistent with existing commercial and transportation uses abutting the site, but potentially inconsistent with the single-family residential character across the street. Overall, the bulk and scale of development under the proposed RA-5 District would likely be greater than development under existing zoning for the site, but not necessarily inconsistent with the character of the surrounding area. Reducing the scale of the building is complicated by the restriction that there can be no units located on the ground level due to the sub-surface contamination on the site. The lowest floor will be used for parking, which counts as a story under the City's Zoning Code but not towards the maximum permitted floor area since the parking is not enclosed.
- *Traffic.* The proposed RA-5 District would generate additional traffic associated with a future senior housing project. The relatively low anticipated trip generation would not adversely impact the relatively high intersection levels of service (LOS). The ITE Trip Generation Manual (ninth edition) provides trip generation

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<sup>1</sup> Question 13 of the petitioner's EAF indicates that there are no wetlands on the property. This petitioner should provide additional information supporting this conclusion.



## City Council Recommendation Regarding Theodore Fremd Affordable Housing

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rates for two different types of senior housing units. The following was calculated by Brian Dempsey (Traffic and Pedestrian Safety Chair and NYS licensed traffic engineer) assuming a 60-unit senior housing development:

### **Senior Adult Housing Detached: Land Use 251**

- Peak AM Hour of Adjacent Street: ranges from 5 in and 8 out to 14 in and 26 out
- Peak PM Hour of Adjacent Street: ranges from 10 in and 6 out to 19 in and 12 out
- Peak AM Hour of Generator: ranges from 7 in and 10 out to 15 in and 20 out
- Peak PM Hour of Generator: ranges from 11 in and 9 out to 31 in and 24 out
- Saturday Peak Hour of Generator: 7 in and 7 out (limited studies)

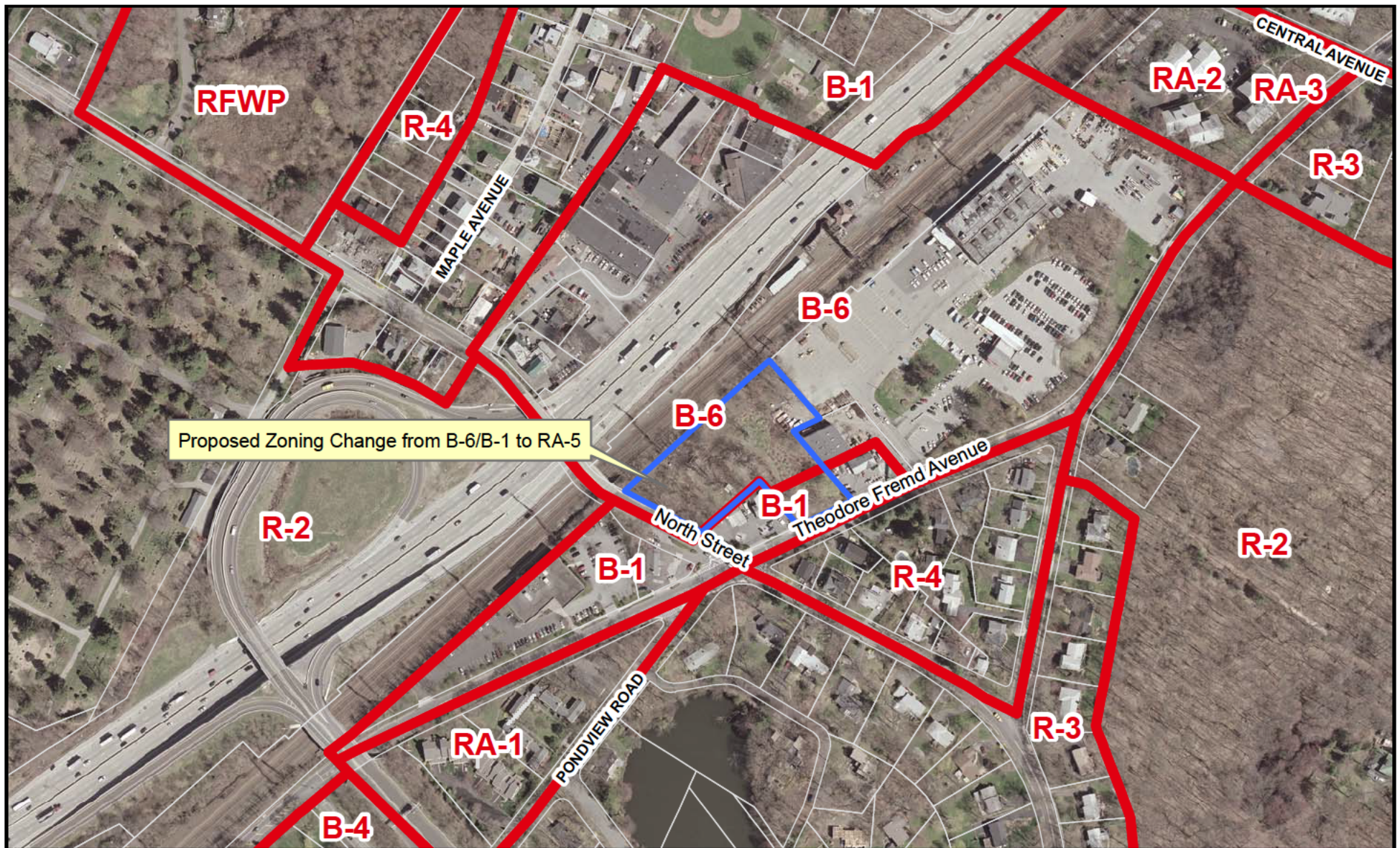
### **Senior Adult Housing Attached: Land Use 252**

- Peak AM Hour of Adjacent Street: ranges from 4 in and 8 out to 4 in and 8 out
- Peak PM Hour of Adjacent Street: ranges from 8 in and 7 out to 9 in and 7 out
- Peak AM Hour of Generator: ranges from 11 in and 12 out to 11 in and 13 out
- Peak PM Hour of Generator: ranges from 10 in and 9 out to 12 in and 9 out
- Saturday Peak Hour of Generator: 11 in and 8 out (limited studies)

A recent traffic study conducted in connection with the sustainable Playland proposal shows that the Theodore Fremd Avenue/North Street intersection operates at the highest levels of service (i.e. "A" or "B"). This level of service is maintained in a 2016 future "build" scenario in the event the sustainable Playland project moves forward. It is also noted that the property is located along an existing bus route, which could potentially reduce trip generation. Given the relatively low trip generation rates associated with senior housing and existing intersection level of service adverse traffic impacts are not anticipated with the proposed change to the RA-5 District.

- *Reduction in Impacts.* As with any project potential impacts can be reduced or minimized by either the implementation of mitigation measures or the reduction in project scope. In considering impacts, the City Council should be mindful of the fact that the proposed RA-5 District requires that future development be affordable senior housing so project and off-site improvement costs and density are a significant consideration to make such projects economically viable, particularly given the incomes proposed to be served. The RA-5 District provides for a reasonable future development intensity that can create the opportunity to advance the City's affordable housing objectives.

# City of Rye, New York



Zoning Districts - Theodore Fremd Area





At a regular meeting of the City Council held March 30, 2005, Councilwoman Larr made a motion, seconded by Mayor Otis and Councilman Chu, to adopt the following resolution:

**WHEREAS**, The Rye Commission on Human Rights commissioned a survey in 2003 to ascertain existing and projected affordable housing needs for residents and those who serve the community; and

**WHEREAS**, the survey was conducted during the summer of 2004 and the results presented to the Council at it's regular meeting held March 9, 2005; and

**WHEREAS**, the Chairman of the Rye Commission on Human Rights made a request to the Council that it take action on several specific recommendations; now, therefore, be it

**RESOLVED**, that the Council strongly and unequivocally restates its interest in using the Theodore Fremd and North Street site, currently owned by the County, but in a state of contamination, to create 24 affordable housing units; and be it further

**RESOLVED**, that the Council urges the County to develop a complete and quick remediation plan for the Theodore Fremd and North Street site, and be it further

**RESOLVED**, that the City Manager urge the State Department of Environmental Conservation (DEC) to move meaningfully and expediently to develop a plan to decontaminate the Theodore Fremd and North Street site, and be it further

**RESOLVED**, that the Planning Commission specifically address the need for affordable housing among City employees, volunteer fire fighters and public and private school employees, as made clear from the response to the survey.

**ROLL CALL:**

**AYES:** Mayor Otis, Councilmen Chu, Cypher, Fahey, Larr and Seitz

**NAYS:** None

**ABSENT:** Councilman Hennes

STATE OF NEW YORK )  
COUNTY OF WESTCHESTER )  
CITY OF RYE )

**THIS IS TO CERTIFY** that I have compared the foregoing resolution with the original thereof, duly passed and adopted at a regular meeting of the Council of the City of Rye held on the 30th of March, 2005 by the affirmative vote of at least a majority of all members of said Council then in office, present and voting thereon, the vote upon passage thereof having been taken by recording the ayes and nays and duly entered in the minutes of said meeting of said Council and on file in this office, and **I DO HEREBY CERTIFY** said resolution to be a correct transcript thereof and of the whole of such original.

**IN TESTIMONY WHEREOF**, I have hereunto subscribed my name and affixed the official seal of the City of Rye this 16th day of January 2016.

**SEAL**

*Dawn F. Nodarse*  
**DAWN F. NODARSE**  
**CITY CLERK**



Robert P. Astorino  
County Executive

August 9, 2013

Mr. Louis Larizza  
211 South Ridge Street  
Rye Brook, New York 10573

**Subject:      Proposed Theodore Fremd Senior Housing Development  
                  150 North Street, Rye New York**

Dear Mr. Larizza:

Please allow this correspondence to serve as formal authorization from the County of Westchester (the "County") for you to seek all necessary approvals from the City of Rye, New York (the "City") for the development of approximately twenty-five (25) to fifty (50) affordable affirmatively furthering fair housing units (the "AFFH Units") on the County-owned property located at 150 North Street in Rye, New York (the "Proposed Development").

At this time, it is anticipated that the AFFH Units will be available for seniors earning at or below 50% and 60% of the Westchester County Area Median Income for fifty (50) years. These AFFH Units are expected to further the County's efforts to create new fair and affordable housing units under the 2009 lawsuit titled *United States of America ex rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County, New York*.

Please note, that upon receipt of all approvals from the City, the Development and any related County funding shall be subject to all necessary County approvals, including but not limited to, approvals from the County Board of Legislators, and from the County's Board of Acquisition and Contract. Further be advised that the County makes no commitment for funding at this time, and all costs incurred in connection with the Proposed Development and any required local approvals shall be your sole responsibility, whether or not said approvals are ultimately granted by the City, whether or not the County grants or denies any necessary or related approvals, or if the County, in its sole discretion, determines not to proceed with or fund the Proposed Development. This letter shall not bind the County in any respect.

Please also be aware that, although formal plans have not yet been reviewed by the County that the Proposed Development must be consistent with Westchester County affordable housing policies and guiding principles:



- It will be compliant with the Westchester County Consolidated Plan submitted to HUD for the Westchester Urban County Consortium, of which the City of Rye is a member.
- It will be consistent with and reinforce *Westchester 2025 – Policies to Guide County Planning*, the County Planning Board’s adopted long-range land use and development policies, by contributing to the development of “a range of housing types” affordable to all income levels and by channeling development to centers where infrastructure can support growth and where public transportation can be provided.
- As noted above, it will consistent with the housing settlement reached in the case of *United States of America ex rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County, New York* and will contribute toward the County’s requirement to ensure the development of seven hundred fifty (750) new affordable affirmatively furthering fair housing units in communities that meet certain demographic criteria.

We are available to discuss any questions you may have regarding this authorization and look forward to reviewing your proposal.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Plunkett", with a stylized flourish extending from the end.

Kevin J. Plunkett  
Deputy County Executive

cc: Mary Mahon, Esq., Special Assistant to the County Executive  
Robert F. Meehan, Esq., County Attorney  
Edward Buroughs, AICP, Commissioner of Planning

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



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

**CONFIDENTIAL – Memorandum**

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To: Scott Pickup, City Manager

From: Christian K. Miller, AICP, City Planner

cc: Kristen K. Wilson, Esq., Corporation Counsel

Date: June 14, 2013

Subject: **Summary of Meeting with Westchester County to discuss the Potential Development of Affordable Housing at County-owned Property located on Theodore Fremd Avenue near the Intersection of North Street.**

As requested, this memorandum provides a summary of our meeting today with Westchester County officials regarding the potential development of affordable housing at the approximately 2.07-acre County-owned property located on Theodore Fremd Avenue near the intersection of North Street. The meeting was requested by Westchester County and was held at the County Executive's Office. For approximately 20 years the City has advocated for the development of affordable housing at this location and has periodically had meetings with the County to discuss development possibilities.

Today's meeting was attended by the Mayor, Laura Brett, you and I as representatives from the City. From the County were representatives from the County Executive's office (Kevin Plunkett and Mary Mahon), Planning Department (Commissioner Ed Burroughs and Norma Drummond) and a representative from the County Attorneys office. Also in attendance was Lou Larriza who may be the County's preferred developer for the potential development of the site.

**Summary**

- *Sub-surface Environmental Conditions.* NYSDEC continues to monitor the site for the status of the environmental contaminants on the site. The last test was conducted in 2011 showed elevated levels from previous tests, but that additional tests are at the discretion of NYSDEC. The City requested that additional tests

## Summary of Meeting with Westchester County

June 14, 2013

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be conducted and that it preferred that the site be clean before development occurs. Ms. Drummond stated that the County Health Department is not concerned with potential future housing development on the property provided that there is no enclosed habitable space below grade or on the first floor. The City was advised that there is currently no on-going remediation on the property.

- *Development and Land Use Review Process.* The County stated that it would select a preferred developer for the development of housing on the property. The County stated that the City would not need to be in the chain of title for the property and would not need to select a developer or eligible not-for-profit to develop the property. The City would act as it does for all land use applications, including former affordable housing applications on Cottage Street, by requiring approvals from all relevant City land use boards. As with the applications on Cottage Street, the City noted that the property is not currently zoned for the proposed development and that changes in the zoning code or variances would be required. The County understands that the City has local land use authority.
- *Development Scenario.* Mr. Larriza discussed his development concept for the site. He stated that he is seeking 48 units of senior (i.e. age 55 and over) housing on the property. The number of units is dictated by the desire to use tax credit financing for the property, which limits household income to 50% and 60% of Area Median Income (AMI). He stated that the unit mix would be one- and two-bedroom units. The project would total approximately 50,000 square feet within two 4- or 5-story buildings on the rear half of the 2.07-acre property. Parking would be located at grade level under the building to comply with the Health Department requirement that there be no habitable space below grade or on the first floor.

The County stated that County infrastructure bond money would also be used to assist with the project funding. The County confirmed that the proposed senior tax credit units would count towards the 750-unit obligation under the Housing Settlement. The County stated that only 187 out of the 750 units can be senior and that Rye would be using the last of that limited allocation.

- *Next Steps.* The County will complete its process to select a preferred developer and the City can expect an application for affordable housing development potentially in the fall. At that point, or sooner if it desires, the City will need to undertake a zoning analysis and determine what, if any, land use modifications it would like to implement to accommodate affordable development on this or potentially other properties in the City.

Robert P. Astorino  
County Executive

County Planning Board

January 30, 2014

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

**Subject: Referral File No. RYC 14 - 001 – The Courtyard at Theodore Fremd  
Zoning Map Amendment and Site Plan  
Lead Agency**

Dear Mr. Miller:

The Westchester County Planning Board has received a notice of intent to serve as Lead Agency pursuant to the NYS Environmental Quality Review Act (SEQR), as well as a one-sheet preliminary site plan (dated December 9, 2013) and related materials for the above referenced application. The applicants are petitioning the City to rezone a 2.08-acre site, currently owned by Westchester County with frontage on Theodore Fremd Avenue (County Road 54) and North Street (County Road 73), from B-6 General Business and B-1 Neighborhood Business to RA-5 Senior Citizens Apartment District. The zone change would permit the development of up to 58 units of housing on the site. If successfully rezoned, the applicant intends to apply for a site plan approval to construct a 54-unit apartment building with 95 parking spaces. All of the proposed units would be age-restricted to seniors over the age of 55 and would be affordable affirmatively furthering fair housing (AFFH) units. The unit mix would consist of 44 one-bedroom units and 10 two-bedroom units.

We have no objection to the Rye City Council assuming Lead Agency status for this review. Since this proposal involves the disposition of County-owned land as well as potential funding administered by Westchester County, we recommend that the County Board of Legislators be included as an Involved Agency with respect to SEQR.


Because we have not received full site plans, we will reserve full comment on this matter under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code for a later date. At this time we offer the following preliminary comment:

**Fair and affordable housing – development of affordable AFFH units.** We support the concept of this proposal as it will add to the supply of affordable AFFH units in Westchester County. We look forward to working with both the City and the applicant as this application moves forward. We recommend that the applicant consider adding an apartment within the proposed building for a building superintendant, which is typical for a development of this size.



Thank you for calling this matter to our attention.

Respectfully,  
WESTCHESTER COUNTY PLANNING BOARD

For:  
By:   
Edward Burroughs, AICP  
Commissioner

EEB/LH

622 STILES AVENUE MAMARONECK, NEW YORK 10543 TEL 914-698-8207 FAX 914-698-8208  
chnarch@yahoo.com

## **Clark Neuringer Architect**

CONNECTICUT  
DELAWARE  
FLORIDA  
MARYLAND  
NEW YORK

December 10, 2013

The Honorable Mayor Douglas French  
Members of the City Council  
Rye City Hall  
1051 Boston Post Road  
Rye, New York 10580

Re: Proposed Zoning Amendment;  
The Courtyard at Theodore Fremd

Dear Mayor French and Members of the City Council,

On behalf of our client, Lazz Development / Pawling Holdings, we are pleased to submit this request for an amendment to the Zoning Code of the City of Rye with respect to a proposed fifty four (54) unit rental development located at the corner of Theodore Fremd Avenue and North Street, adjacent to the existing Con Edison operations and equipment facility. The proposed development will advance a long-term planning objective of the City to provide affordable housing on this Westchester County-owned property. The proposed development would consist of 44 one-bedroom units and 10 two-bedroom units all of which will be restricted to those over age 55.

The approximately 2.1-acre property is currently within both the B-6 General Business District and B-1 Neighborhood Business District. Our proposal is to re-zone the entire property to the RA-5 Senior Citizen's Apartment District, which is the same district adopted by the City Council in the 1980s to provide for the construction of the approximately 100 units of senior affordable housing at 300 Theall Road. Current uses permitted within the B-6 District are limited to light manufacturing; garages, parking lots, and filling stations; small boat facilities; and kennels and veterinary hospitals. The portion of the property located in the B-1 District allows for business, professional office, retail, single-family dwellings and two-family residences.

The Honorable Douglas French  
Page 2  
December 10, 2013

Multi-family is not currently permitted in either district. We respectfully request that the City Council amend the Zoning Map to change the zoning district classification of this property to the RA-5 Senior Citizens Apartment District.

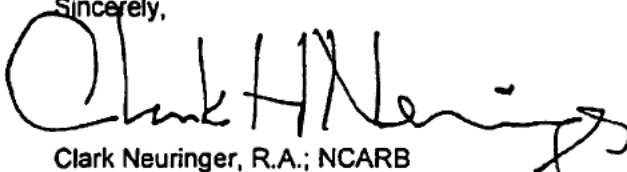
Our proposed senior citizen residential development meets or exceeds the requirements of the RA-5 District and would be a beneficial addition to the City in general and to the particular neighborhood. Our proposal represents a lower intensity of use of the property compared to what could be developed under the current limited zoning. Even under the RA-5 District requirements, our proposed residential development has several distinct positive attributes as follows:

- Area of the lot is more than double the size of minimum required.
- Total amount of buildable floor area proposed to be constructed is 17% less than permitted.
- Total amount of parking proposed is almost seven times more than minimum required.
- Total amount of open space proposed is more than double amount required.

As a result, the requested amendment would allow a residential development that would act as a transition between existing residential uses to the south and commercial uses otherwise surrounding the property. The design of our proposed site development results in a separation between the closest existing neighborhood residential building and one of our apartment buildings of a distance in excess of approximately 250 feet. As such, there would be no adverse impact on any of the existing residential areas to the south of the site. Compared to other uses that would be permitted on the site, we believe the proposed residential community would be a more attractive and beneficial use to the neighborhood.

We look forward to further reviews and discussions with you regarding the requested zoning amendment.

Sincerely,

A handwritten signature in black ink, appearing to read "Clark Neuringer". The signature is fluid and cursive, with a large initial "C" and "N".

Clark Neuringer, R.A.; NCARB

Cc: Louis Larizza, Lazz Development // Pawling Holdings

DRAFT

Formatted: Left: 72 pt, Right: 72 pt

LOCAL LAW  
CITY OF RYE NO. \_\_\_\_ -2014

**A Local Law to Amend the “Zoning Map of the City for Rye, New York” to Change the Zoning Designation of a Property Known on the City of Rye Tax Map as Section 146.10, Block 1, Lot 66 from B-6, *General Business*, District and B-1, *Neighborhood Business*, District to RA-5, *Senior Citizens Apartment*, District.**

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

**Section 1.**     **The Zoning Map of the City of Rye, New York is hereby amended to change the zoning district designation of a property known on the City of Rye Tax Map as Section 146.10, Block 1, Lot 66 from B-6, *General Business*, District and B-1, *Neighborhood Business*, District to RA-5, *Senior Citizens Apartment*, District.**

**Section 2.**     **Severability**

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

**Section 3.**     **Effective Date**

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

**617.20**  
**Appendix B**  
**Short Environmental Assessment Form**

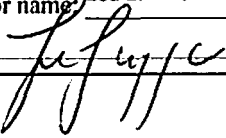
**Instructions for Completing**

**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>							
City of Rye Affordable Senior Housing							
Name of Action or Project: The Courtyard at Theodore Fremd							
Project Location (describe, and attach a location map): Theodore Fremd Avenue and North Street, Rye, NY							
Brief Description of Proposed Action:  1. Construct 54 units of senior affordable housing units with parking areas for 95 cars on 2.08 acres in the City of Rye, NY. 2. Approval of a City of Rye zoning text amendment to permit certain residential types in the B6 (Business) zone.							
Name of Applicant or Sponsor: Pawling Holdings, LLC		Telephone:					
		E-Mail:					
Address: 211 South Ridge Street, Suite 3R							
City/PO: Rye Brook		State: NY	Zip Code: 10573				
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.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: City of Rye Planning Commission, City of Rye Council, the Home Fund, HIF, AHC agencies, County of Westchester DPW			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
3.a. Total acreage of the site of the proposed action?		2.08 acres					
b. Total acreage to be physically disturbed?		2.08 acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		2.08 acres					
4. Check all land uses that occur on, adjoining and near the proposed action. <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" 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): Railroad, Interstate Highway 95 <input type="checkbox"/> Parkland							

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input 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 service(s) 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 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: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" 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?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ Existing Culvert beneath Metro North Rail Lines	<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES		

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: Three subsurface detention vaults to be constructed beneath the parking areas. Size is generally 1000 square feet per system. The purpose is to limit flows to current levels.	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: NYS DEC database has no record of remediation 1978 to present.	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor name: <u>Lou Larizza</u> Date: <u>11/6/2013</u> Signature: 		

**Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2.** 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 type="checkbox"/>	<input checked="" 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: a. public / private water supplies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input checked="" 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"/>

	No, or small impact may occur	Moderate to large impact may occur
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"/>

**Part 3 - Determination of significance.** The Lead Agency is responsible for the completion of Part 3. 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.

2. The project will increase the intensity of use since the development of 54 apartments for seniors will occur on vacant land. Mitigation is proposed by providing sufficient stormwater controls to prevent flooding, and water quality treatment to reduce impacts to water courses. Traffic mitigation is considered to be mitigated by limiting occupancy to an over-55 years age group. Excess on-site parking is provided to eliminate off-street parking impacts. The site is on the County Bus route which affords opportunity to mitigate traffic. New local street sidewalks to be constructed will also help to mitigate traffic. The proposed landscaping, consisting of landscaped buffers, new trees, shrubs and decorative fencing throughout, will mitigate visual impacts. An erosion control plan in conformance with the NYS Stormwater Design Manual will be used to offset temporary impacts of erosion.

7a. Water supply: The water demand for the project of 54 units with average of a two-person occupancy is about 10,800 gallons per day. United Water Westchester provides 7.6 million gallons per day and the increase is nominal due to this project and should not impact the facilities. Mitigation of water use is provided in limiting the occupancy to an over-55 age group.

7b. Wastewater Treatment: The project is in the County's Blind Brook Sewer District and sewage flow will be treated at the Blind Brook Treatment Plant which has a capacity of 5 mgd and is currently operating at 3.3 mgd. City-owned sewers at the site are adequately sized to handle the increased flow from this project. Therefore, given the reduced water use and in turn sewage generation, the project should not adversely impact these facilities.

Long term impacts are the same as short term impacts described above.

Cumulative impacts of the development are limited due to the lack of other new projects of this type in the area.

<input type="checkbox"/>	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.
<input type="checkbox"/>	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.
<div> <div>Name of Lead Agency</div> <div>Date</div> </div>	
<div> <div>Print or Type Name of Responsible Officer in Lead Agency</div> <div>Title of Responsible Officer</div> </div>	
<div> <div>Signature of Responsible Officer in Lead Agency</div> <div>Signature of Preparer (if different from Responsible Officer)</div> </div>	

**PRINT**





# CITY COUNCIL AGENDA

NO. 7

DEPT.: City Council

DATE: October 8, 2014

CONTACT: Mayor Joseph A. Sack

**AGENDA ITEM:** Continuation of Public Hearing to amend local law Article 6, "Council", Section § C6-2, "Powers and duties", Article 8 "City Manager", Section § C8-2, "Powers and duties of City Manager" and Article 12 "Department of Police", Section § C12-1, "Head of Department; subordinates" of the Charter of the City of Rye to provide the City Council with the authority to approve the appointment, suspension or removal of the Police Commissioner.

**FOR THE MEETING OF:**

October 8, 2014

**RYE CITY CODE,**

CHARTER

SECTION

C6-2, C8-2,  
C12-1

**RECOMMENDATION:** That the City Council continue the Public Hearing to approve the changes to the City Charter as outlined.

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

**BACKGROUND:** A proposal has been put forward to amend Article 6, "Council" of the Charter of the City of Rye to amend §C6-2 "Powers and duties", Article 8 "City Manager", Section § C8-2, "Powers and duties of City Manager" and Article 12 "Department of Police", Section § C12-1, "Head of Department; subordinates" to provide the City Council with the authority to approve the appointment, suspension or removal of the Police Commissioner. The City Council is asked to set a Public Hearing regarding the proposed amendment.

See attached Draft Local Law.

**CITY OF RYE  
LOCAL LAW NO. 2014**

**A local law to amend the City Charter of the City of Rye Article 6 “Council”, Article 8 “City Manager”, and Article 12 “Department of Police” to provide the City Council with the authority to approve the appointment, suspension or removal of the Police Commissioner as follows:**

**Section 1: Chapter C. Charter.**

**Article 6. Council**

**§ C6-2. Powers and duties.**

C. The Council shall appoint the City Manager as hereinafter provided and shall appoint a Corporation Counsel or hire an attorney as an independent contractor. Such Counsel or attorney shall be engaged in the practice of law in this state for at least five years immediately preceding his appointment or hiring. **The Council shall also have approval authority over the appointment, suspension or removal of the Police Commissioner.**

**Section 2.**

**Article 8. City Manager**

**§ C8-2. Powers and duties of City Manager.**

B. **Subject to Article 12, Section C.12-1.A**, he shall appoint a City Comptroller, City Clerk, City Engineer, City Assessor, Building inspector, City Marshal, registrar of Vital Statistics and the heads of such other departments as may hereafter be created by the Council. All such officers shall in the performance of their duties be subject to the directions and supervision of the City Manager. Except for the Police Department, he may also appoint all subordinates in the departments headed by such officers, or he may authorize any administrative officer who is subject to his direction and supervision to exercise such power, subject to his approval, with respect to subordinates in that officer’s department, office or agency.

C. **Subject to Article 12, Section C.12-1.A**, he shall, when he deems it necessary for the good of the service, suspend or remove any city officer or employee whom he may appoint or employ, except as otherwise provided by law.

I. He may, during the absence or disability of the City Comptroller, City Clerk, City Assessor or the head of any other office or department under his direction and supervision, all of all the powers of such office or department; and also, **with the exception of the Police Commissioner**, he may designate one of the employees

in such office or department as a deputy who shall have the powers and duties of the City Comptroller, City Clerk, City Assessor or the head of such other office or department, as the case may be, during the absence or disability of such officer or during a vacancy in such office or department. **With respect to the Police Commissioner, the Manager shall obtain the consent of the Mayor and City Council.**

### **Section 3.**

## **Article 12. Department of Police**

### **§ C12-1. Head of Department; subordinates.**

- A. There shall be a Department of Police, the head of which shall be the Commissioner of Police, who shall be appointed by the City Manager, and he shall serve at the pleasure of the City Manager **except that the City Manager shall obtain the consent of the Mayor and City Council when appointing, suspending or removing the Police Commissioner.** The Commissioner of Police shall have at least the qualifications and experience specified by the Council.

### **Section 4:** Severability clause

**Section 5:** This local law will take effect immediately on filing in the office of the Secretary of State.



# CITY COUNCIL AGENDA

NO. 8

DEPT.: City Manager's Office

DATE: October 8, 2014

CONTACT: Frank J. Culross, City Manager

**AGENDA ITEM:** Continuation of Public Hearing to amend local law Chapter 197, "Zoning", of the Rye City Code by adding Section 197-15, "Special Permit for Historic Preservation in the B-2 Central Business District" to permit banks on the first floor of a building when certain conditions are met upon approval of a Special Use Permit by the City Council.

**FOR THE MEETING OF:**

October 8, 2014

**RYE CITY CODE,**

CHAPTER	197
SECTION	15

**RECOMMENDATION:** That the City Council continue the Public Hearing to add a new section to Chapter 197, "Zoning".

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

**BACKGROUND:** Council is asked to consider the addition of a new Section to the Zoning Law, 197-15, "Special Permit for Historic Preservation in the B-2 Central Business District" to permit banks on the first floor of a building when certain conditions are met upon approval of a Special Use Permit by the City Council.

See attached Draft Local Law.

**CITY OF RYE  
LOCAL LAW NO. 2014**

**A local law to amend the City Code of the City of Rye Chapter 197 “Zoning” by adding Section 197-15 “Special Permit for Historic Preservation in the B-2 Central Business District” to permit banks on the first floor of a building when certain conditions are met upon approval of a Special Use Permit by the City Council as follows:**

**Section 1:**

**Article IV, *Use Regulations*, of the Code of the City of Rye is hereby amended to add the following:**

**§ 197-15. Banks in the B-2, Central Business District.**

- A. The Council creates this incentive-based special use permit in order to maintain the historic elements and convenience retail storefronts the contribute to the character of the City’s Central Business District. As such, the Council adopts a policy to incentivize the preservation of the character of the Central Business District by allowing in the B-2 Central Business District banks to be located on the first floor of a building located on the condition that the historic nature of the building or its contributing elements, are preserved and maintained. The purpose of this law is to advance the following goals:**
  - 1. Promoting the preservation of buildings that enhance and define the historic nature of Rye over the past decades.**
  - 2. Balancing the desire for historic preservation of certain buildings with the need to allow for financially viable uses of buildings.**
  - 3. Furthering the City’s goal to provide incentive zoning techniques for development projects that meet a defined community need and desire such as historic preservation and maintaining community character.**
- B. Procedures for Special Use Permits – permit applications.**
  - a. Applications for a permit shall be made to the City Clerk on forms furnished by the City Clerk’s office.**
  - b. An application for a permit shall not be deemed complete if it does not include all of the following information:**
    - i. The application fee;**
    - ii. Complete plans for the building(s), or portions thereof, that the applicant believes furthers the intent of this Section and for the bank or other uses of the building(s) on the property.**
    - iii. Full environmental assessment form in accordance with the State Environmental Quality Review Act, except that a short**

environmental assessment form may be submitted at the discretion of the City Council.

- iv. A narrative from the applicant setting forth the reasons why the proposed building(s) to be preserved would further the intent of this Section and what specific measures would be implemented to preserve the community character that the City wishes to maintain.
- v. The City Council may require additional information as needed, such as the proposed plan to maintain the historic nature of the building(s).
- vi. By filing an application, the applicant thereby consents to the entry onto his land by the City Council or other agents designated by the City Council for the purpose of undertaking any investigation, examination, survey or other activity necessary for the purposes of this chapter.

**C. Special Use Permit Requirements; determining historic significance of development plan.**

1. The Council will undertake a review of an application pursuant to this Section in a timely fashion and shall act within a reasonable period of time given the complexity of the application and the circumstances.
2. The Council may, at its sole discretion, refer any application for this Special Permit for Historic Preservation to the Landmarks Committee for its review and comment.
3. If the application is referred to the Landmarks Advisory Committee, the Committee shall provide any comments to the Council within thirty (30) days of the referral.
4. The City Council shall then review the development plan to determine if it furthers the goals and intent of this Section. The Applicant shall bear the burden of establishing why its building(s), or portions thereof, are an integral part of the historic nature of the B-2 Central Business District and that its application should be considered for the special use permit.
5. If the Council finds that the application furthers the intent of this Section, it shall simultaneously consider the application for the Special Use Permit and Site Development Plan in accordance with Rye City Code § 197-7. The City Council shall hold a public hearing to consider the approval of both the Special Use Permit and Site Development Plan.
6. As part of any approval of the Special Use Permit and Site Development Plan, the City Council shall consider the following conditions as part of its approval:
  - a. A restrictive covenant that preserves the building(s), or portions thereof, in its current state and any modifications to such restrictive covenant shall be reviewed and approved by the City Council; and/or
  - b. A deed restriction that preserves the building(s), or portions thereof, in its current state and any modifications to such deed restriction can only be approved by the City Council; and/or

- c. A façade easement or other restrictive easement that preserves the building(s), or portions thereof, in its current state and any modifications to such easement can only be approved by the City Council; and
- d. All covenants, restrictions, and/or easements shall be recorded in the County Clerk's office.
- e. A maintenance plan that ensures the continued upkeep of the preserved building(s), or portions thereof.
- f. A community amenity such as landscaping or other improvement to further enhance the community character in the area near the proposed development.
- g. Any other condition that the City Council deems necessary to preserve the historical nature of the building(s) and to ensure that such preservation will continue into the future regardless of the owner.

### **Section 3.**

Section 197-86, Table of Regulations: Table B, Business Districts-Use Regulations, Column 1, Permitted Main Uses, B-2 Central Business Districts, of the Code of the City of Rye, New York is hereby amended to amend subsection (1) to read as follows:

- (1) Nonresidence main uses permitted in B-1 Districts without restrictions as to location and conversions of existing buildings, except that offices for clerical, administrative, professional and agency uses shall not be located on the first floor of a building within the A Parking District, and banks shall not be permitted on the first floor of a building in the B-2 Central Business District, **except where approved by the City Council pursuant to §197-15.**

### **Section 2.**

If any clause, sentence, paragraph, section or part of any section of this title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered.

**Section 3:** This local law will take effect immediately on filing in the office of the Secretary of State.

NOTE: Proposed additions are shown in **underline and bold** and proposed deletions are shown in ~~strike through~~.



# CITY COUNCIL AGENDA

NO. 9

DEPT.: City Manager's Office

DATE: October 8, 2014

CONTACT: Frank J. Culross, City Manager

**ACTION:** Continuation of Public Hearing to amend Local Law Chapter 76, "Dogs", Section 76-5, "Running at large prohibited" and Section 76-6, "When Leash Required", to establish regulations for the leashing of dogs at Rye Town Park.

**FOR THE MEETING OF:**

October 8, 2014

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:**

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

**BACKGROUND:** A recommendation was made to amend Chapter 76, "Dogs" of the Rye City Code to permit dogs to be "at large" in Rye Town Park from 6:00 a.m. to 9:00 a.m. Coupled with the amendment is the suggestion that signage should be placed in the park advising early morning park visitors of the policy to allow dogs off leash until 9 a.m. After 9:00 a.m. all dogs must remain leashed in all areas of the park.

See attached draft Local Law.



**CITY OF RYE  
LOCAL LAW NO. 2014**

**A local law to amend Chapter 76 “Dogs” of the  
Code of the City of Rye to allow dogs to be at large during certain hours at Rye Town Park  
as follows:**

**Section 1: Chapter 76, Dogs**

**§ 76-5. Running at large prohibited; exceptions**

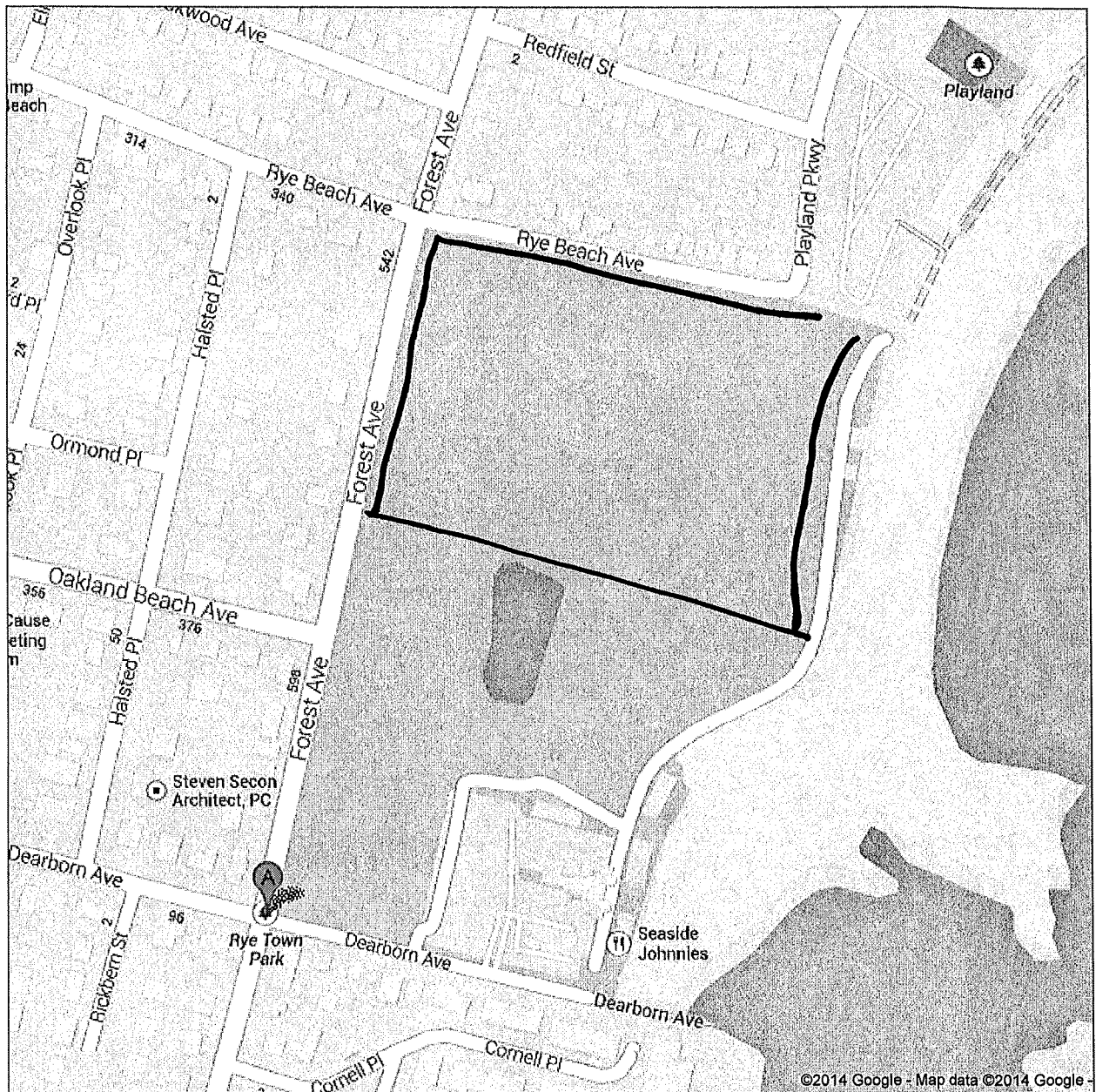
- A. Except as permitted in § 76-5(B), no person owning, harboring or having the custody and control of a dog shall permit such dog to be at large in the City of Rye, elsewhere than on the premises of the owner, except if it is on the premises of another person with the knowledge and assent of such other person.**
- B. During the hours of 6 a.m. to 9 a.m., the owner, harborer or person having the custody and control of a dog visiting the designated areas in § 76-5(F) shall control such dog at all times, but need not restrain such dog by a chain or leash. The maximum number of dogs off-leash that any one person shall have custody and control over is three. At no time is a dog permitted in any ponds, on sidewalks, paved paths or ball fields. After 9 a.m., all dogs must be chained or leashed in accordance with this Chapter.**
- C. Any person wishing to allow his/her dog(s) to run at large without being restrained by a chain or leash in Rye Town Park pursuant to this Section shall register his/her dog(s) with the Rye Town Park Commission annually. Any dog at large must have a valid registration tag affixed to his/her collar at all times when the dog(s) are at large in Rye Town Park**
- D. Any violation of this Chapter may result in a fine of up to \$250 per violation and/or suspension or termination of the off-leash registration.**
- E. The registration fee will be set annually by the Rye Town Park Commission.**
- F. The designated areas within the City where dogs are permitted to run at large from 6 a.m. to 9 a.m. are:**
  - a. Rye Town Park in the grass area bounded by the walking path, Forest Avenue, Rye Beach Avenue and the duck pond (see annexed map).**

**§ 76-6. When leash required.**

**Except as set forth in § 76-5(B) above,** the owner, harborer or person having the custody and control of a dog in the City of Rye which is not on the premises of the owner or upon the premises of another person with the knowledge and consent of such person shall control and restrain such dog by a chain or leash not exceeding eight feet in length.

**Section 2:** This local law will take effect immediately on filing in the office of the Secretary of State.

Google



- A. **Rye Town Park**  
95 Dearborn Ave, Rye, NY  
(914) 967-0965  
3 reviews



# CITY COUNCIL AGENDA

NO. 10

DEPT.: Planning

DATE: October 8, 2014

CONTACT: Christian K. Miller, AICP, City Planner

**AGENDA ITEM:** Petition of Old Post Road Associates, LLC to amend the City Zoning Code and change the district designation for an approximately 7.0-acre property located at 120 Old Post Road from the B-4 Office Building District to a new RA-6 Active Senior Resident District to provide for the construction of age-restricted apartments.

**FOR THE MEETING OF:**

October 8, 2014

**RYE CITY CODE,**

CHAPTER 197  
SECTION 7

**RECOMMENDATION:** The City Council should declare it's intent to be Lead Agency under SEQRA, refer the draft local law and petition to the City Planning Commission for their advisory review and comment and refer the complete application to Westchester County Planning Board as required by Section 239-m of the GML and Section 451 of the West. Co. Admin. Code.

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

**BACKGROUND:**

The petitioner, Old Post Road Associates, LLC, seeks an amendment to the City Zoning Map to change the zoning district designation of an approximately 7.0-acre property located at the intersection of Old Post Road and Playland Access Drive. The request would change the zoning of the property from the B-4, *Office Building*, District to a new zone RA-6, *Active Senior Residence*, District. The petitioner is seeking to construct units of age-restricted housing limited to those individuals over age 55 who are not interested or in need of residing within a retirement community or nursing facility. The City Council should consider referring the matter to the Planning Commission for its advisory comment and designating its intent to be Lead Agency in the environmental review of this matter as required by the State Environmental Quality Review (SEQR).

See attached Petitioner request.

JONATHAN D. KRAUT

DIRECT TEL.: 914-701-0800  
MAIN FAX: 914-701-0808  
JKRAUT@HKPLAW.COM

September 5, 2014  
*VIA HAND DELIVERY*

Frank Culross  
Office of the City of Rye Manager  
1051 Boston Post Road  
Rye, New York 10580

Re: *120 Old Post Road*  
*Rye City Tax Map Identifier: 146.13-1-7*

Dear Mr. Culross:

We represent Old Post Road Associates, LLC (the "Petitioner"), in connection with the above referenced property (the "Subject Property"). Submitted herewith please find ten (10) copies of a Verified Petition for a proposed zoning change and amendment to the Zoning Ordinance for the Subject Property, along with a check in the amount of \$1,000 for the requisite application fee. The original petition is simultaneously being filed with the city clerk. We respectfully request this matter be placed on the next available Rye City Council agenda.

The Petitioner is seeking the requested zoning change and amendment to develop the Subject Property as an age-restricted residential community after careful review of market conditions and the lack of any comparable developments within the City of Rye. The existing office building at the Subject Property has been largely vacant for several years and the market for office space within Rye and the surrounding communities appears bleak. As the Council is aware, the Petitioner recently sought a zoning change to allow the redevelopment of the Subject Property with a hotel, which was met with strong opposition by the community. The Petitioner believes the proposed zoning change is much more harmonious with the neighborhood and would benefit the City of Rye as a whole by providing a housing alternative for those individuals 55 years and older who are not interested or in need of residing within a retirement community or nursing facility while not causing any increased burden on the expenses of the City of Rye School District. Simultaneously, if approved, the proposed real estate development would have a



HKP

very beneficial impact on the property's market tax assessment – which has steadily decreased over the past years due to the erosion in market value of office use.

We look forward to presenting this Petition to the Rye City Council and can provide any additional information at that time. Please let us know when this matter will first be heard by the City Council at your earliest convenience.

Very Truly Yours,

HARFENIST KRAUT & PERLSTEIN LLP

By: 

Jonathan D. Kraut

cc: Mayor Joseph A. Sack  
Laura U. Brett, Councilperson  
Kirstin A. Bucci, Councilperson  
Julie P. Killian, Councilperson  
Terrence E. McCartney, Councilperson  
Richard J. Mecca, Councilperson  
Richard W. Slack, Councilperson

CITY OF RYE: RYE CITY COUNCIL  
COUNTY OF WESTCHESTER: STATE OF NEW YORK

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In the Matter of the Application of

OLD POST ROAD ASSOCIATES, LLC

PROPERTY LOCATION:  
120 Old Post Road, Rye, New York  
Sheet 146.13, Block 1, Lot 7

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**PETITION FOR ZONE CHANGE, ZONING MAP AMENDMENT,  
AND AMENDMENT TO CITY OF RYE ZONING ORDINANCE**

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*Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document(s) are not frivolous and that this matter was not obtained through illegal conduct or in violation of DR 7-111.*

*Dated: Purchase, New York.  
September 5, 2014*

---

*Jonathan D. Kraut*

---

**HARFENIST, KRAUT & PERLSTEIN**

*Attorneys for Petitioner*  
2975 Westchester Avenue, Suite 415  
Purchase, New York 10577  
(914) 701-0800

CITY OF RYE: RYE CITY COUNCIL  
COUNTY OF WESTCHESTER: STATE OF NEW YORK  
-----X

In the Matter of the Application of  
  
OLD POST ROAD ASSOCIATES, LLC

**PETITION  
FOR ZONE CHANGE,  
ZONING MAP  
AMENDMENT, AND  
AMENDMENT TO  
CITY OF RYE ZONING  
ORDINANCE**

PROPERTY LOCATION:  
120 Old Post Road, Rye, New York  
Sheet 146.13, Block 1, Lot 7  
  
-----X

Petitioner, OLD POST ROAD ASSOCIATES, LLC, by its attorneys, Harfenist Kraut & Perlstein, LLP, hereby petitions the City Council of the City of Rye for a zone change, a zoning map amendment and an amendment to the City of Rye Zoning Ordinance as follows:

1. Old Post Road Associates, LLC, (hereinafter "Petitioner"), with an address at 120 Old Post Road, Rye, New York 10580, is a Limited Liability Company duly formed and existing under the laws of the State of New York.

**SUBJECT PROPERTY**

2. The Petitioner is the owner of the subject premises located at 120 Old Post Road, as further set forth in the caption of this Petition (hereinafter the "Property").
3. The Property is a single parcel of approximately 7.0 acres located at the intersection of Old Post Road and Playland Access Drive which is known and designated on the Tax Assessment Map of the City of Rye as Sheet 146.13, Block 1, Lot 7.
4. The Property currently lies wholly within the B-4 (Office Building) Zoning District.

5. The Property is currently improved with a three story office building and related parking infrastructure.
6. The Property has the following uses adjacent to its boundaries: i) the Osborn senior living facility is immediately adjacent to the southwest; ii) single family residences in the R-2 zone are located to the southeast across Old Post Road; iii) Playland Parkway to the northeast; and iv) the WestMed Medical Group facility is located to the northwest.

ZONE CHANGE, ZONING MAP AMENDMENT AND  
AMENDMENT TO ZONING ORDINANCE

7. The Petitioner requests a change in the zoning of the Property, including a zoning map amendment and zoning ordinance text amendment of the Zoning Ordinance of the City of Rye, to rezone the Subject Property from B-4 (Office Building) to a new zone RA-6 (Active Senior Residence District) proposed herein. The Petitioner requests that the relief sought be granted and the zoning map and zoning ordinance of the City of Rye be amended to reflect the relief requested herein.
8. The Petitioner specifically requests that the official zoning map of the City of Rye be redrawn and amended to identify the Subject Premises known and designated on the Tax Assessment Map of the City of Rye, as Sheet 146.13, Block 1, Lot 7 as wholly within the RA-6 Zone as set forth hereinbelow.
9. The Petitioner also specifically requests that the Zoning Code of the City of Rye, Chapter 197: Zoning, Section 197-2: Districts, last amended 6-19-1991 by Local Law No. 13-1991, be further amended. Specifically, the Petitioners request that Section 197-2: Districts, A. Residence Districts, therein be amended to include a new residential district as follows:

*RA-6: Active Senior Residence District – Minimum lot size area per family  
2,000 square feet*



10. Further, the Petitioner specifically requests that the Zoning Code of the City of Rye, Chapter 197: Zoning, Section 197-86: Tables of Regulations: Table A, be amended. Specifically, the Petitioners request that Section 197-86: Tables of Regulations: Table A, Residence Districts – Use Regulations, Column 1: Permitted Main Uses, therein be amended to include as a permitted main use in the RA-6 district the following:

*(1) Apartments for active seniors in an age-restricted development. A building or group of buildings housing three or more families on one lot, subject to the requirements of §197-7 and Table A.*

11. The Petitioner also specifically requests that the Zoning Code of the City of Rye, Chapter 197: Zoning, be amended to include a new Section entitled *Active Senior Residence District*. Specifically, the Petitioners request that this new Section contain the particulars of the design parameters and limitations as set forth on Exhibit A attached hereto.

12. Lastly, the Petitioner specifically requests that the Zoning Code of the City of Rye, Chapter 197: Zoning, Section 197-86: Tables of Regulations: Table A, be amended. Specifically, the Petitioners request that Section 197-86: Tables of Regulations: Table A, Residence Districts – Area Yard, Height and Miscellaneous Regulations, last amended 7-16-03 by Local Law No. 6-2003; be further amended. Specifically, the Petitioners request that a new row for the proposed RA-6 zone be added, an amendment be made to footnote “C” and a new footnote “K” be added to Table A, all as more specifically set forth on Exhibit B attached hereto.

#### FACTS SUPPORTING PETITIONER’S REQUEST

13. The existing office building at the Property has been largely vacant for a significant period of time. As this condition of high vacancy rates for office space is not isolated to the Property but is a macro-trend throughout Westchester and other metropolitan areas the Petitioner is not optimistic on the likelihood of the existing office building becoming reoccupied to a sustainable level. Accordingly, the Petitioner has explored various options for uses at the Property.

14. The Petitioner has noted that with property values continuing to increase in Rye, there is a shortage of independent living accommodations for active adults ages 55 and older who wish to remain in Rye but no longer have the necessity of maintaining the related costs and expense necessarily attendant to home ownership within the City of Rye.
15. The Petitioner believes that due to the unique location and size of the Property, the Property could accommodate a viable alternative for those older individuals seeking alternative housing arrangements in an age-restricted community that does not provide nursing care.
16. The requested amendments to the Zoning Ordinance would not have any adverse impacts on the City of Rye. If this Petition were granted it would not only allow the Property to be redeveloped and put back to a sustainable use, it would also provide an alternative housing opportunity that is not currently being offered within the City of Rye. The redevelopment of the Property would also provide a benefit to the City of Rye by reestablishing the taxable value of the Property for real property tax purposes, which has continued to erode year after year as the Property remains vacant. Furthermore, the redevelopment of the Property in accordance with the residency limitations proposed herein would not create any additional strain on the Rye City School District as the development would expressly prohibit residency of any school age children.

#### SEQRA REVIEW

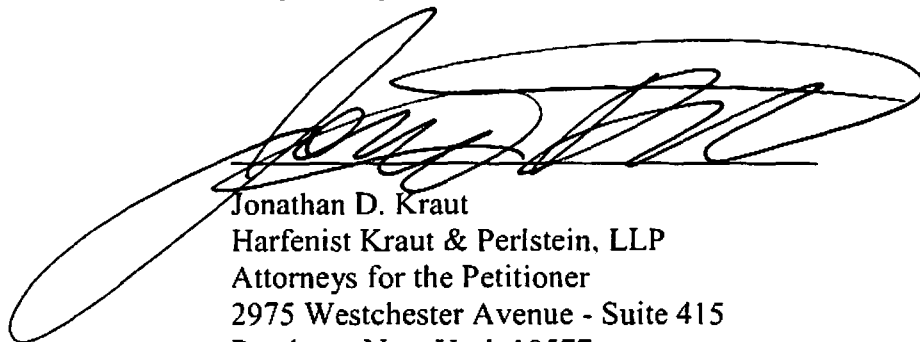
17. With respect to the environmental procedure and review of this Petition pursuant to Article 8 of the Environmental Conservation Law of the State of New York and Part 617 of the New York Codes, Rules and Regulations promulgated pursuant to the New York State Environmental Quality Review Act, it is respectfully submitted that the requested zoning amendments are consistent with the long range planning goals of the City of Rye and would permit a harmonious use between the Property and the community at large.

18. Petitioner has reviewed all pertinent environmental issues relating to the proposed zone change and has prepared a short form Environmental Assessment Form (EAF) in connection with this application. It is submitted herewith, so as to enable the City Council to take steps necessary to consider, and to issue, a negative declaration pursuant to the New York State Environmental Quality Review Act.

WHEREFORE, it is respectfully requested that this matter be placed on the calendar of the City Council for a hearing and that the relief sought herein be in all respects granted.

Dated: Purchase, New York  
September 5, 2014

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read 'Jonathan D. Kraut', is written over the printed name and address.

Jonathan D. Kraut  
Harfenist Kraut & Perlstein, LLP  
Attorneys for the Petitioner  
2975 Westchester Avenue - Suite 415  
Purchase, New York 10577  
Tel: (914) 701-0800

# EXHIBIT A

## **PROPOSED TEXT OF NEW SECTION WITHIN CHAPTER 197: ZONING**

### **RA-6 District (Active Senior Residence District)**

#### **Declaration of Policy**

The purpose and intent of the Active Senior Residence District is to provide housing to accommodate a range of independent living accommodations for active adults. The City of Rye recognizes that our senior citizen population (55 years of age or over) may, given present market conditions, find it increasingly difficult to acquire and/or maintain a single-family home. The specific objectives of this Zone are to:

- i) Provide alternative housing opportunities for those seniors to remain in the community close to family and friends.
- ii) Provide such housing alternatives in a location convenient to social and media facilities, retail shops, public transportation and other necessary services.
- iii) Provide, within the boundary of the development, appropriate social, recreation and other facilities which will contribute to the independence and meaningful activity of senior citizens.
- iv) To provide for the safety and convenience of residents through site design and housing unit design requirements which consider the special physical constraints of the elderly and the physical characteristics of the design site.

#### **Limitations on Occupancy**

The occupancy of residential units within the Active Senior Residence Zone shall be limited to:

- i) A single person 55 years of age or older;
- ii) Two or three persons, all of whom are 55 years of age or older;
- iii) A married couple, live-in companion, or partner, one of which is 55 years of age or older;
- iv) The surviving spouse of a person 55 years of age or older, provided that the surviving spouse was duly registered as a resident of the development at the time of the elderly person's death;
- v) One adult 18 years of age or older residing with a person who is 55 years of age or older, provided that said adult is essential to the long-term care of the elderly person as certified by a physician duly licensed in New York State

Persons under the age of 55 not specifically permitted to be occupants shall not be permitted to be permanent residents of dwelling units. For the purposes of this section, a "permanent resident" shall mean any person who resides within the dwelling for more than three consecutive weeks or in excess of 30 days in any calendar year, or has listed the residence as an abode for any purpose whatsoever, including, but not limited to, enrollment in public or private schools. Temporary occupancy by guests of families shall be permitted, provided that such occupancy does not exceed a total of 30 days in any calendar year.

Notwithstanding the foregoing, one dwelling unit within the community may be set aside to be occupied by a superintendent or building manager, to which the limitations on occupancy set forth above shall not apply.

### **Enforceability**

The limitations on occupancy shall be included in the marketing materials for the development as well as within the rules and regulations or terms of any leases for the development. Violations of the limitations on occupancy shall be enforceable by the City of Rye Building Inspector against the owner or lessee or the agent of any of them and shall be punishable by a fine of \$250 per day or by imprisonment not exceeding 15 days, or by both such fine and imprisonment. Exceptions to these regulations shall be granted if any limitations are determined to be in violation of any State or Federal law.

### **Dwelling Requirements**

The following minimum design requirements shall apply to any facility within the Active Senior Residence Zone.

- i) Laundry. Laundry facilities shall be provided in each unit or there shall be centralized self-service laundry facilities (washers and dryers) adequate to serve the tenants of the development.
- ii) Indoor Community Space. A common lobby at the building entrance and other indoor community space and related equipment shall be required to provide social and recreational opportunities for project occupants. Included may be such facilities as game rooms, theater rooms, meeting rooms, dining rooms, exercise rooms or other space for active or passive recreation.
- iii) Barrier-free access. All structures shall provide barrier-free access, and, at minimum, doors shall be three feet wide, thresholds shall be flush with the floor and ramps or elevators shall be provided so that all areas of the structure are accessible to the physically handicapped and as may be required by law.

- iv) Minimum unit size. The minimum permitted habitable floor area in each unit shall be 750 square feet for one bedroom units, 900 square feet for two bedroom units and 1,100 square feet for three bedroom units. Additionally, three-bedroom units must be equipped with at least 1 ½ bathrooms.

### **Covenants and Restrictions**

The Planning Commission shall have the right to require that the owner execute agreements and covenants as it may deem to be required during any site plan approval process as it may reasonably deem to be required to ensure compliance with the stated intent of this section. Said agreements or covenants shall be recorded in the office of the Westchester County Clerk and constitute a covenant running with the land. Such covenant or agreement may be modified or released only as set forth in said covenant or agreement or by the City Council.

### **Parking**

Parking for residents shall be provided on site and arranged in a manner that provides for safe and convenient access to the residential building, with a minimum of 1.25 spaces provided per residential unit. Where parking is located in a garage and is placed below the residential building or is covered with landscaping, the floor area of the garage shall not be counted toward the maximum permitted floor area.

### **Site Design Considerations**

The Planning Board in their review of the site plan shall take into consideration the following design principles:

- i) Provisions for adequate light and air to all apartments
- ii) Safe and convenient vehicle access to and from public roads, including access for emergency vehicles
- iii) Preservation of trees where feasible
- iv) Reduced light pollution by incorporating shielded and downward light fixtures
- v) Placement and design of mechanical equipment to minimize noise levels to residents and adjacent properties
- vi) Inclusion of on site walking paths and sitting areas for use by the residents. Provide connection to public pathways where available.

# EXHIBIT B



120 Old Post Road  
City of Rye, New York

Date: 8/21/14  
By: TK  
Issue No. 2

Selection from Chapter 197 Zoning  
Attachment 1, Table A: Residence Districts: Area, Yard, Height, and Miscellaneous Regulations

4		5	6	7	8	9	10	11	12	13	14	15	16
District	Use	Maximum Ratio of Floor Area to Lot Area <sup>(j)</sup>	Minimum Size of Lot (AC or SF) per a. Family or Equiv. <sup>(a)</sup> or b. Nonresidential Use	Minimum Width (feet) [Sec § 197-36]	Minimum Yard Dimensions (feet)				Specified Distance (feet) as required in Column 2 (Uses)	Maximum Height		One-Story Accessory Structures	
					Front <sup>(b)</sup>	One Side <sup>(b)(c)</sup>	Total of Two Side Yards	Rear <sup>(b)</sup>		(stories)	(feet)	Maximum Coverage of Rear Yard	Minimum Distance to Side Line (feet)
RA-1	Single-family house	0.40	5,000	50	25	8	20	30	40	2.5	35	30%	5
	Two-family house	0.40	5,000	60	25	8	20	30	--	2.5	35	30%	5
	Apartment house	0.40	5,000 <sup>(c)</sup>	100	70	50	100	50	--	2.5	35	30%	10
RA-2	Single-family house	0.45	5,000	50	25	8	20	50	30	2.5	35	30%	5
	Two-family house	0.45	3,500	60	25	8	20	50	--	2.5	35	30%	5
	Apartment house	0.45	5,000 <sup>(c)</sup>	100	25	20	50	40	--	2.5	35	30%	10
RA-3	Single-family house	0.50	5,000	50	25	8	20	30	20	2.5	35	35%	5
	Two-family house	0.50	3,000	60	25	8	20	30	--	2.5	35	35%	5
	Apartment house	0.50	5,000 <sup>(c)</sup>	80	25	20	40	40	--	2.5	40	35%	10
RA-4	Single-family house	0.50	5,000	50	25	8	20	30	--	2.5	35	35%	5
	Two-family house	0.50	3,000	60	25	8	20	30	--	2.5	35	35%	5
	Apartment house	0.50	5,000 <sup>(c)</sup>	80	25	20 <sup>(d)</sup>	40 <sup>(d)</sup>	40 <sup>(d)</sup>	--	2.5 <sup>(e)</sup>	35 <sup>(d)</sup>	35%	10
RA-5	Apartments for senior citizens and handicapped persons	1.00	1 AC	80	25		40	40	--	4	50	35%	10
RA-6	Apartments for active senior citizens	0.8 <sup>(g)</sup>	5 AC	125	70	40	100	40	50	4	50	35%	10

(a) Equivalent to one (1) family in computing minimum lot sizes:

[1] Hotels and lodging houses, each two (2) guest sleeping rooms.

[2] Hospitals and similar institutions, each two (2) hospital beds.

[3] Medical offices, each two (2) doctors plus three (3) other employees.

[4] Other nonresidential main uses not specifically provided for in this Table of Regulations or elsewhere in Chapter 197, each one thousand five hundred (1,500) square feet of floor space.

(b) [1] Whenever a required yard abuts a street less than fifty (50) feet in width, the minimum yard dimension(s) shall be measured from a line of twenty-five (25) feet from parallel to the center line of said street.

[2] No building shall be nearer than one hundred (100) feet to center line of Post Road between Manorcock town line and Central Avenue.

(c) For corner lots, corner side yards at least one fifth (1/5) of the lot width at the location of the building, but need not be more than front yard minimum, except as provided in § 197-62. Permitted nonresidential main uses shall have minimum side yard one and one half (1 1/2) times width specified for a single-family house (Sec § 197-52). For apartment houses in located on corner lots in the RA-6 District, the minimum yard on both street fronts shall be a minimum of 70'.

(d) Twenty-five (25) feet for any side yard containing a driveway serving more than six (6) parking spaces. For a one-, two-, or three-family structure existing on effective date of Chapter 197 (August 9, 1956) and proposed for conversion for up to four (4) families, the Board of Appeals may reduce side yard requirement to eight (8) feet. For side yard requirements for other apartments, see Sec § 197-54. For spacing between buildings on the same lot, see § 197-70. For the rear and side yards of apartment houses adjoining the right-of-way of a railroad, a parkway or a limited access highway, see § 197-64.

(e) For usable open space requirement, see § 197-68.

(f) For buildings in variable height apartment groups (a use permitted in RA-4 Districts subject to additional standards and requirements), see § 197-13.

[g,h,i omitted]

(j) See § 197-43.1 for floor area ratio reductions for single-family residences on oversized properties in one-family districts.

(k) Garage located below ground or covered by building and/or planting areas shall not be counted toward floor area.

# EXHIBIT C

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

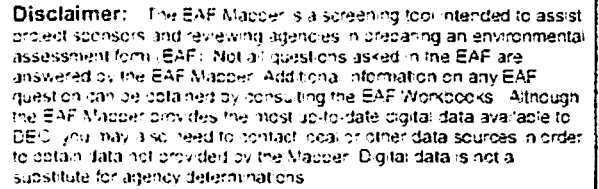
**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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: Rezoning of 120 Old Post Road							
Project Location (describe, and attach a location map): 120 Old Post Road, City of Rye, Westchester County							
Brief Description of Proposed Action: Rezoning of the property at 120 Old Post Road for an age-restricted residential community development							
Name of Applicant or Sponsor: Old Post Road Associates, LLC c/o Harfenist Kraut & Perlstein, LLP		Telephone: 914.791.0800 E-Mail: jkraut@hkplaw.com; inaplor@hkplaw.com					
Address: 2975 Westchester Avenue - Suite 415							
City/PO: Purchase		State: NY	Zip Code: 10577				
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.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
3a. Total acreage of the site of the proposed action?		_____ acres					
b. Total acreage to be physically disturbed?		_____ acres					
c. Total acreage (project site and any contiguous properties owned or controlled by the applicant or project sponsor)?		_____ acres					
4. Check all land uses that occur on, adjoining and near the proposed action:							
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential - suburban <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other (specify): Parkway Institutional <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 type="checkbox"/>	<input checked="" 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	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify Name County & State Park Lands, Reason Exceptional or unique character, Agency Westchester County Date 1-31-90	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<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 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?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies	<input type="checkbox"/>	<input type="checkbox"/>	
N/A - The proposed action is only a rezoning	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water	<input type="checkbox"/>	<input type="checkbox"/>	
N/A - The proposed action is only a rezoning	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment	<input type="checkbox"/>	<input type="checkbox"/>	
N/A - The proposed action is only a rezoning	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<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	YES	
	<input checked="" type="checkbox"/>	<input 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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	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?	NO	YES	
If Yes:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/> No <input type="checkbox"/> Yes		
b. Will storm water discharges be directed to established conveyance systems (culverts and storm drains)?	<input type="checkbox"/> No <input type="checkbox"/> Yes		
If Yes, briefly describe			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain purpose and size _____	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 _____	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 _____ <u>This designation is based on the EPA Facility Registry Service's Facility Detail Report, which only identifies the existing office building on the property as being abandoned, although it is currently partially occupied. Based on NYSDEC Spill Incidents Database, there is no record of a spill on the property.</u>	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: <u>Jonathan D. Kraut, as attorney for Old Post Road Associates</u> Date: <u>9.5.14</u>		
Signature: _____		

Short Environmental Assessment Form - EAF Mapper Summary Report

VERIFICATION

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

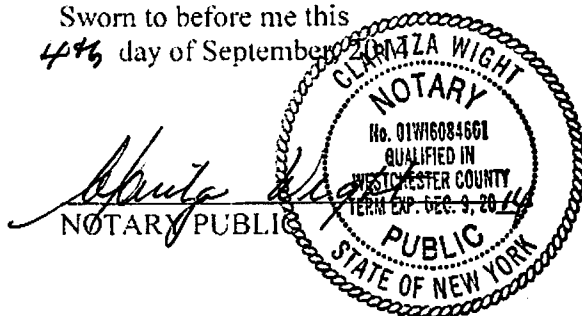
Alan Weissman, being duly sworn, deposes and says:

I am a Member of the Petitioner in the within action. I have read the within Verified Petition and know its contents and know that they are true to the best of my knowledge, except as to those matters stated to be upon information and belief, and as to those matters I believe them to be true.

OLD POST ROAD ASSOCIATES

By: *Alan Weissman*  
ALAN WEISSMAN, Member

Sworn to before me this  
4<sup>th</sup> day of September 2014





# CITY COUNCIL AGENDA

NO. 11

DEPT.: City Manager

DATE: October 8, 2014

CONTACT: Frank J. Culross, City Manager

**AGENDA ITEM:** Summary of the 2015 Budget Process and Consideration of setting the 2015 Budget schedule.

**FOR THE MEETING OF:**

October 8, 2014

**RYE CITY CODE,  
CHAPTER  
SECTION**

**RECOMMENDATION:** That the Council review the 2015 Budget process and assign dates for the upcoming 2015 Budget Workshops.

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

**BACKGROUND:** Tentative dates for the Budget process include:

Wednesday, November 5: Presentation of the Budget

Wednesday, November 12: Capital Projects Fund

Building & Vehicle Fund

Department of Public Works

Monday, November 17: Public Safety: Police and Fire

Recreation

Golf Enterprise Fund

Boat Basin Enterprise Fund

Rye TV Special Review Fund

Wednesday, November 19: Rye Free Reading Room

Contract Service Agencies

Wednesday, December 3: Public Hearing on the Budget

Wednesday, December 17: Adoption of the Budget

See attached.



## 2015 Budget Calendar

November 2014						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4 Election Day	5 <b>Council Meeting</b>  Budget Presentation	6	7	8
9	10	11 Veterans Day	12 <b>Budget Workshop</b> Capital Projects Fund Building & Vehicle Fund Public Works Budget	13	14	15
16	17 <b>Budget Workshop</b>  Police Budget Fire Budget Recreation Rye Golf Boat Basin RTV	18	19 <b>Council Meeting/ Budget Workshop</b> Rye Free Reading Room Contract Service Agencies	20	21	22
23	24	25	26	27 	28	29

December 2014						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3 <b>Council Meeting</b>  Public Hearing	4	5	6
7	8	9	10	11	12	13
14	15	16	17 <b>Council Meeting</b>  Budget Adoption	18	19	20
21	22	23	24	25	26	27



# CITY COUNCIL AGENDA

NO. 13

DEPT.: City Manager

DATE: October 8, 2014

CONTACT: Scott D. Pickup

**AGENDA ITEM:** Consideration of a request by the Leukemia and Lymphoma Society for use of city streets on Saturday, November 1, 2014 from 5:00 p.m. to 9:00 p.m. for their annual *Light the Night Walk* event.

**FOR THE MEETING OF:**

October 8, 2014

**RYE CITY CODE,**

CHAPTER

SECTION

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

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

**BACKGROUND:**

The Leukemia and Lymphoma Society is requesting the Council approve their use of City streets for their annual Leukemia and Lymphoma Society *Light the Night Walk* to be held on Saturday, November 1, 2014 from 5:00 p.m. to 9:00 p.m. at Rye Playland.

See attached request and map.

**From:** JOHN DEDOMENICI  
**Sent:** Monday, August 11, 2014 12:12 PM  
**To:** Moore, Diane C.  
**Subject:** LLS light the night walk

Diane,

Hope this finds you well.

We are beginning to plan our annual Leukemia and Lymphoma Light the Night Walk at Rye Playland and I wanted to touch base with you about walking through the city streets around Rye Town Park again like we did last year.

The event is Saturday November 1st starting at 5pm, walking at 7pm and ending around 9pm.

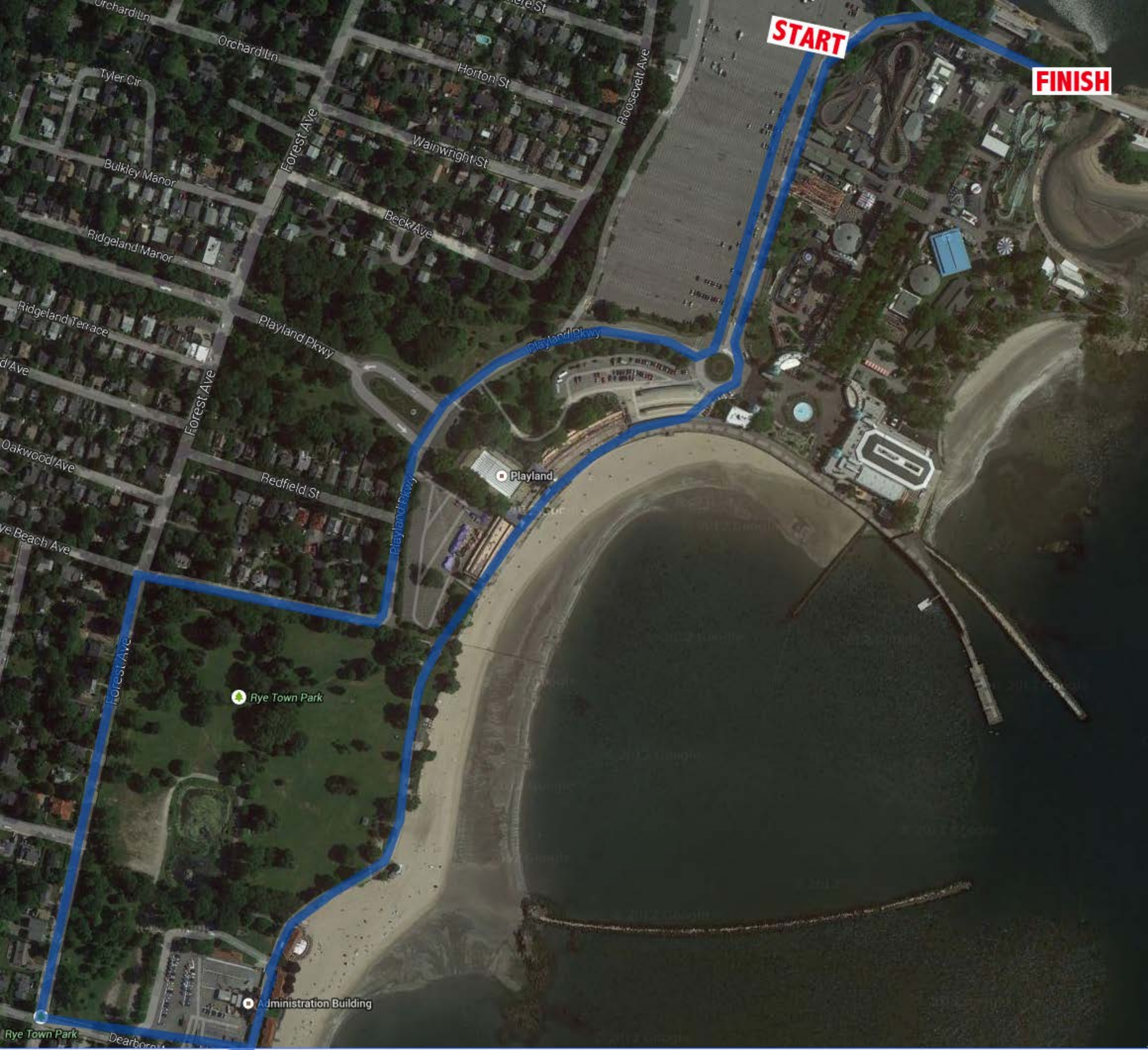
I have attached a map of what we would like our route to be.

Please let me know what we need to send you on our end in order to be approved again this year to use the streets.

Thank you

John DeDomenici  
Proteus Productions  
Office - 631 629 4122  
Fax - 646 731 6902









# CITY COUNCIL AGENDA

NO. 14

DEPT.: City Manager's Office

DATE: October 8, 2014

CONTACT: Scott D. Pickup, City Manager

**AGENDA ITEM:** Consideration of request by the Recreation Department to hold their annual Turkey Run on Thanksgiving Weekend.

**FOR THE MEETING OF:**

October 8, 2014

**RYE CITY CODE,  
CHAPTER  
SECTION**

**RECOMMENDATION:** That the City Council approve the request.

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

**BACKGROUND:** The City Manager's Office received a request from the Recreation Department to hold their annual Turkey Run event on Saturday, November 30, 2013. The race is scheduled to run from 9:00 am to 11:30 am and will start and end at Rye Recreation on Midland Avenue.

See attached.



## CITY OF RYE

Commission Chair  
BART DINARDO

Department of Recreation  
281 Midland Avenue  
Rye, NY 10580  
(914) 967-2535  
Fax (914) 967-5521

Superintendent  
SALLY ROGOL

September 30, 2014

Mr. Frank Culross, City Manager  
City of Rye  
1051 Boston Post Rd.  
Rye, NY 10580

Dear Mr. Culross,

Rye Recreation is planning on running our annual Turkey Run Road Race. This year the event will be on Saturday, November 29<sup>th</sup>, 2014. The race is scheduled to run from 9-11:30 AM, and will both start and end at Rye Recreation Park on Midland Avenue.

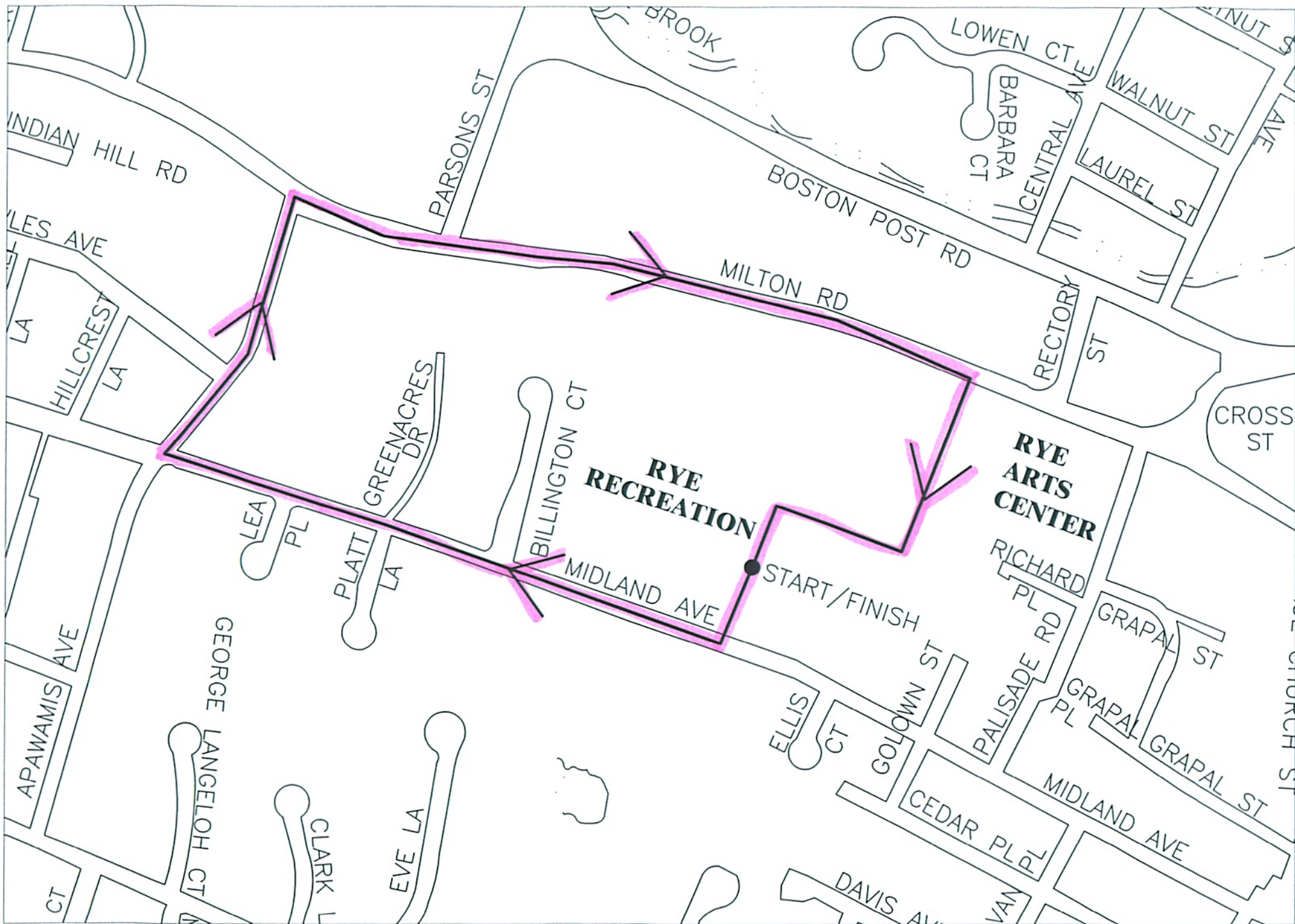
I plan on working with Rye Police in regards to any assistance we may need in regards to traffic and safety during the event.

Rye Recreation looks forward to once again running a successful and safe event. We get tremendous support from the community and the businesses here in Rye. If you have any questions regarding the race, please do not hesitate to contact me at 914-967-2125. I thank you for your support.

Sincerely,

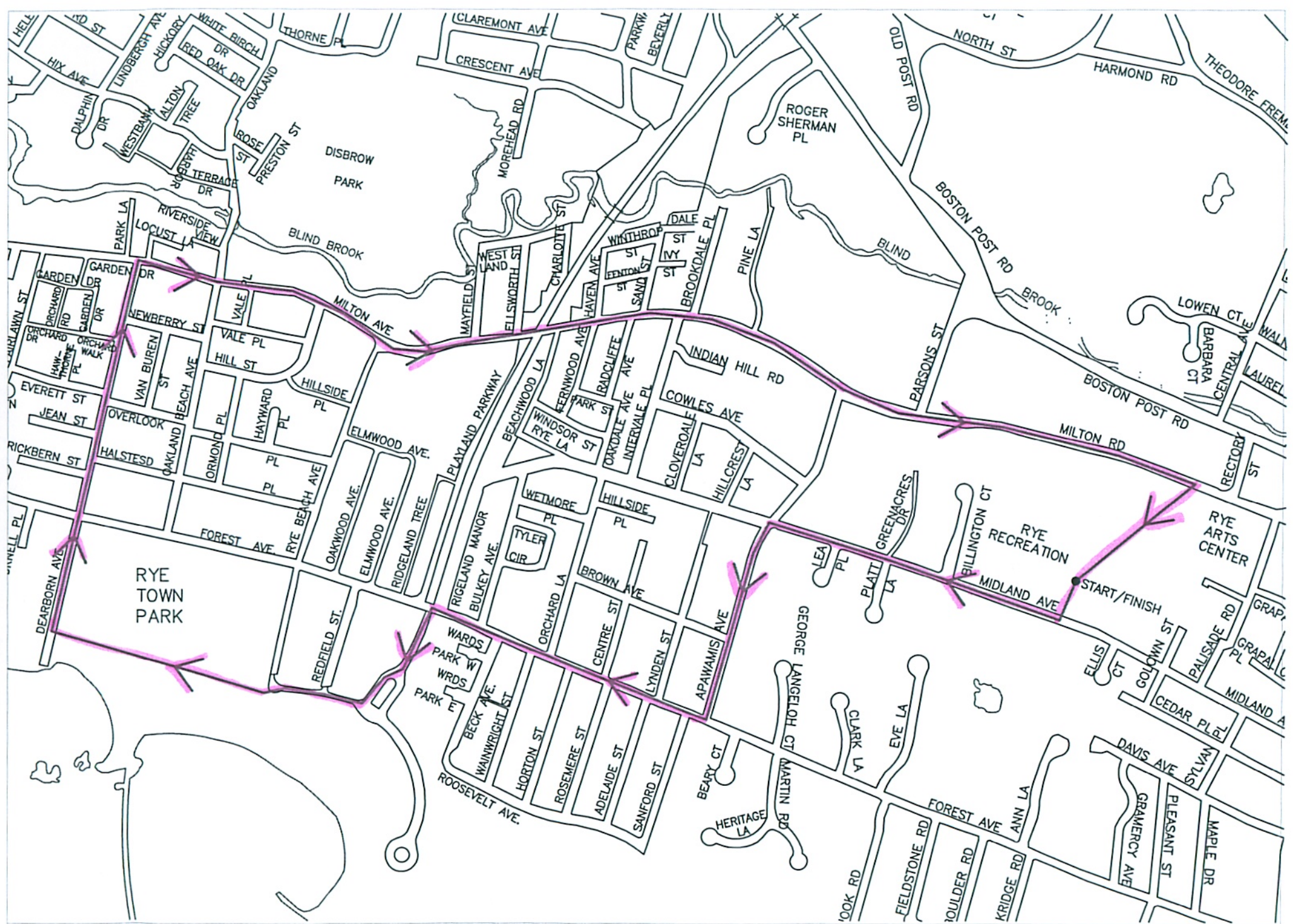
*Doug Scott*

**Doug Scott**  
**Rye Recreation**  
**(914)967-2125**



# 1 MILE TURKEY RUN





## 3 MILE TURKEY RUN





# 5 MILE TURKEY RUN



# CITY COUNCIL AGENDA

NO. 15

DEPT.: City Manager

DATE: October 8, 2014

CONTACT: Frank J. Culross, City Manager

**AGENDA ITEM:** Consideration of a request by the Rye Merchants Association to close a portion of Purchase Street on Sunday, November 30, 2014 from 10:00 a.m. to 3:00 p.m. for the *Mistletoe Magic* event.

**FOR THE MEETING OF:**

October 8, 2014

**RYE CITY CODE,  
CHAPTER  
SECTION**

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

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

**BACKGROUND:**

The Merchants Association is requesting the Council authorize the closing of Purchase Street for its annual Mistletoe Magic event to be held this year on Sunday, November 30, 2014 from 10:00 a.m. to 3:00 p.m.

See attached request.



September 10, 2014

Mr. Frank J. Culross  
City Manager  
City of Rye  
1051 Boston Post Road  
Rye, New York 10580

Re: Rye Chamber of Commerce "Mistletoe Magic"

Dear Mr. Culross:

On behalf of the Rye Chamber of Commerce, I am writing to request permission from the City for use of city streets on **Sunday, November 30, 2014** for the Mistletoe Magic event. Specifically, we are requesting that Purchase Street be closed from the Square House north to Purdy Avenue from the hours of 10 a.m. to 3 p.m.

Our members will be providing entertainment with costumed characters, Rye Art Center children's musical ensembles, strolling carolers, a horse and buggy ride and assorted refreshments and arcade games and more.

If approved, I understand we must coordinate logistics with Lt. Falk of the Rye City Police Department. An insurance certificate will be provided upon approval.

Thank you in advance for your consideration.

Very truly yours,

Margaret Ann Ricketts

cc: Ms. Susan McNamee